RECOMMENDATION:

(a) That the proposed amendments to the Operating and Maintenance Agreement for the Mohawk 4Ice Centre (attached as Appendix A to Report CS10020), be approved; and,

(b) That the Mayor and City Clerk be authorized and directed to execute the Operating and Maintenance Amending Agreement for the Mohawk 4Ice Centre (attached as Appendix A to Report CS10020).

EXECUTIVE SUMMARY


With the non-compliant items of the audit report addressed, the Mohawk 4Ice Centre Facility Management Review Team (FMRT) required changes to the April 13, 2007 Mohawk 4Ice Centre Operating and Maintenance Agreement (the Agreement). In
consultation with the Legal Services Division, housekeeping changes were required; therefore, an Amending Agreement (attached as Appendix A to Report CS10020) has been prepared for consideration. The housekeeping changes are minor in nature, addressing the membership of the FMRT and timelines for the submission of financial documentation. There are six housekeeping changes in total, which are listed on page 2 of the Agreement (attached as Appendix A to Report CS10020): Item 2 sub-sections (a) through (f).

Alternatives for Consideration – see page 4

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

FINANCIAL
Improved collection efforts by HAP Inc. would provide more timely cash collections.

STAFFING
There are no staffing implications associated with Report CS10020.

LEGAL
The Legal Services Division has reviewed Report CS10020 and supports the recommendations. Legal Services Division staff will need to revise the Agreement, based on housekeeping changes from a previous auditing report as noted in Appendix A to Report CS10020.

HISTORICAL BACKGROUND

In January 2005, the Mohawk 4 Ice Centre (the Centre) was officially opened to the public. This facility is a public, private partnership between the City of Hamilton (the City) and HAP.

Development Agreements were in place for the construction of the facility and an Operational Maintenance Agreement for the Centre was approved for the day-to-day operations.

As per the Agreement, a FMRT was formed to oversee the operation of the Centre. The FMRT consists of three representatives from the City and two representatives from HAP. The FMRT meets on a monthly basis.

The 2007 Internal Audit work plan approved the review of the management and administration of the long-term contract with HAP for the operation of the Centre; a joint public/public partnership. On November 14, 2007, Audit Services staff brought forward
an Internal Audit Report (CM07032) identifying follow-up required by the General Manager of Finance and Corporate Services and the General Manager of Community Services to address the “Comments and Issues” identified in the report.

**POLICY IMPLICATIONS**

There are no policy implications associated with Report CS10020.

**RELEVANT CONSULTATION**

Corporate Services Department, Budget and Finance Division  
Community Services Department, Recreation Division  
Corporate Services Department, Treasury Services Division  
Corporate Services Department, Legal Services Division  
Hamilton Arena Partners Inc.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

Within the original Agreement and the subsequent Amending Agreement, there are many articles, which define selected Terms and Conditions to be met by each party to the Agreement. Under the main subject headings of Management Services, Management of Money and Accounting and Budget, each clause was reviewed, observations and supporting documentation noted and the level of compliance assessed under the 2007 Internal Audit work plan. The City’s Audit Services Division provided the results on a clause-by-clause basis in the report Mohawk 4Ice Centre – Review of Operating and Maintenance Agreement with Hamilton Arena Partners Report (CM07032).

In consultation with the Legal Services Division, these housekeeping changes to the Agreement are required.

**ALTERNATIVES FOR CONSIDERATION:**

There are no alternatives to Report CS10020.
CORPORATE STRATEGIC PLAN


Financial Sustainability

- Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative and cost effective manner.

APPENDICES / SCHEDULES

Appendix A to Report CS10020 – Second Operating and Maintenance Amending Agreement