



Policy Title: Lease/License of Occupation to Community Organizations

Policy Number: CSPS011

Report Number: CS95-26-02, CPS97-02, CPS99-77; CPS2011-52, CPS2012-03

Approved by: Council

Effective Date: 1995, July 3 and amended 1997 February 3, 1999 December 13 and 2012, February 27

Business Unit: Calgary Recreation

BACKGROUND

The City of Calgary engages in partnerships with community associations and social recreation organizations as a way to increase the quality of life for Calgarians and provide them with a means of formal representation and advocacy to The City. The partnerships contribute to The City of Calgary's vision to create and sustain vibrant, healthy and complete communities. This vision has been articulated by City Council through the Municipal Development Plan and the Recreation Master Plan (CSPS2010-40). The occupation of land and development of the physical infrastructure that support these partnerships is regulated through The City of Calgary Land Use Bylaw 1P2007, Section 671 of the Municipal Government Act and the Development and Project Control of Major Community Recreation and Cultural Facilities (CS92-23).

Through the Lease/License of Occupation to Community Associations and Social Recreation Organizations Policy (the Policy), The City recognizes the valuable contribution of these partners to Calgary's social fabric. To facilitate these contributions, the Policy provides a framework for community associations and social recreation organizations to occupy City-owned land for the purpose of serving the needs of Calgary's communities.

Recognizing that the economic and social climate can change over time, the policy is to be reviewed 15 years from the effective date to determine its effectiveness in providing guidance and support to community associations and social recreation organizations as integral partners of The City.

PURPOSE

The Policy provides guidance and direction to Administration, community associations, social recreation organizations and citizens on the value and

benefits of partnerships and the shared responsibility in delivering quality community-oriented services to Calgarians through the leasing or licencing of public lands. The major tenets of the Policy are:

- The City has the responsibility to hold public lands in trust and to ensure public access to these lands is not compromised;
- The City has chosen to provide public land to community associations and social recreation organizations at a minimal cost to allow community organizations to serve the needs of Calgarians and contribute to complete communities;
- Community associations and social recreation organizations must be careful stewards of public lands and they must have a mandate to provide social, leisure or recreation opportunities for the benefit of Calgarians; and
- Community associations and social recreation organizations are responsible for all costs associated with occupying the lands.

DEFINITIONS

The Policy only applies to community associations and social recreation organizations.

A ***community association*** is defined as:

- 1) A not-for-profit organization incorporated under the Societies Act of Alberta
- and,
- 2) An organization representing and providing community-oriented services to a residential community/communities within boundaries defined by The City. Community-oriented services provided by community associations may include the provision of recreation or leisure facilities, as well as other programming and services in line with the needs and preferences of their geographically defined community.
- and,
- 3) An organization providing the opportunity for public use and/or participation in its facilities and activities, in accordance with the Public Use Policy (CSPS046).

A ***social recreation organization*** is defined as:

- 1) A not-for-profit organization incorporated under the Societies Act, the Agricultural Societies Act, Part IX of the Companies' Act, Part XXI of the Business Corporations Act, or a Special Act of the Legislature;

and,

- 2) An organization which provides Calgarians with social, cultural, recreational, and athletic opportunities on a city wide basis. Typically, Social Recreation Organizations include sport groups, cultural groups, and senior citizens groups.

and,

- 3) An organization providing the opportunity for public use and/or participation in its facilities and activities, in accordance with the Public Use Policy.

GUIDING PRINCIPLES

The City engages in the development and management of partnerships to improve the social, economic and environmental well-being of Calgarians by adhering to the following guiding principles:

Accessibility	Services, programs and facilities made available through leases and licenses of occupation will seek to fulfill the needs of the community. Community partnerships help to achieve equity through accessible, available and affordable services, programs and facilities.
Accountability	Community partnerships demonstrate good governance practices such as financial accountability, transparency, due diligence, equity and fairness to assure value of the partnership.
Alignment	Partnerships are based on mutual interest, common objectives, clear responsibility, joint investment of resources, shared risk and benefits.
Communication	Respectful communication with the establishment of clear roles and responsibilities are optimal to achieve the best possible partnering relationship and operational effectiveness.
Community Impact	Partnerships are designed to yield maximum return on investment, triple bottom line benefits and sustained positive impacts for Calgarians. Impact is identified by each business unit in alignment with Council priorities.
Innovation	Partner arrangements are intended to create environments that foster innovation, encourage creative service delivery and develop productive organizational models.

Stewardship

Stewardship of public resources is a responsibility inherent in all City partnering arrangements. As such, partnerships shall result in the delivery of high quality and sustainable services, programs and facilities for the community.

POLICY

The Policy will provide for:

- Leases for the use of non-Municipal Reserve land and licenses of occupation for Reserve land at a nominal fee to community associations and social recreation organizations for the purpose of providing suitable recreational, sport, cultural, and community-oriented activities and programs which provide the greatest benefit to the community as a whole, in addition to their direct benefit to individuals.

RELATED PROCEDURES

1. Community associations and social recreation organizations must comply with the organizational definitions set forth in this policy in order to be eligible for a lease or license of occupation.
2. Community associations and social recreation organizations must comply with the provisions set forth in the council approved lease/license of occupation agreements.
3. The land for which The City offers a lease or license of occupation, which is normally to a maximum of 1.2 hectares (3 acres), may include:
 - a. Community buildings;
 - b. Parking lot; and
 - c. Other facilities or structures such as tennis courts, outdoor ice rinks, lacrosse boxes, play fields or other recreation, sport and cultural facilities that are community operated.
4. The term for leases and licenses of occupation offered through the Policy will be to a maximum of fifteen (15) years. Upon expiration community associations and social recreation organizations will have to apply for a new lease or license.
5. Lease/license fees shall be ten dollars (\$10.00) per year, payable in advance for the full term of the agreement.
6. In order to demonstrate financial capacity and resources, community associations and social recreation organizations must submit a Board

- approved business plan to The City within one year of the commencement of a lease or license of occupation; an amended business plan must then be re-submitted when the previous business plan has expired or every five years (whichever is less) for the remainder of the agreement. The Liaison is able to facilitate and assist the community partner in the development of their business plan.
7. Community associations and social recreation organizations must maintain insurance policies in a form and substance and with an insurer satisfactory to The City which includes a commercial general liability insurance policy with an inclusive limit of not less than Five Million Dollars (\$5,000,000.00) per occurrence for death, bodily injury and property damage.
 8. Community associations and social recreation organizations must complete and submit to The City a lifecycle study within one year of the commencement of a new agreement or building a new facility. This study must be subsequently upgraded every five years and must be completed by a professional consultant. This study establishes an opinion of condition, probable cost, and timing of renewal requirements allowing for facility lifecycle planning over a 25-year period. Financial assistance to complete a lifecycle study is available through the City's Community Capital Conservation Grant (CSPS006).
 9. Community associations and social recreation organizations with a lease/license of occupation must meet with their City-designated liaison at least twice per year throughout the term of their agreement.
 10. Community associations and social recreation organizations must comply with:
 - a. The Public Use Policy (CSPS046);
 - b. Guidelines for Development and Project Control of Major Community Recreation and Cultural Facilities (CS92-23);
 - c. The Land Use Bylaw 1P2007, as amended; and
 - d. The Societies Act, as amended
 11. Should a dispute arise between the parties regarding the interpretation and application or alleged violation of the Policy, community associations and social recreation organizations must comply with the Dispute Resolution Process (Council Approved, 02/03/97).
 12. Before issuing or amending a sub-lease or sub-license for any lands or facilities subject to this policy, approval shall first be obtained from the General Manager of Community Services (or designate).

13. Before beginning any capital improvements or construction projects that cost more than \$50,000 or require a Development Permit, community associations and social recreation organizations must first obtain approval from the General Manager of Community Services (or designate).
14. In the event that prior to the expiry of a lease or license of occupation The City requires the Lands or any portion thereof for municipal purposes, The City shall request Council approval to relocate the community association or social recreation organization or terminate the agreement.

AMENDMENTS

1997 February 3, CPS97-02

1999, December 13, CPS99-77

2012, February 27, CPS2012-03

Effective 2016 February 01, Recreation became Calgary Recreation