


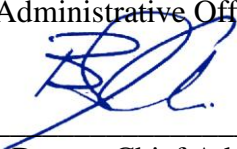
Item No. 11.1.6
Halifax Regional Council
August 14, 2012

TO: Mayor Kelly and Members of Halifax Regional Council

Original signed by 

SUBMITTED BY: _____

Richard Butts, Chief Administrative Officer

Original signed by 

Brad Anguish, Acting Deputy Chief Administrative Officer

DATE: July 23, 2012

SUBJECT: Assignment of Buy Back Agreement - Society for Supportive Housing to Young Women's Christian Association, 341 Pleasant Street, Dartmouth,

ORIGIN

On February 7, 2006, Halifax Regional Council authorized the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale for the exchange of lands at 341 Pleasant Street, between HRM and the Society for Supportive Housing for Young Mothers (SSHYM).

This report originates with a request from SSHYM for HRM to assign the Buy-Back Agreement from SSHYM to the Young Women's Christen Association (YWCA) of Halifax, as SSHYM is attempting to dissolve as a registered society.

This report complies with the Transaction Policy, as approved by Regional Council on October 8, 2002.

RECOMMENDATION

It is recommended that;

Halifax Regional Council authorize the Mayor and Municipal Clerk to allow the assignment of the existing Buy-Back Agreement, between HRM and the Society for Supportive Housing for Young Mothers, to the Young Women's Christen Association of Halifax.

BACKGROUND

On March 29, 2012, the Society for Supportive Housing for Young Mothers (SSHYM) held a special membership meeting and unanimously passed a resolution to wind down the Society, and transfer SSHYM's assets to the Young Women's Christian Association of Halifax (YWCA). The Board of the YWCA Halifax passed a motion on April 3, 2012, confirming the 'acquisition' of SSHYM, and referring the negotiating, confirmation, and execution of all related legal agreements to the YWCA Executive Committee.

On April 4, 2012, the YWCA Executive Committee and the SSHYM Executive Committee confirmed a 'Memorandum of Understanding' (MOU) outlining the transfer of the operating of the SSHYM program to the YWCA. (See Attachment A). The YWCA is now operating the program, and has confirmed it will continue the SSHYM program, and as such, will continue to provide activities that are consistent with the intent of the original Purchase and Sale Agreement between HRM and SSHYM.

DISCUSSION

The original Purchase and Sale Agreement between HRM and SSHYM contained a Buy-Back Agreement (BBA) as a lien against the former HRM property. The BBA was recorded for the intended purpose of protecting HRM should SSHYM fail to fulfill the terms and conditions of sale, cease operations, and/or choose to sell the property to another party. The BBA failed to contain wording that specifically addressed the possibility of SSHYM ceasing operations but conveying all assets and programs to a similar organization who would maintain the programs and services SSHYM provided.

Therefore, staff is recommending that Regional Council accept the SSHYM's request to be released of the original Buy-Back Agreement in place of a new BBA between HRM and the YWCA of Halifax. The assignment of the original BBA is necessary in order for the SSHYM society to dissolve.

BUDGET IMPLICATIONS

There are no budget implications associated with the above recommendation as the YWCA of Halifax will be responsible for all related costs.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

The original sale from HRM to SSHYM was executed under Section 51 of the Municipal Government Act. Under this section, HRM was required to hold a public hearing and have two-thirds majority of the Councillors present to approve the sale. Where the assignment of the Buy-Back Agreement does not result in significant changes to the original terms of the sale, a second public hearing was deemed unnecessary.

ALTERNATIVES

Regional Council may decline the request to Assign the Buy-Back Agreement and exercise its Right of First Refusal to buy back 341 Pleasant Street. This is not recommended as the YWCA Halifax has confirmed to HRM it will continue to provide the programs and services originally provided by SSHYM to the young women and their children at this facility. The new Buy-Back Agreement will continue to protect HRM for the sale of the property and/or termination of the available programs and services.

ATTACHMENTS

Attachment A – Memorandum of Understanding – SSHYM and YWCA Halifax.

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

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