

Parks and Recreation Delegated Approval

Date Approved:	March 6, 2001	Approved by:	City Council
		Source:	Administration
		Category:	Administration
		Sub-cat:	Parks & Recreation Related

Policy Statement

In order to increase efficiency and reduce delays in implementing various agreements of a routine nature in numerous parks and recreation facilities, Council has delegated authority to approve and execute specific real estate/operating agreements with the Parks and Recreation Division to the Commissioner of Economic Development, Culture and Tourism Department and/or the Chief Administrative Officer.

Restrictions

Notwithstanding, any item that is significant in nature, politically sensitive or as requested by a Councillor, will be required to go through the process of approval of Committee and Council. Any Agreement that has previously been approved by City Council or at least tabled at Council and now requires an amendment, extension or otherwise, must still be forwarded to Committee and Council for approval.

Chief Administrative Officer Approval Authority

The Chief Administrative Officer has approving authority for: leases, licenses and/or operating agreements including encroachments [subject to the approval of the Toronto Region Conservation Authority where necessary (excluding permits and park event licenses)] where the City is the Licensor/Lessor: if the term is more than 3 years and no more than 10 years (inclusive of renewal periods); and if payment due to the City is at market rates, and where the total revenue received is \$500,000.00 or less.

Note: These agreements still require the Executing Authority of the City Clerk and Treasurer.

Commissioner of Economic Development, Culture and Tourism approval authority

The Commissioner of Economic Development, Culture and Tourism has **approving authority** for

1) Leases, licenses and/or operating agreements including encroachments (subject to the approval of the Toronto Authority where necessary), (excluding permits and park event licenses) where the City is the Lessor/Licensor:

a) consent to assignment by the tenant/licensee;

- b) notices of lease and sublease;
- c) consent/non-disturbance agreements;
- d) if the term is three (3) years or less, if payment due to the City is at market rates and where the total revenue received is \$500,000.00 or less.

2) Issuance of Requests For Proposals and Requests for Expressions of Interest for agreements under the jurisdiction of the Economic Development, Culture and Tourism Department and selection of the successful proponent.

3) Leases, licenses, and /or operating agreements where the City manages parkland owned by others for a term no more than ten (10) years, inclusive of renewals, excluding encroachments on parkland.

Note: These agreements still require the Executing Authority of the City Clerk and Treasurer.

Commissioner of Economic Development, Culture and Tourism has authority to execute

The Commissioner of Economic Development, Culture and Tourism has **approval authority and authority to execute**: leases, licenses and/or operating agreements for the Parks and Recreation Division in the form of Lease/License agreements including encroachments (subject to the approval of the Toronto Region Conservation Authority) where the City is the Lessor/Licensor if the term is three (3) years or less, inclusive of renewal periods; and if payment to the City is at market rates, where the revenue received is \$100,000.00 in total or less.

Procedure

All items utilizing the Delegated Approval Format must involve the Ward Councillor.

All items utilizing the Delegated Approval Format must have the approval of City Legal on all agreements.

The following detailed process must be followed.

1. The Business Services Unit will be responsible for the record keeping of the Delegated Approval Form, hereinafter referred as the "DAF". As this Unit is designed to service the needs of the entire Parks & Recreation Division on the matter of leases/licenses and/or operating agreements and further maintains a database on all agreements, it is simply an extension and further maintains a database on all agreements, it is simply an extension and further enhancement of the process to benefit the Division.
2. A record book including the date and number of the DAF will be kept on hand within the Unit. At any time, a telephone inquiry can determine where the item is within the process.
3. NO email or electronic version/copy of the DAF will be forwarded to anyone outside the Business Services Unit.
4. Once an agreement has been negotiated, the DAF will be drafted within the Business Services Unit and allocated to report number and date.
5. The DAF report and all attachments (similar to the Council information package) will be discussed with the Ward Councillor for his/her approval.

The Supervisor and Manager responsible for the District area will have already been very involved to date. At this time, the Director, it not already aware of this item, will be briefed and approval requested.

a) The Ward Councillor or his/her Assistant MUST provide written approval of his/her concurrence via email/fax or voice mail prior to the completion of execution of the DAF. A copy of the written approval must be kept in the file and a copy included in the back-up information provided to all those involved in the circulation process.

6. If all Senior and middle Management and the Ward Councillor are in agreement to proceed with the proposed lease/license and/or operating agreement, the DAF will now go forward as follows:

a) The Business Services Unit will execute the ONE original DAF and provide back up documentation. At this time, this may also include the copies of the Agreement to be executed by the appropriate authority that has been prepared by Legal. The actual Agreement may be circulated for execution only by City Legal at a later date. The purpose of DAF is to ensure that the authority has been obtained for the execution of an agreement;

b) The Supervisor/Manager of the District will execute the ONE original DAF and review the back-up information as provided before execution;

c) The Director of the District will execute the ONE original DAF and review the back-up documentation before execution;

d) The General Manager will execute the ONE original DAF and review the back-up documentation before execution.

To this point, the process is the same no matter who has the approving and/or executing authority.

IF the Commissioner has the Executing Authority for the proposed agreement, then:

a) The ONE original DAF is returned to City Legal whereby it will review the documentation and stamp "Approved as to Form" and execute on this line.

b) Thereafter, City Legal will return the ONE original DAF and the Agreement for Execution to the Commissioner.

c) The ONE original DAF and Executed Document will be returned to City Legal who will be responsible for filing the ONE original DAF in its record.

IF the Commissioner and/or CAO has only the Approval Authority, then,

The ONE original DAF must be executed by the Commissioner and forwarded to the CAO for his execution on the ONE original DAF.

Thereafter, the DAF is returned to City Legal.

City Legal stamps "Approved as to Form," executes and forwards the ONE original DAF and the actual Agreement to the City Clerk and Treasurer for execution of the Agreement. If the actual Agreement is not in final form, City legal will hold the ONE original DAF until it is ready to proceed with execution. The executed Agreement along with the ONE original DAF is returned to City Legal for filing and disbursement to the appropriate individuals of the executed Agreement.

In any event, the Commissioner of EDCT and/or City Clerk and Treasurer will not execute the Agreement unless he/she has before them the ONE original DAF executed by all other parties, statement from the Ward Councillor and the "Approved as to Form" and execution from City Legal.

Once the agreement is negotiated and approved by the various individuals, the process outlined above usually should take up to a week for the appropriate executions and required approvals as set out in the Delegated Approval Form.

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