

Re: AGREEMENT BETWEEN CENTURY PARK MUSEUM ASSOCIATION AND THE CORPORATION RESPECTING THE MANAGEMENT OF HERITAGE VILLAGE MUSEUM

RECOMMENDATIONS:

1. THAT authority be granted to execute the Agreement referred to herein; and
2. THAT the Municipal Manager be requested to review the Agreement in 1982 August, and to report to the Municipal Council on any recommended changes before the expiry of the Agreement, after first receiving from the Association any changes it may wish to suggest through its Board of Directors; and
3. THAT a copy of this report item be forwarded to the Board of Directors of C.P.M.A.

REPORT

The Municipal Council at its meeting of 1981 February 09 received a report from Alderman V. V. Stusiak, Chairman, Heritage Village Museum Transition Committee in which, amongst other recommendations, the following recommendations were made and adopted by Council:

- "4. THAT Council approve the immediate preparation and execution of the interim management agreement.
5. THAT the staff be directed to prepare the final management agreement to be forwarded to Council for approval prior to execution."

The interim management agreement was prepared and executed by both parties on 1981 February 28. That agreement was to terminate on 1981 April 30 if the parties failed to execute a final agreement by April 30 (see attached). On 1981 March 03, the President of C.P.M.A. contacted the Municipal Manager to ask if the date could be extended, and the Manager responded in the affirmative, but it was hoped that the draft of the final agreement would be in the Association's hands by April 15, so the request for extension was not put forward to Council. As a result of the civic strike, we were not able to deliver a draft master agreement to the Association until 1981 June 25.

The draft was reviewed by the Association, and modifications were requested. The Municipal Manager reviewed the submission by the Association, and met with its Board of Directors on 1981 July 28 to discuss the changes he was prepared to recommend to the Municipal Council. Further refinements in the wording were suggested by the Municipal Manager. The contents of the Agreement were approved at the C.P.M.A. Board of Directors' meeting held on 1981 July 28.

Attached is a copy of the Agreement in its final form, which has been executed by the signing officers of the Association. It is now recommended by the Municipal Manager that authority be granted to execute this document on behalf of the District of Burnaby. Because of its bulk, copies of the Agreement are included only with the agenda for the members of Council. Any member of the public wishing a copy of it, however, may obtain one by contacting the Municipal Clerk's Office.

The term of the Agreement, incidentally, has been drafted to coincide with the normal time for Council to make annual appointments to Committees; i.e., 1982 November 30.

* * * * *

THIS AGREEMENT made the 28 day of February 1981.

BETWEEN:

THE CORPORATION OF THE DISTRICT OF BURNABY
a municipal corporation having offices at
4949 Canada Way, Burnaby, B.C.

(hereinafter called the Corporation)

OF THE FIRST PART

AND:

CENTURY PARK MUSEUM ASSOCIATION
a society incorporated under the
Society Act having offices at
4900 Deer Lake Avenue, Burnaby, B.C.

(hereinafter called the Association)

OF THE SECOND PART

WHEREAS:

- A. The Municipal Council of the Corporation by resolution on the 9th day of February 1981 approved the assignment of the mandate and budget to govern and operate the Heritage Village Museum to the Association immediately upon the Association reconstituting its Bylaws in accordance with Council's request and signing an interim management agreement pending the execution of a final management agreement;
- B. The Association has by special resolution passed at its annual general meeting on the 24th day of February 1981 amended its Bylaws, and a copy of the amending Resolution is attached hereto as Schedule "A" hereof;
- C. The parties desire to set forth in summary form the terms and provisions under which the Association shall manage Heritage Village during the period prior to execution of the final management agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the respective covenants and agreements herein contained, the parties hereto covenant as follows:

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1. (1) This Agreement shall have effect as of the day first above written and shall expire on the day it is replaced by a final agreement between the parties respecting the management of Heritage Village.
- (2) Notwithstanding subclause (1), should the parties fail for any reason to execute a final agreement as aforesaid, this Agreement shall terminate on the 30th day of April 1981. -- *see letter from M. J. Shelley under date of 81-03-04*
2. Subject to the provisions of this Agreement and to the performance by the Association of its obligations hereunder, the Corporation hereby grants unto the Association the right and licence to manage and operate Heritage Village during the currency of this Agreement.
3. The Association covenants that during the term of this Agreement it will:
 - (a) manage and operate Heritage Village through the Board of Directors of the Association;
 - (b) employ a Museum Manager who shall be subject to the direction and control of the Board of Directors of the Association and who shall perform the functions of Secretary of the Board with respect to all matters relating to Heritage Village;
 - (c) not make or permit to be made any major alterations in or addition to Heritage Village without the written permission of the Municipal Manager;
 - (d) utilize wherever possible the services and resources of the various departments of the Corporation's employee establishment;
 - (e) carry out the operations and planning of the activities of Heritage Village insofar as possible in accordance with the report of the Heritage Village Transition Committee approved by the Municipal Council on the 9th day of February 1981 and attached hereto as Schedule "B" and forming part hereof;

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(f) ensure that the special resolution amending the the Bylaws of the Association is transmitted to the registrar for approval as required by section 23 of the Society Act; and inform the Municipal Manager when the registrar has accepted the special resolution.

4. The Association shall not incur any liability beyond the amount appropriated by the Municipal Council of the Corporation for the operation of Heritage Village nor shall it incur any liability for any object or activity not included in the 1981 annual budget approved by the Municipal Council.

5. This Agreement is not assignable.

6. If this Interim Agreement is terminated and the parties fail for any reason whatsoever to execute a final management agreement, the Association shall immediately return possession of Heritage Village and the contents thereof to the Corporation.

IN WITNESS WHEREOF the Corporation has caused these presents to be executed as of the day and year first above written.

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IN THE PRESENCE OF)
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James Hudson)
MUNICIPAL CLERK - AUTHORIZED SIGNATORY)

SEALD with the Seal)
of CENTURY PARK MUSEUM)
ASSOCIATION and signed by)
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) William D. Carter
PRESIDENT

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Donald Hudson
SECRETARY
Frederick
TREASURER)

