



**City of Kingston
Report to Council
Report Number 24-098**

To: Mayor and Members of Council
From: Jennifer Campbell, Commissioner, Community Services
Resource Staff: Tony Gargaro, Manager, Recreation Services, Recreation & Leisure Services
Date of Meeting: March 5, 2024
Subject: 2024 Aquatics Agreement– BGC South East

Council Strategic Plan Alignment:

Theme: 4. Foster a Caring and Inclusive Community

Goal: 5.7 Foster culture, history, education, arts and recreation (CHEAR).

Executive Summary:

Since 2015 the City has made use of the pool at BGC South East's west end location to accommodate additional swim programs to meet community needs. The purchase of service agreement that covers this pool rental was amended and renewed in 2023. In the time since, challenges have arisen in the interpretation of the amended agreement, especially as related to what additional costs were eligible for payment by the City specific to the aquatic programs operated at the site. Staff have met with representatives from BGC South East on this matter and there is agreement that the clearest path forward would be to return to a purchase of services agreement that is based on an hourly rate for pool times at the BGC South East's west end location.

Staff are recommending through this report that the City issue notice to terminate the existing agreement with BGC South East and that staff be directed to enter into a new purchase of service agreement which would include an opportunity for annual renewal and would formalize a \$95 per hour rental rate for pool access at the west end location of BGC South East (without lifeguards). Outside of this hourly fee there would be no additional fees for administration, cleaning and site operations.

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Recommendation:

That Council direct staff to give notice to BGC South East of its intent to terminate the existing purchase of service agreement as mutually agreed to at a meeting held on February 16, 2024; and

That Council direct staff to enter into a purchase of service agreement with BGC South East to provide public access to their pool located at 1300 Bath Road at a rate of \$95 per hour inclusive of all associated administrative, cleaning and site operations costs and with lifeguards booked separately on an as needed basis at the actual staffing rates of BGC South East and where the term of the agreement covers all of 2024 and provides an annual opportunity for renewal; and

That Council authorize the Commissioner of Community Services or their delegate to review and approve all necessary documents and agreements subject to the initial agreement and the Mayor and Clerk to execute all approved documents and agreements, in a form satisfactory to the Director of Legal Services, related to the purchase of services as outlined in Report Number 24-098.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Jennifer Campbell,
Commissioner, Community
Services**

ORIGINAL SIGNED BY CHIEF

ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Growth & Development Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	

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Options/Discussion:**Background**

In the fall of 2014, the Boys & Girls Club of Kingston & Area (now known as BGC South East) opened its west end location within the Frontenac Mall. Following this, the on-site pool was opened in the spring of 2015. As result of Council direction received in 2015 to pursue partnership options with the Boys & Girls Club at this new location ([Report Number 15-353](#)), City staff met with Boys & Girls Club representatives at the time and identified available pool times at the new location that could be rented to and programmed by the City to accommodate additional swim programs to meet community needs. City staff negotiated a rental rate of \$75 per hour as part of this agreement which allowed the City to expand aquatic services to the community and the Boys & Girls Club to increase its operational revenues by renting underutilized hours at its pool. Through the 2015 agreement that City was also responsible to provide staffing for those programs.

At the January 24, 2017 meeting of City Council ([Report Number 17-045](#)), Council supported the staff recommendation to enter into a purchase of service agreement, for a period of 5 years with an option to renew for another 5 years, in the amount of \$103,000 annually for community access to the Boys and Girls Club west end facility starting in April 2017. The agreement amount was based on the Boys and Girls Club continuing to secure access and use of the pool in addition to use of a multi-purpose room and some office space at the facility. The 2017 agreement saw the City continue to deliver additional aquatic programs at the site as well as establishing partnership agreements with the Kingston Community Health Centres (KCHC) to deliver a variety of health and social services as well as with the Seniors Association to include the delivery of additional programs at the Boys and Girls Club's west end facility.

The five-year term of the 2017 agreement ended in 2022 and a renewed agreement was signed in February of 2023. At the time of the renewal, the particulars of the purchase of service were reviewed and the details of the agreement were updated to address the increased interest by the City in securing additional access to the aquatic facilities at the site. The amended agreement, continued to include baseline funding for pool access of \$103,000 with additional pool hours available at the rate of \$50 per hour for pool use, \$22 per hour for lifeguards as necessary, and \$24.88 per hour for the cost of administrative desk support. The value of the continued Community uses at the site (room bookings) were noted at \$0.

Over the course of 2023 challenges arose in the interpretation of the amended agreement, especially as related to what additional costs were eligible for payment by the City specific to the aquatics programs operated at the site. Staff began meeting with representatives from BGC South East in the fall of 2023 to discuss the invoicing challenges and negotiate ways to bring greater clarity to the agreement and ensure that the aquatics programming partnership could continue to mutual benefit in 2024.

It was agreed to by both parties that the clearest way to move forward, would be to return to a purchase of service agreement that is based on an hourly rate for pool times at the BGC South

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East west end location. In consideration of inflationary pressures and operating expenses associated with BGC South East's operation of their pool, the proposed hourly rate has been adjusted from the \$75 per hour first agreed to in 2015 to \$95 per hour moving forward. The \$95 per hour rate covers the pool rental without lifeguards, where lifeguards could be booked if needed at the actual staffing rates to BGC South East (between \$19-\$24 per hour depending on guard wages). Outside of the hourly fee there would be no additional fees for administration, cleaning and site operations. The fee structure proposed by BGC South East is the same as what is offered to other rental groups, such as Loyalist Township, and is in line with the rental rates that the City of Kingston applies at Artillery Park.

Should Council support issuing notice to terminate the existing agreement with BGC South East and direct staff to enter into a new purchase of service agreement at the rates as described in this report, staff would ensure that the 312 hours of swim lessons held at the BGC South East west end location would continue unimpacted. Staff would also continue to book lane and drop-in swims as needed and within the approved aquatics budget as a way of continuing to expand aquatic services to the community. Through the terms of the agreement the hourly rates would be applied retroactively to cover all bookings made in 2024.

City staff continue to work on options to increase the overall aquatics inventory in the community. Alongside of the proposed purchase of service agreement with BGC South East, staff will continue to explore partnerships with other local community aquatics providers to provide additional services to the community.

Indigenization, Inclusion, Diversity, Equity & Accessibility (IIDEA) Considerations

A commitment of the City of Kingston Parks and Recreation Master Plan (updated January 2023) is to strive to eliminate physical, social, financial, cultural and other barriers to accessing recreational pursuits in Kingston, while additionally supporting a range of services, facilities and programs that reflect the diverse interests and cultures within the city. The continued partnership with BGC South East to provide increased community access to aquatics programming aligns with these intents.

Existing Policy/By-Law

Parks and Recreation Master Plan (Updated January 2023)

Aquatic Facility Assessment Review, City of Kingston, August 2023

Financial Considerations

Funding to support the costs associated with the City rental of the pool at BGC South East's west end location were included in the approved 2024 operating budget of the Recreation & Leisure Services Department.

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Contacts:

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Other City of Kingston Staff Consulted:

Tony Gargaro, Manager, Recreation Services, Recreation & Leisure Services

Exhibits Attached:

None