



COUNCIL REPORT

To: Mayor and Council

Date: July 23, 2024

From: Ron Mattiussi, Interim CAO

Subject: **School District 23 Joint Use Agreement**

Report Prepared by: Erin Goodwin, Facilities and Recreation Manager

RECOMMENDATION to Consider and Resolve:

THAT Council approves the City entering into a Joint Use Agreement with School District No. 23 associated with the facilities identified in the attached Report from the Facilities and Recreation Manager, dated July 23, 2024;

AND THAT Council authorize the Mayor and Corporate Officer to execute the attached Joint Use Agreement.

STRATEGIC AREA(S) OF FOCUS

Strengthen Our Community – We will provide opportunities for the residents of West Kelowna to build connections, celebrate successes, embrace the community's strengths and diversity, address shared needs, and contribute to shaping the community's future.

BACKGROUND

Since 1974, School District 23 (SD23) has had a joint use agreement for facilities located in the West Kelowna area. This agreement was last amended in 2007 and recently expired on July 1, 2024. Attached to this report is a copy of the newly proposed joint use agreement that has been approved by the School District 23 Board, for Council's consideration.

The proposed agreement follows many of the guiding principles of the original agreement where the intent is to maximize community and school access to various City and SD23 owned facilities in the West Kelowna region.

Original Joint Use Statement (1974):

That each (party) shall have the use of the other party's facilities from time to time upon such terms and regulations as may be agreed upon by the parties from time to time with the intent that all regulations and terms of use shall be jointly agreed upon between the parties to create the best possible use of all these facilities

New Joint Use Purpose Statement:

The purpose of this Agreement is to provide a framework within which members of the local community, the Board, the City, the general public, and students of the school can cooperate to maximize the development potential and use of educational and recreational facilities provided by the Board and the City.

Notable Changes:

Some of the notable changes to the newly proposed agreement includes, but are not limited to the following:

Name Changes: General Document

The 2007 agreement was created prior to the incorporation of the City. This agreement was between the Regional District Central Okanagan (RDCO) and SD23. After incorporation, this agreement was transferred to the City. All such language in the attached document now reflects the City of West Kelowna, instead of RDCO, including addresses, staff positions, unions, and other corporate related items.

Contract Term: Section 5

The proposed contract term is for three (3) years.

Facility Access and Availability (Times or Number of Hours): Section 7

Due to space availability, specific dates, times, and number of hours a facility can be used has been added the agreement.

Termination Clause: Section 17

New agreement has a 3 month notice of termination, instead of a 5 year notice of termination.

License to Occupy: Section 18

There are a number of properties owned by SD23 or the City that have been maintained by the other party in the past. Such arrangements have been in place for more than 20 years. As a result, both parties (SD23 and City) are recommending to keep this in the proposed agreement. Therefore, a license to occupy clause / section as well as a list of license to occupy properties has been added to the agreement.

List of Facilities: Schedule A, Schedule B, Schedule C

This agreement only pertains to the facilities listed in the agreement, rather than all SD23 and City owned facilities. These facilities can be found in Schedule A, Schedule B, and Schedule C of the attached agreement. Additional facilities can be added in the future, if approved by both parties.

FINANCIAL IMPLICATIONS

The City carries an annual operating budget to operate and maintain all properties and facilities associated with this agreement. This agreement will see no additional financial impacts to the City's annual operating budget.

REVIEWED BY

Brad Savoury, Director of Legal Services

APPROVED FOR THE AGENDA BY

Ron Mattiussi, Interim CAO

Powerpoint: Yes No

Attachments:

SD23 Joint Use Agreement – City of West Kelowna