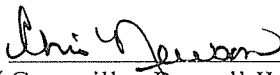


Halifax Regional Council
August 11, 2009

TO: Mayor Kelly and Members of the Halifax Regional Council

SUBMITTED BY: 
for Councillor Russell Walker, Chair, HRM Grants Committee

DATE: August 6, 2009

SUBJECT: **Property Matter: Less than Market Value Land Lease - Graham's
Grove Park, Dartmouth (Portion of PID #00209692) to Dartmouth
Dragon Boat Association.**

ORIGIN

Grants Committee meeting of May 11th and August 5th, 2009.

RECOMMENDATION

It is recommended that Halifax Regional Council approve entering into a less than market value lease agreement with the Dartmouth Dragon Boat Association as per the terms and conditions set out in the Discussion section of the report dated April 24, 2009.

BACKGROUND

The Grants Committee discussed the matter at their May 11th and August 5th, 2009 meetings.

BUDGET IMPLICATIONS

As per the attached Staff Report dated April 24, 2009.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

As per the attached Staff Report dated April 24, 2009

ALTERNATIVES

As per the attached Staff Report dated April 24, 2009.

ATTACHMENTS

1. Staff Report dated April 24, 2009.
2. Extract of the May 11, 2009 Grant Committee minutes.
3. A copy of the Memorandum of Association of the Dartmouth Dragon Boat Association.

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210 or Fax 490-4208

Report Prepared By: Chris Newson, Legislative Assistant



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

HRM Grants Committee
May 11, 2009

TO: Chair and Members HRM Grants Committee

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Paul Dunphy".

Paul Dunphy, Director, Community Development

DATE: April 24, 2009

SUBJECT: **Property Matter: Less than Market Value Land Lease -
Graham's Grove Park, Dartmouth (Portion of PID # 00209692)
to Dartmouth Dragon Boat Association**

ORIGIN

Halifax Regional Municipality received a request from Dragon Boat East Management Ltd. to use the building at Graham's Grove Park to run a Dragon Boat program for children and adults.

RECOMMENDATION

It is recommended that the HRM Grants Committee approve in principle the staff recommendation to enter into a less than market value lease agreement with the Dartmouth Dragon Boat Association as per the terms and conditions set out in the Discussion section of this report.

BACKGROUND

Dragon boating has an increasing membership, which appeals to all ages and levels of experience. A typical dragon boat is about 41 feet long and 4 feet at the widest point. The crew of a dragon boat is twenty, in ten rows of two. They paddle to the beat of a drummer at the bow of the boat while the steers person at the stern helps the crew navigate the course. Dartmouth Dragon Boat Association (previously known as Dragon Boat East) was the first public Dragon Boat Program in Atlantic Canada.

Dartmouth Dragon Boat Association, in the past had been implementing their program from the Mic Mac Aquatic Club situated on Lake Banook. Their clientele has grown and they need their own location and a permanent home for their program. They have used the building at Graham's Grove Park in the past and have decided that this building meets their needs for equipment and administration. The beach is a great area to launch the boats which will be stored off shore in Lake Banook until needed for programs.

DISCUSSION

In previous years HRM Recreation Staff provided all of the paddling programs offered at Graham's Grove, however, for the past few years the Dartmouth Dragon Boat Association have provided programs on behalf of HRM. Although, both the programs offered and the schedules have changed throughout the years there is an increasing interest with the dragon boat and canoe programs. The staff of the Dartmouth Dragon Boat Association have many years of boating experience therefore, they are able to provide a higher quality program.

If the Dartmouth Dragon Boat Association decided to discontinue their programs, then it is likely that HRM Community Recreation Services would not continue these programs directly due to all of the related expenses, such as, replacing required inventory, building operational costs and staffing.

Dartmouth Dragon Boat Association will continue to offer a program for children aged 7-11, called Kids Can Canoe. This program teaches children the basics of canoeing and boating safety as well as the basic stroke of dragon boating. Attachment #1 consists of program times and fees.

Another program which the Dartmouth Dragon Boat Association continue to offer is the Adult Drop In Dragon Boating (18 yrs and older). This is for those who want to try dragon boating to see if it sparks their interest or those just trying to get a little workout while trying something new. There is no experience or pre-registration necessary and the cost is free. This program runs every Friday night at 6:15pm from June 5 to July 31. Attachment #1 has the old dates which have been renegotiated. The program length has been shortened due to the length of the lease as well as the World Canoeing Championships which will be held on Lake Banook in August. In 2006, the Adult Drop In Dragon Boating would run on Tuesday and Thursday nights from June to September at a cost of \$5.00 per person. This program brought out on average 25 people per night.

Property Matter: Less than Market Value Land Lease -
 Graham's Grove Park (Portion of PID # 00209692) to Dartmouth Dragon Boat Association
 HRM Grants Committee Report - 3 - May 11, 2009

Dartmouth Dragon Boat Association offers programs to the HRM summer day camps two afternoons a week from 1:00pm- 4:00pm at no charge. This works out to approximately 24 hours of paddling which is spread between roughly 112 children.

This group is registered with Recreation Nova Scotia however, and are formally in the process of registering with Nova Scotia Joint Stocks as a Non Profit Society. They will provide the registration number when they receive it from Nova Scotia Joint Stock.

Terms:

<i>Property- Civic Address</i>	Portion of PID # 00209692, Graham's Grove Park
<i>Landlord</i>	Halifax Regional Municipality
<i>Tenant</i>	Dartmouth Dragon Boat Association (non-profit status in process)
<i>Area</i>	Approximately 600sf
<i>Rental Rate</i>	\$1.00 and Service - in - kind (Services Provided as described above and in Attachment #1)
<i>Specific Conditions and Considerations</i>	<p>Dartmouth Dragon Boat Association:</p> <ul style="list-style-type: none"> * must obtain and remain as an active non profit society as long as this lease is in effect. * will be responsible for all expenses and costs associated with the building. * provide free adult drop in Dragon Boating on Fridays from June 5 to July 31 * will vacate the premises and will not use the beach area during the 2009 World Canoe Championships or during the teams warmup times. (August 7, 2009 - August 21, 2009 inclusive) * required to comply with all applicable boating & safety regulations, and keep all equipment in good condition. Any motorboat operator must be certified & carry a Pleasure Craft Operators Card. * required to maintain \$2 million insurance and HRM is to be named as additionally insured on the insurance certificate. * will remove any stored boats, equipment or other items by September 30, 2009 to allow the possible development of this site.
<i>Term</i>	May 1, 2009 to September 30, 2009 (5 months)
<i>Commencement Date</i>	May 1, 2009
<i>Renewal</i>	No renewal option
<i>Permitted Use</i>	Rowing lessons and club activities

BUDGET IMPLICATIONS

This program would result in a minimal budgetary expenditures. Community Recreation Services will supply Dartmouth Dragon Boat Association with a staff person for eight weeks, providing that they receive a grant from Service Canada. The expense to Recreation will be approximately \$6.00 per hour for thirty (30) hours per week. The funds from the grant and the funds received from Community Recreation Services will ensure the staff receives minimum wage. Funds are available in Account # D810-9200 pending Council approval of the 2009/10 Operating Budget. Dartmouth Dragon Boat Association will pay all operational costs associated with the building. Community Development will not absorb any operational costs associated with the building on the Graham's Grove site once the lease agreement goes into effect.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES


Staff does not recommend an alternative.

ATTACHMENTS

Attachment # 1 Dragon Boat East proposed summer schedule for HRM advertised programs.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Tara Legge, Community Facility Service Delivery Coordinator,
Service Delivery, Community Development

Report Approved by: 
Doug Rafuse, Manager, Service Delivery, Community Development



Dragon Boating is one of the fastest growing sports in the world because it appeals to young and old, beginner or expert. Dragon Boat East is the first public Dragon Boat program in Atlantic Canada and offers programs for all levels. Information on all Dragon Boat East programs can be found at www.dragonboateast.ca . Registration for any of the programs can be done online, or call 463-9356.

Kids Can Canoe

This is the traditional program of learning the basics of canoeing and boating safety in pleasure canoes and an introduction to the basic stroke of dragon boating.

Ages 7-9 (Sessions run Monday through Thursday with Friday Rain Day)

M-Th	9:00am-12:00pm	July 6-9	Graham's Grove	\$60 + HST
M-Th	9:00am-12:00pm	July 13-16	Graham's Grove	\$60 + HST
M-Th	9:00am-12:00pm	July 27-30	Graham's Grove	\$60 + HST

Age 10-11

T-F	9:00am-12:00pm	July 21-24	Graham's Grove	\$60 + HST
T-F	9:00am-12:00pm	Aug 4-7	Graham's Grove	\$60 + HST

** Minimum registration of seven to conduct session.

Adult Drop In Dragon Boating (18yrs and older)

For anyone who would like to try something new or those looking for a work out. No pre-registration necessary. Just come down and bring a friend. Instruction for new or experienced paddlers. Sessions running each Friday from June 12 to July 3, 6:15pm, for schedule go to www.dragonboateast.ca Cost: FREE

Grants Committee

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August 5, 2009

Extract of the May 11, 2009 Grants Committee minutes re: Dartmouth Dragon Boat Association

6.3 Property Matter - Less Than Market Value Land Lease - Graham's Grove Park, Dartmouth (Portion of PID #00209692) to Dartmouth Dragon Boat Association

- A report dated April 24, 2009 was before the committee.

Ms. Temple stated there is nothing to show the composition and no bylaws of the proposed non-profit society group. This is only for five months and perhaps it should be suggested that HRM retain ownership and instead community recreation could give the group a fee for service contract.

In response to Councillor Dalrymple, staff advised there was no financial statement provided by the new society.

MOVED by Councillor Dalrymple, seconded by Councillor Lund, that this matter be deferred until a financial statement and proof of liability is received.

Ms. Temple stated she the proposed guidelines for leasing to non-profit organizations could be revised to include a tenant's financial statement as a condition of public subsidy.

Ms. Legge advised she had received information that the group was officially registered as a non-profit as of today, May 11, 2009.

MOTION PUT AND PASSED.

MEMORANDUM OF ASSOCIATION
OF
DARTMOUTH DRAGON BOAT ASSOCIATION

1. The name of the Society is Dartmouth Dragon Boat Association.
2. The objects of the Society are:
 - (a) To promote dragon boating in eastern Canada at both the recreational and elite levels;
 - (b) To provide equipment, space and services to dragon boating organizations and participants in Atlantic Canada;
 - (c) To acquire by way of grant, gift, purchase, bequest, devise, or otherwise, real and personal property and to use and apply such property to the realization of the objects of the Society, and
 - (d) To buy, own, hold, lease, mortgage, sell and convey such real and personal property as may be necessary or desirable in the carrying out of the objects of the Society;

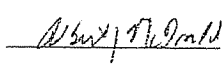
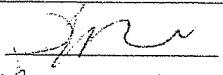
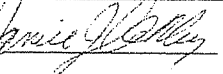
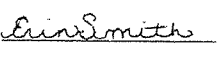

PROVIDED that nothing herein contained shall permit the Society to carry on any trade, industry, or business and the Society shall be carried on without purpose of gain to any of the members and that any surplus or any accretions of the Society shall be used solely for the purposes of the Society and the promotion of its objects;

PROVIDED, further, that if for any reason the operations of the Society are terminated or are wound up, or are dissolved and there remains, at that time, after satisfaction of all its debts and liabilities, any property whatsoever, the same shall be paid to some other charitable organization in Canada, having objects similar to those of the Society.

3. The activities of the Society are to be carried on at Dartmouth, Nova Scotia.
4. The Registered Office of the Society is at 33 Aldemey Drive, Suite 700, P O Box 876, Dartmouth, Nova Scotia, B2Y 3Z5.

We, the several persons whose names, addresses, and occupations are subscribed, desire to be formed into a Society, in pursuance of this Memorandum of Association.

DATED at Dartmouth, Nova Scotia, this 34th day of April, 2009.

Name	Address	Occupation	Signature
Albert McDonald	4 P. D.	Businessman	
Sabrina MacKenzie	11 D.	Research Scientist	
Janice Oakley	11 D.	Information Technology	
Erin Smith	11 D.	Early Childhood Education Professional	
Jack McDonald	11 D.	Firefighter	

Witness to the above signatures:



Name: Robert English
Occupation: President, Harbour Construction
Address: 40 Ellsley Avenue
Dartmouth, N.S.

BY-LAWS
OF
DARTMOUTH DRAGON BOAT ASSOCIATION

1. In these By-laws unless there be something in the subject or context inconsistent therewith
 - (a) "Society" means Dartmouth Dragon Boat Association.
 - (b) "Registrar" means the Registrar of Joint Stock Companies appointed under the *Companies Act* (Nova Scotia).
 - (c) "Special Resolution" means a resolution passed by not less than three-fourths of such members entitled to vote as are present in person or by proxy, where proxies are allowed, at a general meeting of which notice specifying the intention to propose the resolution as a special resolution has been duly given.

MEMBERSHIP RIGHTS AND RESPONSIBILITIES

2. The Society is ultimately accountable to the members of the Society.
3. Every member is entitled to attend any members' meeting of the Society.
4. Every member may vote at any members' meeting of the Society after they have attended at least one previous members' meeting.
5. Any member of legal age, or with their guardian's written consent, is entitled to hold any office.
6. Membership in the Society shall consist of:
 - (a) the minimum of 5 subscribers to the Memorandum of Association,
 - (b) those who support the objects of the Society,
 - (c) those whose name and address is written in the Register of Members by the secretary,
 - (d) those who pay an annual fee in an amount to be determined by the Society, and
 - (e) any person resident in Canada that upholds the objects of the Society and contributes to the support the Society.
7. Membership in the Society is not transferable.
8. Membership in the Society shall cease:
 - (a) upon death, or

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- (b) if the member resigns by written notice to the Society, or
 - (c) if the member ceases to qualify for membership in accordance with these by-laws, or
 - (d) if, by a vote of the majority of the members of the society or a majority vote of the Directors of the Society at a meeting duly called and for which notice of the proposed action has been given, the Member's membership in the Society has been terminated.
9. The members may repeal, amend or add to these by-laws by a special resolution. No by-law or amendment to by-laws shall take effect until the Registrar approves of it.
10. No funds of the society shall be paid to or be available for the personal benefit of any member.

MEMBERS' MEETINGS

11. Every member, subject to by-law 4, shall have one vote and no more and there shall not be proxy voting.
12. A general or special meeting of the members may be held at any time and shall be called:
- (a) if requested by the chair, or
 - (b) if requested by a majority of the directors, or
 - (c) if requested in writing by two of the members.
13. Notice to members is required for general or special meetings. The notice must:
- (a) specify the date, place and time of the meeting,
 - (b) be given to the members seven (7) days prior to the meeting,
 - (c) be given to the members by newsletters, newspapers, television, radio, e-mail, telephone, fax and/or other electronic means,
 - (d) specify the nature of business, such as the intention to propose a special resolution, and
 - (e) the non-receipt of notice by any member shall not invalidate the proceedings.
14. An annual general meeting shall be held within three months after every fiscal year end and notice is required which must:
- (a) specify the date, place and time of the meeting,
 - (b) be given to the members thirty (30) days prior to the meeting,
 - (c) be given to the members by newsletters, newspapers, television, radio, e-mail, telephone, fax and/or other electronic means,
 - (d) specify the intention to propose a special resolution, and
 - (e) the non-receipt of notice by any member shall not invalidate the proceedings.
15. At the annual general meeting of the Society the following items of business shall be dealt with and shall be deemed ordinary business and all other business transacted shall be deemed special business:
- (a) minutes of the previous annual general meeting,

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- (b) consideration of the annual report of the directors,
 - (c) consideration of the annual financial report of the Society,
 - (d) the appointment of auditors for the ensuing year, and
 - (e) election of directors,
16. Quorum shall consist of five of the members. No business shall be conducted at any meeting unless a quorum is present to open the meeting and, upon request, before any vote.
17. (a) If a meeting is convened as per by-law 12(a) or 12(b) and quorum is not present within one-half hour from the time appointed for the meeting, it shall be adjourned to such time and place as a majority of the members present shall decide. Notice of the new meeting shall be given and at the adjourned meeting the members present shall constitute quorum only for the purpose of winding up the Society.
- (b) If a meeting is convened at the request of the members as per by-law 12(c) and quorum is not present within one-half hour from the time appointed for the meeting, it shall be dissolved.
18. The President, or in his/her absence, the Vice-President, or in the absence of both of them, any member appointed from among those present, shall preside as Chair at members' meetings.
19. Where there is an equality of votes motion shall be lost.
20. The Chair may, with the consent of the meeting, adjourn any meeting. No business shall be transacted at the subsequent meeting other than the business left unfinished at the adjourned meeting unless notice of such new business is given to the members.
21. At any meeting a declaration by the Chair that a resolution has been carried is sufficient unless a poll is demanded by at least three members. If a poll is demanded it shall be held by show of hands or by secret ballot as the Chair may decide.

DIRECTORS

22. Any member of the society shall be eligible to be elected a director of the Society and a director of the society shall be a member.
23. The number of directors shall be not less than Five. The subscribers to the Memorandum of Association of the Society shall be the first directors of the Society.
24. Directors shall retire from office at the end of each annual general meeting at which their successors are elected. Retiring directors shall be eligible for re-election.

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25. If a director resigns his/her office or ceases to be a member in the Society, his/her office as director shall be vacated and the vacancy may be filled for the unexpired portion of the term by the board of directors from among the members of the Society.
26. The members may, by special resolution, remove any director and appoint another person to complete the term of office.
27. The management of the Society is the responsibility of the directors. In particular, the directors may engage a General Manager, and determine his/her duties, responsibilities and remuneration.
28. The directors may appoint an executive committee and other committees as they see fit.
29. Directors who have, or could reasonably be seen to have, a conflict of interest have a duty to declare this interest. The declaration should be made to the members
 - (a) upon nomination, and
 - (b) if serving as a director, when the possibility of a conflict is realized.
30. A conflict of interest does not prevent a member from serving as a director provided that he/she withdraws from the decision making on matters pertaining to that interest. The withdrawal should be recorded in the minutes.

DIRECTORS' MEETINGS

31. The board of directors shall meet as necessary to properly conduct the affairs of the Society.
32. A meeting of directors may be held at the close of every annual general meeting without notice for the purpose of electing officers. For all other board meetings, notice is required and must:
 - (a) specify the date, place and time of the meeting,
 - (b) be given to the directors seven (7) days prior to the meeting,
 - (c) be given to the directors by newsletters, radio, public bulletin boards, e-mail, telephone, fax and/or other electronic means,
 - (d) the non-receipt of notice by any director shall not invalidate the proceedings.
 - (f) notice can be waived for board meetings with the unanimous approval of the Board.
33. A majority of Directors shall constitute a quorum. No business shall be conducted at any meeting of the board of directors unless a quorum is present to open the meeting and, upon request, before any vote.
34. The President or, in his/her absence, the Vice-President or, in the absence of both of them, any director appointed from among the directors shall preside as Chair of the Board.

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35. At directors' meetings, where there is an equality of votes the motion shall be lost.

OFFICERS

36. The officers shall be elected by the directors and shall be a President, a Vice-President, a Treasurer and a Secretary. The offices of Treasurer and Secretary may be combined.
37. One of the officers shall be the President. The President shall be responsible for the effectiveness of the board and shall perform other duties as assigned by the members or the directors.
38. One of the officers shall be the Vice-President. The Vice-President shall perform the duties of the Chair during the absence, illness or incapacity of the President, or when the Chair may request him/her to do so.
39. One of the officers shall be the Secretary. The Secretary shall:
- (a) have responsibility for the preparation and custody of all books and records including:
 - 1. the minutes of members' meetings,
 - 2. the minutes of directors' meetings,
 - 3. the register of members, and
 - 4. filing the annual requirements with the office of the Registrar, and
 - (b) have custody of the Seal, if any, which may be affixed to any document upon resolution of the board of directors, and
 - (c) file with the Registrar:
 - 1. within fourteen (14) days of their election or appointment, a list of directors with their addresses, occupations, and dates of appointment or election
 - 2. Copy of every special resolution within fourteen (14) days after the resolution is passed, and
 - (d) have other duties as assigned by the board.
40. The directors may also appoint a Recording Secretary
- (a) who is responsible for taking minutes of all board and members' meetings, and
 - (b) who need not be a director.
41. One of the officers shall be the Treasurer. The Treasurer shall have responsibility for the custody of all financial books and records of the Society, and carry out all other duties as assigned by the board.
42. Contracts, deeds, bills of exchange and other instruments and documents may be executed on behalf of the Society by the President or the Vice-President and the Corporate Secretary, or otherwise as prescribed by resolution of the Board of Directors.

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FINANCE

43. The fiscal year end of the Society shall be the last day of December.
44. The directors shall annually present to the members a written report on the financial position of the Society. The report shall be in the form of:
 - (a) a balance sheet showing its assets, liabilities and equity, and
 - (b) a statement of its income and expenditure in the preceding fiscal year.
45. A copy of the financial report shall be signed by the auditor or by two directors.
46. A signed copy of the financial report shall be filed with the Registrar within fourteen (14) days after each annual meeting.
47. An auditor of the Society may be appointed by the members at the annual general meeting and, if the members fail to appoint an auditor, the directors may do so.
48. The Society may only borrow money as approved by a special resolution of the members.
49. The members may inspect the annual financial statements and minutes of membership and directors meetings at the registered office of the Society with one week's notice. All other books and records of the Society may be inspected by any member at any reasonable time within two days prior to the annual general meeting at the registered office of the Society.
50. Directors and officers shall serve without remuneration and shall not receive any profit from their positions. However, a director or officer may be paid reasonable expenses incurred in the performance of his/her duties.
51. The Society shall not make loans, guarantee loans or advance funds to any director.