

Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee

From: Anna Lisa Barbon, Deputy City Manager, Finance Supports

Subject: Appointments and Updates to the Joint Venture Management Committee for the 4-Pad Arena Complex and to the Western Fair Lease Oversight Committee

Date: September 20, 2021

Recommendation

That, on the recommendation of the Deputy City Manager, Finance Supports, the following actions be taken with respect to organizational structure changes:

- a) the attached proposed by-law (Appendix "A") BE INTRODUCED at the October 5, 2021 meeting of the Municipal Council to approve the appointment of the City's representatives to the Joint Venture Management Committee for the 4-Pad Arena Complex located on Western Fair Association (WFA) lands.
- b) the attached proposed by-law (Appendix "B") BE INTRODUCED at the October 5, 2021 meeting of the Municipal Council to approve the appointment of City of London representatives to the Lease Oversight Committee under the ground lease between The Corporation of the City of London and the Western Fair Association.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- Corporate Services Committee, August 30, 2021, Item # 2.3, Various By-Law Amendments to Implement Organizational Structure Change
- Corporate Services Committee, August 22, 2019, Item #2.5, Appointments to the Joint Venture Management Committee for 4-Pad Arena Complex
- Corporate Services Committee, August 14, 2018, Item # 2.1, Appointments to The Joint Venture Management Committee For The 4-Pad Arena Complex

1.2 Background

The Corporation of the City of London (City) and the Western Fair Association (WFA) entered into a Joint Venture Agreement in the year 2000 to provide for the construction and operation of a 4-pad arena complex, located on WFA lands situated on the south side of Florence Street. The Agreement established a Joint Venture Management Committee comprised of City of London and WFA appointees.

Further, in 2016 the original lease between the City and the WFA for the City – Western Fair Lands (C-WF Lands) where each party had undivided 50% interest was updated to replace the "Original Lease" with the "Ground Lease". This lease agreement established the composition of a Lease Oversight Committee comprised of four (4) members, one-half of whom shall be appointed by the landlord (City) and one-half of who shall be appointed by the tenant (Western Fair Association).

2.0 Key Issues and Considerations

2.1 City of London Appointments to the Joint Venture Management Committee for the 4-Pad Arena

The City of London appointments to the Joint Venture Management Committee, include the following: the Director, Financial Services (Representative), City Treasurer/Chief Financial Officer

(Alternative Representative), Managing Director, Parks and Recreation (Representative) and Division Manager, Aquatics, Arenas & Parks Operations (Alternative Representative).

With organization structure changes, effective May 5th, 2021, the City is required to update the position titles for the current City of London representatives appointed to the Joint Venture Management Committee and to replace the Managing Director, Parks and Recreation with the Director, Recreation and Sport.

The attached proposed by-law (Appendix “A”) is being brought forward to amend by-law A.-6567-226 by:

- i. amending the position titles for the City of London representatives appointed to the Joint Venture Management Committee, those titles which were revised as a result of the 2021 restructure; and
- ii. appointing a new position, the Director, Recreation and Sport to the Joint Venture Management Committee and removing Managing Director, Parks and Recreation from the Joint Venture Management Committee.

The Western Fair Association was notified of this update and these amendments were provided to the Western Fair Association Board of Governors at its September 8, 2021, meeting in accordance with the agreement between the City of London and the Western Fair Association.

2.2 City of London Appointments to the Lease Oversight Committee

The City of London appointments to the Lease Oversight Committee under the ground lease between The Corporation of the City of London and the Western Fair Association are the City’s Managing Director, Corporate Services and City Treasurer, Chief Financial Officer or its Director, Financial Services, and its Manager of Realty Services. With the recent organizational restructuring, two of the three titles listed are required to be updated.

The attached proposed by-law (Appendix “B”) is being brought forward to appoint as the City of London’s representatives on the Lease Oversight Committee for the ground lease between The Corporation of the City of London and Western Fair Association, the City Treasurer or its Director, Financial Services, and the Director, Realty Services.

The Western Fair Association was notified of this update and these amendments were provided to the Western Fair Association Board of Governors at its September 8, 2021 meeting in accordance with the agreement between the City of London and the Western Fair Association.

Conclusion

The two By-laws attached will update the appointments that the City has made to the Western Fair Joint Venture 4-Pad Arena Management Committee and the Lease Oversight Committee for the Ground Lease between the City and the Western Fair Association as a result of recent organizational structure changes at the City.

Prepared by: Ian Collins, Director, Financial Services, CPA, CMA

Recommended by: Anna Lisa Barbon, Deputy City Manager, Finance Supports, CPA, CGA

APPENDIX A

Bill No.
2021

By-law No.

A by-law to amend By-law No. A.-6567-226 entitled, "A By-law to approve the appointment of City of London representatives to the Joint Venture Management Committee for the 4-Pad Arena Complex located on Western Fair Association (WFA) lands"

WHEREAS the Municipal Council of The Corporation of the City of London wishes to appoint its representatives to the Joint Venture Management Committee for the 4-Pad Arena Complex located on Western Fair Association lands;

AND WHEREAS the Western Fair Association has approved the City of London's nominees to the Joint Venture Management Committee, in accordance with section 3.3 of the Joint Venture Agreement;

AND WHEREAS section 5(3) of the *Municipal Act, 2001*, as amended, provides that a municipal power shall be exercised by by-law;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law No. A.-6567-226 entitled, "A By-law to approve the appointment of City of London representatives to the Joint Venture Management Committee for the 4-Pad Arena Complex located on Western Fair Association (WFA) lands" is amended as follows:

a) Section 1 of Bylaw A-6567-226 is amended by:

i) deleting the words "Managing Director, Parks and Recreation" and replacing them with the words "Director, Recreation and Sport";

ii) deleting the words "Division Manager, Aquatics, Arenas & Parks Operations" and replacing them with the words "Division Manager, Aquatics and Arenas"; and

iii) deleting the words "Chief Financial Officer" following "City Treasurer".

2. This by-law comes into force on the day it is passed.

PASSED in Open Council on October 5, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –

APPENDIX B

Bill No.
2021

By-law No.

A by-law to approve the appointment of City of City of London representatives to the Lease Oversight Committee under the ground lease between The Corporation of the City of London and the Western Fair Association

WHEREAS the Municipal Council of The Corporation of the City of London wishes to appoint its representatives to the Lease Oversight Committee under the ground lease between The Corporation of the City of London and the Western Fair Association;

AND WHEREAS the Western Fair Association has approved the City of London's nominees to the Lease Oversight Committee in accordance with s. 21.03 of the ground lease between The Corporation of the City of London and the Western Fair Association;

AND WHEREAS section 5(3) of the *Municipal Act, 2001*, as amended, provides that a municipal power shall be exercised by by-law;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The following positions be appointed as the City of London's representatives on the Lease Oversight Committee for the ground lease between The Corporation of the City of London and Western Fair Association:

City Treasurer, or its Director, Financial Services
Director, Realty Services

2. This by-law comes into force on the day it is passed.

PASSED in Open Council on October 5, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –