

..EM 17
MANAGER'S REPORT NO. 53
COUNCIL MEETING 1979 08 13

RE: LETTER FROM THE MALASPINA PRINTMAKERS SOCIETY WHICH APPEARED ON
THE AGENDA FOR THE 1979 JULY 30 MEETING OF COUNCIL (ITEM 4m)
OCCUPATION OF SPACE AT THE BURNABY ARTS CENTER

Appearing on the agenda two weeks ago was a letter from G. W. Bowden, President of the Malaspina Printmakers Society, regarding the Society's occupancy of space in the Burnaby Art Center. Following is a report from the Acting Parks and Recreation Administrator on this matter.

RECOMMENDATIONS:

1. THAT the recommendation of the Acting Parks and Recreation Administrator be adopted; and
2. THAT the Municipal Clerk acknowledge the letter to Mayor Constable dated 1979 July 14 from G. W. Bowden.

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TO: MUNICIPAL MANAGER

FROM: ACTING ADMINISTRATOR - PARKS AND RECREATION

RE: MALASPINA PRINTMAKERS SOCIETY -
OCCUPATION OF SPACE AT THE BURNABY ARTS CENTRE

RECOMMENDATION:

1. THAT Council concur with the action taken by the Parks and Recreation Commission.

REPORT

The attached Administrator's Report No. 16, Item 4 was received by the Parks and Recreation Commission at its meeting of 1979 August 01.

The Commission adopted the staff recommendations as follows:

1. THAT the Commission adhere to the terms of the Agreement regarding moving assistance and six month notice clause.
2. THAT the Commission allow the Malaspina Society to remove, at their own expense, the extraction units presently installed in the facility,

and directed that a copy of the Report be sent to the Malaspina Printmakers Society.

The Secretary of the Commission has written the Malaspina Printmakers Society advising of the Commission's decision and also sending a copy of the Administrator's Report. A copy of this letter has been sent to Mayor Constable.


W.H. Browne

AG/df
Attach.

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ITEM 4
 ADMINISTRATOR'S REPORT NO. 16
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RE: MALASPINA PRINTMAKERS SOCIETY - OCCUPATION OF SPACE
 AT THE BURNABY ARTS CENTRE

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Appearing on the Agenda under 'Correspondence' is a copy of a letter from the President of the Malaspina Printmakers Society to Mayor T. Constable dated 1979 July 14.

The following is a report from the Supervisor-Fine Arts in response to the points raised in the letter.

RECOMMENDATIONS:

1. THAT the Commission adhere to the terms of the Agreement regarding moving assistance and six month notice clause.
2. THAT the Commission allow the Malaspina Society to remove, at their own expense, the extraction units presently installed in the facility.

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1979 JULY 26

TO: ADMINISTRATOR
 FROM: SUPERVISOR-FINE ARTS
 RE: MALASPINA PRINTMAKERS SOCIETY

In their letter of 1979 July 14, the Malaspina Printmakers Society made several tentative requests for assistance relative to their vacating the studios in the Mather House.

Specifically the requests were:

- providing moving assistance
- extension of the six month moving deadline
- removal and acquisition by Malaspina of ventilation extraction units provided by Parks and Recreation.

The agreement between the Corporation and the Society clearly states in article 4 d that ". . . No termination as aforesaid shall give rise to any claim whatsoever on account of or arising out of such termination . . ." The reason given by Malaspina is that the "short notice" given has created a hardship on the Society. The six month notice given to the Society also conforms to the Agreement (article 4d). The Commission may recall that the original draft agreement with the Society provided for only 30 days notice and this clause was reworded to 6 months notice with the full agreement of the Society that this would be sufficient time to relocate should the necessity arise.

The Fine Arts staff feel that, inasmuch as the Society members were party to the writing of the original agreement and were satisfied with the terms and conditions of that agreement and inasmuch as the Corporation has contributed support by way of free rent to the Society for a period of 3 years, equivalent to approximately \$22,500. (1000 SF x \$7.50 per SF per annum x 3 years) any further support by way of assistance with moving expenses would be difficult to justify.

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Further, it is the intention of the Fine Arts Staff to convert the studios to other program and community use in time for the beginning of the Winter Session, approximately the 3rd week in January so any extension of the 6 months notice would disrupt this planned use of the facility. A 30 day extension may be acceptable only if it was necessary to complete the move. This would mean Fine Arts could take possession as of 1980 January 01 with only 3 weeks to clean up and prepare the space for program use.

The extraction units referred to in their letter are specialized exhaust fans and hoods which will not be needed by the Department for the planned use of the facilities. They would have to be removed before the studios could be put to program and community use. The Fine Arts Section recommends they be donated to the Society and be removed at their expense.

Insofar as the other remarks made in the letter to the Commission by the Society, it may be worthwhile to point out that the original agreement with the Society also clearly states that: "...The Licensee hereby covenants with the Corporation." -

"...To develop a comprehensive instructional programme in printmaking for the residents of Burnaby. These programmes will be designed for children, teens and adults at various levels (i.e. beginning, intermediate and advanced classes) as need warrants..." (Article 2 n.)

This clause was revised 1978 July 06 to read:

"...To work in collaboration with the Parks and Recreation Administrator in the development of a comprehensive instructional programme in printmaking for the residents of the Municipality of Burnaby..."

The Society were certainly aware that a "community arts approach" was part and parcel of the Agreement so it is difficult to understand the reason now for their statement that "It was not our understanding, however, that we would be expected to concentrate on a community arts approach."

The Commission is certainly aware of the level of support it is giving to "...professional Fine Arts development in the community, while continuing its excellent community arts program..." but apparently the Society is not. This support ranges through direct grants to the Art Gallery, Mountain Dance Theatre and other professional organizations in Burnaby and the Lower Mainland, to the hiring of, on average, 50 professional artists per session to conduct the programs. This lack of knowledge on the part of the Society is indicative of their lack of understanding of the Fine Arts Section objectives and the real intent of the original agreement.

Recommendations:

To adhere to the terms of the Agreement regarding moving assistance and six month notice clause.

To allow the Malaspina Society to remove, at their own expense, the extraction units presently installed in the facility.