

ITEM 6  
MANAGER'S REPORT NO. 9  
COUNCIL MEETING 88/02/01

RE: RENEWAL OF MANAGEMENT AGREEMENT BETWEEN THE CORPORATION OF THE DISTRICT OF BURNABY  
AND THE BURNABY VILLAGE MUSEUM ASSOCIATION FOR 1988/1989

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation as contained in the report from the Director Recreation & Cultural Services be adopted.

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1988 JANUARY 27

TO: MUNICIPAL MANAGER  
FROM: DIRECTOR RECREATION AND CULTURAL SERVICES  
RE: RENEWAL OF MANAGEMENT AGREEMENT BETWEEN THE  
CORPORATION OF THE DISTRICT OF BURNABY AND THE  
BURNABY VILLAGE MUSEUM ASSOCIATION FOR 1988/1989

RECOMMENDATION:

1. THAT Council approve the execution of the Museum Management agreement renewal as outlined in this report.

REPORT

Annually the Corporation and the Association review the agreement which provides the Association with its mandate to manage the Burnaby Village Museum. The agreement runs annually from February 01 until the following January 31.

For the upcoming year, the representatives of the Association and Senior Municipal staff have agreed to recommend the following items for Council's consideration. These items were all approved by the Museum Board at its regular meeting of 1988 January 26.

It is recommended that Council endorse the changes following which the Municipal Solicitor will prepare the revised agreement for execution. For Council's information, a copy of the current management agreement has been included in each Aldermen's envelope. The agreement is annotated to illustrate the changes which are proposed below.

1. STATUS CHANGE - MUSEUM DIRECTOR TO MUNICIPAL EMPLOYEE

- a) On Page 22 and Page 23, substitute the new job description (approved by the Board February 1987) which was used to hire the new Director in June 1987, for the old job description which was included in the last agreement.
- b) Secondly, Item 4, on Page 3, should be amended as follows:-

The first paragraph shall have the Corporation substituted for the Association in the phrase "the Corporation shall employ a Museum Director, etc."

A second paragraph shall be added as follows:

- c) "As a Municipal employee seconded to the position of Director of Burnaby Village Museum, the Museum Director will be fully responsible for supervising and managing the Museum subordinate staff".

1. STATUS CHANGE - Cont'd.

The following shall be added at the end of Item No:4 -

"The Director's salary and benefits are the responsibility of the Corporation of the District of Burnaby and will be paid through a Burnaby Village Museum account.

The performance review for the Museum Director will form part of the Hay Compensation Plan and will be carried out jointly by the Corporation of the District of Burnaby in consultation with and with the advice and assistance of the Museum Board of Directors. The hiring, discipline and dismissal of the Museum Director will be carried out by the Corporation of the District of Burnaby. The Museum Director shall be fully accountable to the Museum Board on a day to day basis for the running of the Museum and for all other aspects of the Museum operation which fall within the Board's mandate".

2. AMENDMENT TO THE ASSOCIATION'S CONSTITUTION AND BYLAWS

On Page 29, Item III - Officers (4) - shall be changed to read that - "No executive officer may hold the same office for longer than three (3) consecutive years". The previous agreement read 'two (2 ) consecutive year.

This request has been made by the Association and staff would recommend that Council approve it.

The Constitution and Bylaws of all Associations that have similar agreements with Council for the occupancy of space, etc. are attached to the respective legal agreements and the organizations undertake not to change the Constitution and Bylaws without the approval of the Corporation.

3. CLARIFICATION REGARDING ASSOCIATION FUNDS

On Page 8, Item 9 - Finance (4) - shall have the word 'private' inserted as in "the private funds of the Association, etc.". This is simply to clarify further the difference between the private funds of the Association and the public funds of the Museum flowing through the Finance Department.

4. MODEL RAILWAY ENGINEERS' LIABILITY (B.C. SOCIETY OF MODEL ENGINEERS)

On Page 10, in Item (3) (f) - insert the words "shall carry their own liability insurance" as follows:

'The Engineers shall carry their own liability insurance and shall indemnify and save harmless, etc.'. This is simply to emphasize that the Engineers, as per their own agreement, do carry their own liability insurance.

For the information of Council we would advise that currently, at the request of the British Columbia Society of Model Railway Engineers, the Parks and Recreation Commission is conducting a search of the Parks System in conjunction with the Engineers' representatives to ascertain if there is another location within the System which would be suitable for the relocation of the railway and which would allow for a railway expansion which the Engineers are desirable of attaining.

If this search is successful, then Council will be advised of the results on some future occasion. In the meantime, even if it is successful, such a transfer will take considerable time to implement and in the meantime, the Engineers would continue to operate adjacent to the Museum.

A separate legal agreement covers the operation of the Railway Society on their present location. The Museum Association administers this arrangement on behalf of the Corporation as per Item 11 (3) at the top of Page 10 in their Management Agreement which states in part 'that the Association agrees that the Museum Director shall administer the licence granted by the Corporation to the British Columbia Society of the Model Engineers to operate and maintain a model steam railway for the conveyance of passengers and for display purposes for those lands designated for the purpose immediately adjacent to the Museum, etc. etc.'.

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4. MODEL ENGINEERS - Cont'd.

The Society and the Association cooperate on day to day programming. If the railway moves, a new agreement would be drawn up with the Society covering their new location. This would come back to Council for approval on some future occasion.

5. CORPORATION INSURES BUILDINGS AND CONTENTS

On Page 11, under Item 12 - Indemnification - Add in at the appropriate place that "the Municipality currently insures the buildings and contents of the Museum and names the Association as an additional named insured". This is being added to make absolutely clear that the Association is protected by the Corporation in this manner.

6. CORRECT IDENTIFICATION OF PARKS AND RECREATION DEPARTMENT

On Page 9, under Item (3) - Grounds - in paragraph 3 - the words 'Recreation and Cultural Services Department' shall be corrected to read 'Parks and Recreation Department'. This is simply a housekeeping item.

7. CHANGE IN THE NAME OF THE ASSOCIATION

On Page 1, the name of the Association shall be changed from 'Century Park Museum Association' to 'Burnaby Village Museum Association'. Thereafter, throughout the agreement and attachments, the following changes shall be made.

Wherever 'Century Park Museum Association', 'Heritage Village Museum' or 'C.P.M.A.' appear, they shall be changed respectively to 'Burnaby Village Museum Association', 'Burnaby Village Museum' and 'B.V.M.A.'.

The Association recently had a legal name change to match the change in the name of the Museum from Heritage Village to Burnaby Village.

8. CLARIFICATION OF THE PURCHASING ITEM

On Page 24, Schedule 'D' - Contract Procedures and Purchase Limits - clarify the first two sentences by adding the following words at the end of the first sentence - 'The Association will observe the following guidelines'.

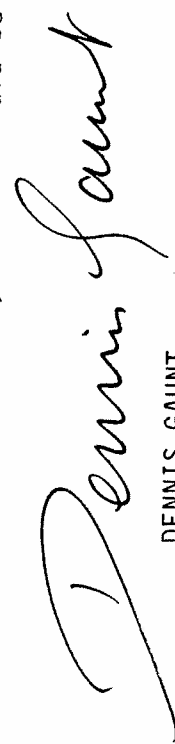
It will therefore read in full: 'In connection with the management of Burnaby Village Museum, acting as the agent of the Corporation and only as provided in the current year's budget, the Association will observe the following guidelines: Purchasing contracts and Construction contracts up to a maximum of \$5,000 etc., etc.'.

FUTURE CONSIDERATIONS

We have been advised by the Museum Board that they are presently negotiating with the Burnaby Historical Society for the Society to occupy space within the Museum boundaries. If and when such a decision is reached, the Corporation will be advised and requested to consider this proposal under conditions outlined within the agreement. (Page 9, Item 11 (2) "OTHER PERMITTED USES").

Secondly, the Board has put the Corporation on notice that throughout the next twelve months, the role of the Board and other aspects of the Board's activities in managing the Museum will be reviewed, which may then be appropriate for consideration for inclusion in future agreements.

At this time, the Corporation staff are not aware of what these future inclusions might be. As and when the Board submits additional requests, Council would be advised through future reports.



DENNIS GAUNT  
Director Recreation &  
Cultural Services

C.C.  
Municipal Solicitor  
Director Finance  
Museum Director

