

## **COMMITTEE OF THE WHOLE – JUNE 23, 2009**

### **ONTARIO CONFEDERATION OF SICILY USE OF SPACE – WARD 3**

#### **Recommendation**

The Commissioner of Community Services, Directors of Recreation and Culture, Building and Facilities and the Area Recreation Managers, in consultation with the Director of Legal Services, recommend:

1. That the City of Vaughan, Recreation and Culture Department issue a facility rental permit to the Ontario Confederation of Sicily (OCS) for their use of meeting space at the Chancellor Community Centre, in accordance with facility permit terms, conditions and approved rental fees; and,
2. That the Council resolution of September 8, 2003 (Item 2, Report No. 61) be rescinded.

#### **Contribution to Sustainability**

None

#### **Economic Impact**

Depending on the number of meetings and associated rental permits, the Recreation and Culture Department could realize a positive net impact of approximately \$200 to \$400 to the annual operating budget.

#### **Communications Plan**

Since 2005, staff have had ongoing meetings with the executive of the OCS.

On October 27, 2008 a meeting was held with Mr. Paul Natale, President of the OCS, Mr. Campione, past legal advisor for the OCS, and Recreation and Culture staff where a tentative agreement was reached. The tentative agreement was further amended in January to respond to preliminary feedback from some members of the Executive Board and is the basis of the terms outlined in this report.

It was agreed that the Mr. Natale would recommend ratification by the full Executive Board following which, staff would present the proposed agreement to City of Vaughan Council. Note: The recommendation in this report is based on the principles of the tentative agreement.

At the Executive Board meeting on Wednesday, March 4<sup>th</sup>, 2009, Mr. Natale presented the terms however could not obtain consensus from the members. As they have from on the onset, they maintain they have no source of funding to absorb any rental costs and understood the space would be provided for free. The Board further decided to continue with their current practice of utilizing meeting space within the offices of the various organizations that makeup the Ontario Confederation of Sicily rather than the Chancellor Community Centre.

On May 4<sup>th</sup>, 2009 staff wrote to Mr. Natale (Attachment 1) and confirmed the City's commitment to the OCS and to the terms of the tentative agreement with no response.

In summary, the OCS is aware of this report to Council including the corresponding recommendations. Communication of any Council decision on this matter will be relayed to the executive of the OCS.

## **Purpose**

The purpose of this report is to obtain Council's approval to issue a facility rental permit to the OCS for their use of meeting space at the Chancellor Community Centre, rescind the resolution from September 8, 2003, (Item 2, Report No. 61) and, to report on the review of matters related to the administration, management and reporting of the City of Vaughan Council's decision from September 2003 to date.

## **Background - Analysis and Options**

On March 31, 2008, Council directed Senior Management to:

1. Conduct a review of matters contained herein, to include and not limited to: Vaughan Council's September 2003 approval to provide space at the Chancellor Community Centre with the Ontario Confederation of Sicily (OCS); the administration, management and reporting of the City of Vaughan Council's decision from September 2003 to date as outlined in this report and bring forth any draft agreement or recommendation to finalize the direction of Council; and,
2. Take any/all actions deemed necessary to bring back a report and address issues raised by their review within the next 30 days.

In addition, on December 10, 2007, Council directed staff to review the Council decision of September 2003 regarding the Ontario Confederation of Sicily's request for space and report back in January 2008.

## **REVIEW**

The Ontario Confederation of Sicily is a non-profit umbrella organization, currently representing approximately 14 Clubs and Associations of Canadians of Sicilian decent in the Province of Ontario. One or two representatives of each club sits on the OCS.

The objectives of the OCS include maintaining a relationship with all levels of government of the Region of Sicily, disbursement of information to Sicilians in Ontario and assisting in the mutual exchange of cultural, social and educational programs for the betterment of Sicilians in Ontario and Sicily.

In 2002, the OCS was in need of space in Vaughan to house their proposed library/cultural centre. In February of 2003 they made a deputation to Council to request space at the Vellore School House, Blue Willow Activity Centre, or the Chancellor Community Centre.

In response to the March 31<sup>st</sup>, 2008 direction of Council, Senior Management conducted a review of matters related to the administration, management and reporting of the City of Vaughan Council's resolution from September 2003.

In September 2003, Council resolved the following:

1. That the City of Vaughan enter into an agreement with the OCS for the use of space at the Chancellor Community Centre;
2. That a By-Law be enacted to authorize the execution of a license agreement upon the City Solicitor being satisfied with the terms of said agreement; and,
3. That any renovations to the facility to accommodate the Confederation be at their cost.

The following report provides Council with:

1. Findings from a review conducted by Senior Management, both in summary and in detail; and,
2. A proposed recommendation to finalize the corresponding matters contained in this report.

In total, there were five directives from Council as summarized below. The December 10<sup>th</sup>, 2007 and March 31, 2008 directives are currently on the Outstanding Reports List.

**Summary:**

	Council date	Item Prepared by	Item Title	Synopsis / Recommendation...
Item 33, Report 17, CW	Feb 24, 2003	<b>Deputation</b> Mr. A. Balsamo	<b>Deputation</b> – Mr. Angelo Balsamo – Ontario Confederation of Sicily with Respect to the Use of Vellore School	.....rec'd and <i>referred to staff for a report</i> to a future CW meeting.
Item 22, Report 45, CW	Jun 9, 2003	D. Haas, Commissioner of Community Services	Ontario Confederation of Sicily – Request for Space	...approved; ...that space be provided at the location identified as the former CMHC Blue Willow site; and ...that prior to allocating the space, <i>that a report be provided</i> addressing the space requirements and the cost implications.
Item 2, Report 61, CW	Sep 8, 2003	D. Haas, Commissioner of Community Services	Ontario Confederation of Sicily – Request for Space	..... <i>adopted without amendment...</i>
Item 47, Report 58, CW	Dec 10, 2007	<b>New Business</b> Councillor DiVona	<b>New Business</b> – Ontario Confederation of Sicily Request for Space at Chancellor Community Centre	...that <i>staff review the Council decision of Sept 2003</i> regarding the OCS's request for space and <i>report back in January 2008</i> . Matter brought to the attention of the Committee by Councillor DiVona.
Item 30, Report 16, CW	Mar 31, 2008	Councillor DiVona	Ontario Confederation of Sicily Agreement	...that <i>Clauses 1, 2 and 3</i> of the recommendation contained in the following report of Councillor DiVona, dated March 25, 2008, <i>be approved</i> , and ...that the local Councillor not play a role with respect to this matter but that the matter be <i>referred directly to staff for resolution</i> .

There were several factors that impeded staff's ability to respond to the directives. Overall, while staff has acted in good faith, they were unsuccessful in negotiating an agreement with the OCS primarily due to the consistent position taken by the OCS that the space including any renovation costs was to be provided for free. Note: The tentative agreement recently reached is in keeping with the Recreation and Culture facility rental process which outlines terms and conditions and Council approved fees.

Since the resolution of September 2003, there have been a number of staff changes and the turnover may have impacted the efficiency and the effectiveness of the negotiations. While the review of matters related to the administration, management and reporting of the City of Vaughan Council's resolution from September indicates that staff could have been more aggressive, the staff interviewed have advised that the former Director of Recreation and Culture was apprised of the discussions and issues throughout the various stages. They further advised that the former Director noted she would take care of it at her level thus removing them from the equation.

In the short time of the new Director's involvement, it is evident that receiving responses from the OCS is challenging and on the balance of probabilities, it is likely that both parties share in the delay in reaching an agreement in this regard.

#### **Details:**

The following provides the details for each of the three items resolved by Council in September 2003 and includes, but is not limited to, the discussions and activities that have taken place with the OCS.

##### September 2003 Resolution, Items 1 and 2:

1. That the City of Vaughan enter into an agreement with the OCS for the use of space at the Chancellor Community Centre; and,
2. That a By-Law be enacted to authorize the execution of a license agreement upon the City Solicitor being satisfied with the terms of said agreement.

Numerous meetings and communications have taken place from October, 2005 through October, 2008 in an effort to reach an agreement with the OCS. Throughout this period and at virtually every meeting, the OCS has maintained that they have no source of funding to absorb any rental costs and that their understanding is there would not be any fees imposed for their use of space. Further they have maintained that they would not have agreed to the terms of the September, 2003 directive if they had known payment would be required.

In chronological order the following is a summary of the discussions that have taken place:

#### **2005**

October: Staff met with the OCS President to identify the OCS's needs and requirements for using the space at Chancellor Community Centre.

#### **2006**

January: The OCS requested storage for cultural books. The cupboards in Activity Room 1 were vacated for the books. The OCS had also indicated a preference for the books to be stored in their office. The books were not delivered to the community centre until 2008. At the time of delivery of the books, the OCS was also offered the option of having the books catalogued and stored at the Ansley Grove Library. The books were secured at the community centre, pending the OCS's decision.

May: Staff met with the OCS to discuss the use of Activity Room 1 and the office. The OCS indicated the need for space for meetings, a library for their books and an office.

September: Staff met with the OCS to discuss their use of the space. They requested a kitchenette, as they were under the impression that this would be included. It was suggested that the kitchen area next to the gymnasium was an option.

## **2007**

February: Staff requested the OCS complete a Community Service Organization (CSO) application to be consistent with past practice. The information was promised for February 23, 2007, however, was not provided.

April: Staff called the OCS President to inquire about the status of the CSO information. He stated that he would be resigning and there will be new elections in May; the matter was on hold.

May: The OCS Vice President called to inform staff that the Board of Directors meeting had been cancelled due to the passing of the OCS President's wife, so no actions could take place.

Staff met with the OCS in an attempt to complete the CSO application. The OCS provided a list of executives and a financial statement. Still missing were a membership list, membership fees, minutes from their AGM and an audited financial statement. They were informed by email of the missing information and that an agreement needed to be completed. They stated that their preference for the books was to store them in the office. Note: The OCS was supplied with a key for their office in October, 2006. The OCS has typically used the office on the second Tuesday of every month.

The OCS was emailed a letter, which gave details of the CSO fees and was also provided with a copy of the council extract from June 9, 2003.

June: Two scheduled meetings were cancelled by the OCS.

August: Staff met with the OCS to discuss fees and outstanding CSO. The OCS protested that the requested information could not be provided as it was private.

## **2008**

February: The membership information was again requested.

August: A meeting was held with Mr. Frank Perricone, a Vice President of the OCS. When discussing past and future use of the space, he stated that they originally had intentions of doing activities at the centre but did not organize anything. He said that they meet one to two times per month, although they sometimes meet at his business office.

Staff advised that the only option available that is consistent with other users is to allow use of space either through a lease or facility rental permit both of which would incur costs. Although Mr. Perricone understood the fairness of this approach he maintains their position regarding their initial understanding of the terms.

October: Staff meet with Mr. Natale and Mr. Campione past legal advisor for the OCS. Upon review of the Council resolution of September 2003, Mr. Campione states that the directive regarding payment is clear. A tentative agreement is reached that complies with the facility permit terms and conditions. The OCS confirms they will present the terms to their Board of Directors meeting in January 2009.

## **2009**

January: At the Board of Directors meeting on January 14<sup>th</sup>, the Board did not accept the terms presented. Following further discussions between staff and Mr. Natale revised terms were agreed upon. Mr. Natale advises the revised terms will be presented at a board meeting on March 4, 2009.

March: Mr. Natale could not get the Executive Board of Directors to ratify the tentative agreement. They elected to continue their current practice of meeting within the offices of the various organizations that make up the Ontario Confederation of Sicily rather than the Chancellor Community Centre.

May: Via letter staff reconfirm the proposed terms to the president of the OCS and advise of the report to Council.

Item 3:

3. That any renovations to the facility to accommodate the Confederation be at their cost.

In keeping with the Council direction of September 2003, during the construction of the Chancellor Community Centre, an office was created to accommodate the needs of the OCS. The estimated capital cost to create this office is approximately \$17,000. Options proposed by staff included the spreading of payments over a number of years so as to lessen the burden however they contest any payment.

When discussing options for an exchange value or benefits for the loss of space in a centre with limited public space they had stated that they originally had intentions of doing activities including a library/cultural centre with books, however, they did not articulate the definitive variables in this regard. Essentially their use of space is limited to one to two times per month in the office and this being their only need was confirmed by Mr. Perricone at the August , 2008 meeting.

In summary, staff has taken numerous steps to facilitate the finalizing of an agreement between the City of Vaughan and the OCS for their use of space in the Chancellor Community Centre.

## **RECOMMENDATION**

1. Facility Rental Permit Option

Meeting space at other centres is provided to Community Service Organizations (CSO's) on a permitted basis. All of these organizations pay the approved CSO rates for their use. This is the basis for requesting that the OCS pay for their space. Payment for space provides taxpayers with an exchange value for the space provided and is consistent with past practice.

Although the OCS has elected to use meeting space outside of the Chancellor Community Centre, there may be a need from time to time to meet at this location. During those times the recommendation is that they be charged the CSO rates for their use.

2. Rescinding of Resolution of September 8, 2003 (Item 2, Report No. 61)

The recommendation to rescind this resolution is based on the fact that the OCS has maintained the following:

- a) They had no knowledge of the requirement to pay for any facility renovation;
- b) They would not have agreed to any conditions involving payment;
- c) At the onset they understood their use of space would be granted without costs; and,
- d) They do not have the financial means to pay the expense,

### **Relationship to Vaughan Vision 2020/Strategic Plan**

In consideration of the strategic priorities related to Vaughan Vision 2020, the report will provide:

**STRATEGIC GOAL:**

Service Excellence - Providing service excellence to citizens.

**STRATEGIC OBJECTIVES:**

Enhance and Ensure Community Safety, Health & Wellness.

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

### **Regional Implications**

None

### **Conclusion**

This report serves to provide Council with the administration and management activities since the September 2003 Council resolution.

Since October 2005, there have been numerous meetings with staff and the OCS to discuss terms of their use of space. Throughout, the OCS has maintained that they do not have a source of funding to offset rental or lease costs and that their understanding was they would be allocated space at no cost.

Should the OCS wish to use the space at Chancellor utilizing the rental permit process would provide a consistent practice and adherence to City policies as it relates to fees and permit requirements.

### **Attachments**

1. Letter to Mr. Paul Natale dated May 1, 2009

### **Report Prepared By**

Mary Reali, Director of Recreation and Culture, ext. 8234  
Paul Compton, Area Recreation Manager (West), ext. 8358

Respectfully submitted,

Marlon Kallideen  
Commissioner of Community Services

May 1, 2009

Paul Natale  
10 Lisa Street, Apt. 2502  
Brampton, ON  
L6T 4N4

Dear Paul,

When we last spoke on March 5, 2009 you indicated that the City would be receiving a letter from the Ontario Confederation of Sicily (OCS) regarding our proposal for use of Chancellor Community Centre.

We have not yet received your response, but please allow me to outline our proposal once again.

To minimize cost to the OCS and considering that you indicated requiring only occasional need for space (i.e. monthly meetings), we suggest you permit a meeting room on as needed basis. You will be entitled to the Community Service Organization (CSO) rate, which is currently \$16.08 per hour.

We would also allow you to use Chancellor Community Centre as your mailing address and post signage in the community centre showing it as your home base. Lastly, we had previously made storage space available to you and we can continue to provide that.

Our goal is to present these options and to recind any previous financial obligations in a report to Council in late May or early June. I sincerely hope that the OCS considers this proposal and ask that you respond in writing as soon as possible.

Yours Truly,



Paul Compton, Area Recreation Manager (West)

c. Mary Reali, Director of Recreation and Culture