

--	--

TO:	CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE JUNE 17, 2013
	LYNNE LIVINGSTONE MANAGING DIRECTOR, NEIGHBOURHOOD, CHILDREN AND FIRE SERVICES
SUBJECT	AGREEMENT – THE OPTIMIST CLUB OF FANSHAWE, LONDON CONSTITUTION PARK – CHILDREN & YOUTH FACILITIES

RECOMMENDATION

That, on the recommendation of the Managing Director of Neighbourhood, Children and Fire Services, the attached By-law (Appendix A) **BE INTRODUCED** at the Municipal Council of June 25, 2013:

- a) **TO APPROVE** the agreement with The Optimist Club of Fanshawe, London for their sponsorship of the construction of the Constitution Park - Children and Youth Facilities (accessible play equipment, multi-use sports pad); and
- b) **TO AUTHORIZE** the Mayor and City Clerk to execute the Agreement in (a) above.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

Municipal Council, at its session held on July 27, 2009 resolved to approve the agreement with the Kiwanis Club of Forest City – London, for their sponsorship of the Kiwanis Park – Outdoor Skate Park.

BACKGROUND

History

The Optimist Club of Fanshawe, London (Club) was formed in 1978 as part of Optimist International to serve the youth and community of north east London. Since its founding, the Club has fulfilled the Optimist International goal of “Bringing Out the Best in Kids” by giving back over \$500,000 and investing countless hours in activities to support their youth and community projects. The legacy of the great work by the Club is on constant display through their support of sports teams, oratorical program, summer camps, bike rodeos, coats for kids collection, river safety program and donations to charities, to mention a few of their activities.

Constitution Park- Child/Youth Facilities Sponsorship

In the winter of 2012, The Optimist Club of Fanshawe, London engaged with City of London (City) civic administration expressing an interest to contribute financially to a community project. The Club enthusiastically accepted working collaboratively with the City and the community on the planned redevelopment of the children and youth facilities at Constitution Park, 725 Grenfell Drive.

The Club have generously committed \$75,000 over a 3 year period with \$25,000 payable in 2013 and \$25,000 in each of 2014 and 2015, to the construction of new children and youth facilities at Constitution Park. Council has approved \$100,000 for the project, bringing the total to \$175,000. The sponsorship by the Club significantly enhances the project by allowing for additional new accessible play equipment and a new multi-use sports pad to be constructed accommodating more children, youth and families. Construction is planned to commence in the summer of 2013 and be completed by the fall of 2013.

--	--

The sponsorship conforms with the Corporate Sponsorship Program and policy 16(29A).

An agreement has been created (Schedule A) which outlines the responsibilities of the City of London and sponsorship by The Optimist Club of Fanshawe, London.

FINANCIAL IMPACT

The total contribution of \$75,000 from The Optimist Club of Fanshawe, London will enhance the park and increase the recreation play opportunities for Londoners.

This project will be financed in the short term from the capital working fund.

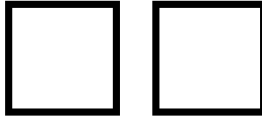
The new amenities will require an additional one thousand dollars annually to maintain. Funds will be found through efficiencies within existing Parks operating budgets.

ACKNOWLEDGEMENTS

This report and agreement was prepared with the assistance of Lisa McNiven, Environmental and Parks Planning, Dianna Clarke, Parks and Recreation, Lynn Marshall, City Solicitor's Office; and, Anna Lisa Barbon, Financial and Business Services.

SUBMITTED BY:	RECOMMENDED BY:
PAUL D'HOLLANDER MANAGER, EAST AREA RECREATION SERVICES	LYNNE LIVINGSTONE MANAGING DIRECTOR, NEIGHBOURHOOD, CHILDREN AND FIRE SERVICES

- cc. John Benbow, President, The Optimist Club of Fanshawe, London
- Chris Lyons, Committee Chair, The Optimist Club of Fanshawe, London
- Andrew Macpherson, Manager, Environmental and Parks Planning
- Scott Stafford, Division Manager, Parks and Community Sports
- Anna Lisa Barbon, Manager, Financial and Business Services



APPENDIX A

Bill No.
2009

By-law No.

A By-law to authorize and approve an Agreement with The Optimist Club of Fanshawe, London re: Constitution Park

WHEREAS subsection 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

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

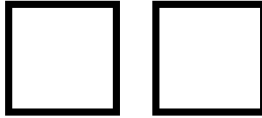
1. The Agreement to be entered into between The Corporation of the City of London and The Optimist Club of Fanshawe, London, attached as Schedule A to this By-law, regarding the construction of children and youth facilities at Constitution Park, 725 Grenfell Drive, is hereby authorized and approved.
2. The Mayor and City Clerk are authorized to execute the agreement authorized and approved under section 1 of this by-law.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council , 2013

Joe Fontana
Mayor

Cathy Saunders
City Clerk

First reading -
Second reading –
Third reading –



SCHEDULE A

THIS AGREEMENT dated this 24th day of June 2013

between

THE CORPORATION OF THE CITY OF LONDON
(the "City")

and

THE OPTIMIST CLUB OF FANSHAWE, LONDON
("Optimist Club")

WHEREAS the City owns and operates a public park located at 725 Grenfell Drive ("Constitution Park") in the City of London;

AND WHEREAS the City has undertaken to design, construct, and maintain, at its sole cost, children and youth facilities in Constitution Park, including a multi-use sports pad and new accessible play equipment (the "Facilities");

AND WHEREAS Optimist Club has undertaken to make a \$75,000.00 contribution toward the cost of construction of the Facilities;

NOW THEREFORE in consideration of the mutual premises and covenants hereinafter set forth, the parties hereto agree as follows:

1.0 OBLIGATIONS OF OPTIMIST CLUB

- 1.1 The Optimist Club shall pay to the City the sum of seventy-five thousand dollars (\$75,000.00) in three (3) annual installments as follows:
- (a) \$25,000 on the later of the commencement of construction of the Facilities or September 1, 2013; plus,
 - (b) \$25,000 on the later of one year after commencement of construction of the Facilities or September 1, 2014; plus,
 - (c) \$25,000 on the later of two years after commencement of construction of the Facilities or September 1, 2015.

2.0 General

- 2.1 If the Optimist Club fulfills its obligation in section 1.1(a), the City will recognize the contribution by installing signage at the Facilities as determined in the City's sole discretion. The form of signage shall be consistent with corporate signage and plaque guidelines. The cost associated with signage will be the responsibility of the City. The City will make all final decisions concerning what is placed or occurs on City property and in its buildings.
- 2.2 The Optimist Club represents and warrants that the City may use the name of the Optimist Club on signage under this agreement without penalty or additional cost to the City.
- 2.3 The City shall be the sole owner of any assets purchased using funds under section 1.1, and the City may dispose of any such assets at the City's sole discretion.

3.0 Termination.

- 3.1 The City may terminate this Agreement immediately if:
- (i) the Optimist Club ceases its operations; or
 - (ii) the Optimist Club fails to make one or more payments under section 1.1; or
 - (iii) Constitution Park is closed or otherwise disposed of by the City.

Any termination by the City under this section shall be without penalty or liability to the City, and the City shall have no further obligations to Optimist Club.

Agenda Item # Page #

--	--

3.2 Subject to earlier termination under section 3.1, this Agreement shall terminate on June 23, 2018.

IN WITNESS WHEREOF the City has hereunto affixed its corporate seal under the hands of its Mayor and Clerk and The Optimist Club of Fanshawe, London has hereunto affixed its corporate seal under the hands of its duly authorized officers.

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE CITY OF LONDON

Joe Fontana, Mayor

Cathy Saunders, City Clerk

THE OPTIMIST CLUB OF FANSHAWE, LONDON

John Benbow, President

Dave Wilson, Secretary

Chris Lyons, Committee Chair