

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: April 5, 2022

SUBJECT: Administrative Order: Community Outdoor Rinks

ORIGIN

November 23, 2021 Halifax Regional Council motion (Item No 15.1.2)

MOVED by Councillor Morse, seconded by Councillor Russell

THAT Halifax Regional Council direct the Chief Administrative Officer (CAO) to:

1. Return to Regional Council with an Administrative Order for its consideration to establish a grant program to assist groups in covering insurance costs associated with the operation of outdoor community rinks on HRM-owned property; and
2. Include funding in the 2022/23 budget for implementation of the Administrative Order.

MOVED by Councillor Morse, seconded by Councillor Stoddard

THAT the motion be amended to include new section 3 which reads as follows:

3. Waive the requirement for the Audit and Finance Standing Committee to review and advise on a 2020/21 bridging program for Insurance grants for community outdoor rinks and authorize the CAO to provide grants to registered non-profit community groups of up to \$5,000 per group from the General Contingency [now Options] Reserve towards the cost of insurance for community rinks on HRM-owned land in an amount not to exceed \$35,000

MOTION AS AMENDED PUT AND PASSED UNANIMOUSLY

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, S.N.S. 2008, c. 39

59(3) In addition to matters specified in this Act or another Act of the Legislature, the Council may adopt policies on any matter that the Council considers conducive to the effective management of the Municipality.

RECOMMENDATION ON PAGE 2

61(3) The property vested in the Municipality, absolutely, or in trust, is under the exclusive management and control of the Council, unless an Act of the Legislature provides otherwise
79A(1) Subject to subsections (2) to (4), the Municipality may only spend money for municipal purposes if the expenditure is included in the Municipality's operating budget or capital budget or is otherwise authorized by the Municipality...

RECOMMENDATION

It is recommended that Halifax Regional Council adopt Administrative Order 2022-002-ADM, the Outdoor Community Rink Administrative Order, as set out in Attachment 1.

BACKGROUND

From 1996 to 2011, Halifax Regional Municipality (HRM) supported groups to build and operate seasonal community rinks on municipal property. The former community rink program was discontinued in 2011. Upon the discontinuation of the outdoor rink program, the emphasis was put on the provision of free public skating through the opening of the Emera Oval and free public skating at HRM arenas. HRM staff also continued the ice thickness testing at 74 lakes throughout the region.

Although HRM has continued to permit access to public land for community groups wishing to establish an outdoor rink (subject to provision of necessary labour, insurance, equipment, source of water, and adherence to CPTED (Crime Prevention Through Environmental Design) principles), community groups have experienced challenges due to the increasing cost of general liability insurance to operate the seasonal outdoor rink.

The insurance market has experienced significant price increases within the last five years, which has extended to general liability insurance coverage for outdoor rinks. Over the past two years the insurance industry has experienced further price increases across liability and property markets. In discussion with insurers, minimum and retained premium requirements have increased from quotes obtained just a year prior which were then \$2,200-\$2,500 and further increased to \$3,700-\$5,500 in 2021/2022. The insurers have advised that pricing may fluctuate depending on the risk characteristics of each individual rink and that insurance premiums may go up again in future years.

As a result, Regional Council directed the CAO to prepare an Administrative Order for provision of grants for outdoor community rinks and include funding for the grants. Following Council's direction in November 2021, three registered non-profit community groups received grants of up to \$5,000 per group towards the cost of insurance for community rinks on HRM-owned land for the winter 2022 season.

DISCUSSION

The proposed Administrative Order fulfils two purposes: it provides a consistent application of the principles to formally establish a process for permission for outdoor community rinks to operate on municipal property, and it establishes a grant program for funding assistance for liability insurance for these rinks. Only registered non-profits will be eligible to participate in this program.

To obtain permission for outdoor community rinks placed on HRM owned property, successful applicants will be required to sign a community rink agreement setting out the conditions of approval. This agreement will benefit the community groups and HRM, as it will clearly outline the responsibilities between parties. This will include things such as requirements for ice monitoring, signage, and insurance.

With respect to funding assistance for the cost of insurance, the proposed Administrative Order sets out the application process and requirements, such as a requirement to submit at least two quotes for

insurance, as well as the evaluation criteria. The approval and determination of the amount of a grant rests with the CAO, or their delegate. Without a funding program, community outdoor rinks would be challenged to operate on municipal land as community groups will not have the necessary funds to pay for the general liability insurance, which is required by the Municipality to operate an outdoor rink on municipal land.

In addition to any requirements of HRM, the insurer will also have standards that the rink will be required to meet to be insured. These standards will be outside of HRM's control and may vary. The insurer will also require an annual application for insurance. Fluctuating premiums may also impact the number of rinks that the program budget may accommodate year-to-year, and as such under the proposed Administrative Order, the maximum grant amount available under this program will be set annually by staff.

This report and program considers only rinks placed on HRM land where HRM requires insurance to be provided. Requirements for insurance for outdoor rinks set up on non-HRM property are at the discretion of the private property owner.

This report aligns with the Council Strategic priority – Communities – Involved Communities, as the Community Rink program encourages residents to be actively involved in their communities and to enjoy participating and volunteering in this leisure, social and recreational opportunity.

FINANCIAL IMPLICATIONS

Costs associated with creating a Community Rink Grant Program are estimated to be \$35,000 per year to support up to ten community groups, with a maximum funding allotment of \$5,000 per group, per year. Funding for this program has been added to the Parks & Recreation 2022/23 operating budget (D101-6933).

RISK CONSIDERATION

The risks outlined in this report rate low. For outdoor rinks which are placed on property owned by HRM, community groups will be required to enter into an agreement with HRM which would outline duties and responsibilities, thereby reducing the risk to HRM. Further, the creation of an administrative order defines requirements and conditions to ensure proper use of any grant funding.

COMMUNITY ENGAGEMENT

Community Groups who have operated community rinks over the past five years have been engaged in preparing this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

1. Regional Council could adopt the Administrative Order as set out in Attachment 1 with amendments. This may require a supplemental staff report.
2. Regional Council could choose to not adopt the Administrative Order as set out in Attachment 1. This would result in there being no policy in place with respect to community outdoor rinks or the associated grants for insurance costs.

ATTACHMENTS

Attachment 1 - Administrative Order

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Darren Hirtle, Community Developer, Recreation, 902.490.4865

**ADMINISTRATIVE ORDER NUMBER 2022-002-ADM
RESPECTING OUTDOOR COMMUNITY RINKS**

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

Short Title

1. This Administrative Order may be known as the *Community Rinks* Administrative Order.

Interpretation

2. In this Administrative Order,

(a) “applicant” means a registered non-profit organization applying to establish a community rink or for funding under this Administrative Order;

(b) “community rink” means an ice surface constructed by a community rink group to be used by the public for ice skating;

(c) “community rink group” means a registered non-profit organization or registered charitable organization operating a community rink;

(d) “Council” means the Council of the Halifax Regional Municipality;

(e) “registered non-profit organization” includes:

(i) a society incorporated pursuant to the *Societies’ Act*, R.S.N.S. 1989, c. 435, as amended;

(ii) a not-for-profit corporation incorporated pursuant to the *Canada Not-for-Profit Corporations Act*, S.C. 2009, c. 23; or

(iii) a not-for-profit organization otherwise incorporated pursuant to an Act of the Nova Scotia legislature;

(f) “Municipality” means the Halifax Regional Municipality;

(g) “registered charitable organization” means a charity registered in accordance with the Income Tax Act, R.S.C. 1985, c.1, as amended; and

(h) “staff” means employees of the Municipality.

Purpose and Objectives

3. The purpose of this Administrative Order is to:
 - (a) permit the operation of outdoor community rinks located on property owned by the Municipality and provide direction for the establishment and operation of such community rinks; and
 - (b) provide grants to eligible community groups to assist with the costs of insurance for outdoor community rinks located on property owned by the Municipality.

Eligibility

4. To be eligible for permission to operate an outdoor community rink or for consideration for a grant pursuant to this Administrative Order, the applicant shall be a registered non-profit organization or registered charitable organization in good standing at the Registry of Joint Stock Companies.
5. Applicants in default of their obligations to the Municipality under a grant program, or that are not current in payment of their municipal taxes, shall be given notice and an opportunity to remedy the situation. Applicants who do not remedy the situation will be ineligible.
6. To be eligible for permission to operate an outdoor community rink or for consideration for a grant pursuant to this Administrative Order, the community rink for which permission or a grant is sought shall be:
 - (a) situated on land owned by the Municipality;
 - (b) outdoors; and
 - (c) available for use by any member of the public.

Part I – Establishment of Community Rinks

Application Requirements

7. There shall be one (1) intake period per fiscal year. The intake period and application deadline shall be established by staff and advertised on the Municipality's website.
8. Applicants shall be required to re-apply annually.
9. Late or incomplete applications shall not be reviewed or considered.
10. All applications must be received by the application deadline. The method for submission shall be as established by staff and advertised on the Municipality's website.

11. All applications must be in the format prescribed on the program's application form and shall include:

- (a) a site plan that includes:
 - (i) the location of existing property lines on the proposed community rink site;
 - (ii) the location of existing structures and buildings on the proposed community rink site;
 - (iii) the location of existing landscape features such as planting beds, trees, pathways, benches, lighting, fencing, parking area on the proposed community rink site;
 - (iv) a brief description of the properties surrounding the proposed community rink site;
 - (v) the distances between property lines, existing structures and landscape features near the proposed community rink site;
 - (vi) the dimensions and locations on the proposed community rink site of any proposed fencing, rink boards, benches, garbage receptacles, or other similar features to be installed in support of the proposed community rink; and
 - (vii) the location of the proposed water source for the proposed community rink site; and
- (b) any other information requested by staff.

Application Review Process and Approval

12. Applicants will be notified promptly if their application is ineligible.

13. Applications will be reviewed by staff from Park Planning, Park Maintenance, and Community Development and a recommendation shall be made to the CAO, or delegate, on the application's approval.

14. Approval of applications is a decision of the CAO, or delegate, in their sole discretion.

15. (1) Council hereby delegates to the CAO the authority to approve and sign, on behalf of the Municipality, community rink agreements and any amendments to such agreements.

(2) The CAO may further delegate the authority granted to them under subsection (1).

Conditions of Approval

16. If a community rink is approved by the Municipality, the community rink group shall enter into a community rink agreement with the Municipality.

17. As part of the community rink agreement, the community rink will be required to carry commercial general liability insurance in respect of injury of one or more persons and property damage insurance in connection with the use of the community rink, in an amount of not less than \$2,000,000 with coverage extended to all users (participants and spectators) of the community rink, with the Municipality as named additional insured.

18. Every community rink group with an executed community rink agreement shall:

(a) operate and manage the community rink in a fair, equitable, and transparent manner;

(b) comply with the approved site plan and community rink agreement; and

(c) be responsible for all expenses associated with operating and maintaining the community rink, including the provision of water to such community rink.

19. Community rink groups shall be required to submit a final report on the approved community rink by the stated deadline to include a minimum of:

(a) the number of days the community outdoor rink was open;

(b) the number of days the community outdoor rink was used for skating; and

(c) any information available on the number of users of the outdoor community rink.

20. Failure of a community rink group to comply with this Administrative Order or the community rink agreement may result in termination of the community rink agreement and closure of the community rink by the Municipality.

Part II – Grants for Insurance for Community Rinks

Grants Available

21. There is hereby established a grant program to provide financial support toward the cost of insurance for outdoor community rinks.

22. The maximum grant available under this program per fiscal year per eligible outdoor community rink will be set by staff annually, taking into consideration the annual approved budget and the insurance market. The maximum grant amount shall be published annually on the Municipality's website.

Eligible Expenses

- 23. A grant may only be used to pay for the cost of general liability insurance for the outdoor community rink for which the application is made.
- 24. Proof of payment must be submitted to the Municipality no later than 10 days following the date of payment to the insurer.
- 25. Any surplus funds must be returned to the municipality at the time the proof of payment is submitted.

Application Requirements

- 26. There shall be one (1) intake per fiscal year. The intake period and application deadline shall be established by staff and advertised on the Municipality's website.
- 27. Late or incomplete applications shall not be reviewed or considered.
- 28. All applications must be received by the application deadline. The method for submission shall be as established by staff and advertised on the Municipality's website.
- 29. All applications must be in the format prescribed on the program's application form and shall include:
 - (a) a minimum of two quotes for the cost of general liability insurance as required by this Administrative Order;
 - (b) a budget for the cost of the installation and maintenance of the community rink;
and
 - (c) any other information requested by staff.

Application Evaluation

- 30. The following criteria shall be used to evaluate grant applications for consideration by the CAO:
 - (a) proximity of the proposed community rink to other skating opportunities;
 - (b) equitable geographic distribution of grant awards to the extent possible based on the applications received;
 - (c) capacity of community to support a community rink;
 - (d) any proposed fundraising to support the cost of the installation and maintenance of the community rink;
 - (e) quality of safety and communications plans;

(f) the insurance quotes submitted; and

(g) past performance where the applicant has previously operated an outdoor community rink on Municipal property.

Application Review Process and Approval

31. Applications will be administered by Parks & Recreation.

32. Applicants will be notified promptly if their application is ineligible.

33. (1) Council hereby delegates to the CAO the authority to approve grants under this Administrative Order, and to determine the amount of such grants.

(2) The CAO may further delegate the authority granted to them under subsection (1).

34. Final approval of all applications for a grant, and the amount thereof, is a decision of the CAO, or delegate, in their sole discretion.

35. Approval of grants is conditional on Council's approval of the annual program budget.

36. Due to limited funds, not all eligible applications may receive funding.

Conditions of Approval and Payment of Funds

37. (1) Subject to subsection (2), grant monies shall be dispersed in full upon approval of the grant application.

(2) Disbursement of grant funds is conditional on successful applicants entering into an agreement with the Municipality granting permission to construct the outdoor community rink as set out in Part I of this Administrative Order.

General

38. Nothing in this Administrative Order shall be interpreted to limit or otherwise prescribe Council's general discretion to provide grants under the *Halifax Regional Municipality Charter*.

Done and passed in Council this ____ day of _____, A.D. 2022.

Mayor

Municipal Clerk

I, Iain MacLean, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of the Halifax Regional Council held on _____, 2022.

Iain MacLean, Municipal Clerk