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Staff Report

Community Services

Report To: Committee of the Whole
Meeting Date: December 4, 2017
Report Number: CSPW.17.123
Subject: Change of Ownership for Northwinds Beach Commercial Operations
Prepared by: Shawn Everitt, Director of Community Services/Acting CAO

A. Recommendations

THAT Council receive Staff Report CSPW.17.123 entitled "Change of Ownership for Northwinds Beach Commercial Operations";

AND THAT Council authorize staff to permit the existing Commercial Operations Permit to continue operations under the existing business name of "Black Watch Ltd.", and acknowledge that new ownership will be in place for the 2018 summer season with all Permit conditions to apply as outlined in the existing agreement.

B. Overview

This report provides Council with information pertaining to the existing Northwinds Beach Commercial Operations Permit. The current owner of Black Watch Ltd. wishes to sell the company named Black Watch Ltd. and, as part of the sale, would like the Commercial Operations Permit to continue for the purchaser.

C. Background

In 2015, Council directed staff to issue a Request for Proposal (RFP) for interested parties to submit proposals for the exclusive Commercial Operations rights at Northwinds Beach.

The Town received two submissions and through an evaluation process Black Watch Ltd. was the successful proponent. The original Commercial Operations Permit and Agreement is based on a 3 year term with the option of offering a 2 year renewal.

The current owner of Black Watch Ltd. requested that staff consider transferring the third year of the Commercial Operations Permit to a new owner of Black Watch Ltd.

Historically, unpermitted Commercial Operations at Northwinds Beach have caused concerns that are limited to other Commercial Operation suppliers using or wishing to use the property. The number of concerns however have been reduced significantly and staff believe that allowing permit controlled Commercial Operations on Town property needs to continue.

D. Analysis

Staff, including the Town's Manager of Purchasing, have reviewed the current Commercial Operations Permit conditions and Agreement and have determined that the Town has the ability to allow for the Commercial Operations Permit to be transferred. The following points have been discussed with the current owner and the prospective purchaser of Black Watch Ltd.;

- Black Watch Ltd. will remain the named company the Commercial Operations Permit is issued to
- All required documentation and proof of ownership including Certificate of Insurance identifying new ownership and individuals is required
- All elements of the existing Commercial Operations Permit and Agreement will remain in place and be the responsibility of Black Watch Ltd.
- The subject Commercial Operations Permit continues to be limited to the summer ending in September 2018, the third year of a 3 year agreement, while maintaining the ability to extend for two additional years based on performance and conditions of the permit being fulfilled and adhered to.

The prospective purchaser provides similar commercial operations throughout the region. Staff recommend the transfer of the Commercial Operations Permit and believe that the prospective purchaser will provide a high level of Commercial Operations at Northwinds Beach and will have no issues fulfilling the conditions of the existing Commercial Operations Permit.

E. The Blue Mountains Strategic Plan

Goal #2: Engage Our Communities & Partners

Goal #3: Support Healthy Lifestyles

F. Environmental Impacts

Promotion of healthy and active lifestyles.

G. Financial Impact

Annual Permit Fee remains at \$5,000 per season.

H. In consultation with

Senior Management Team

Manager of Parks and Trails

Manager of Purchasing and Risk Management

Black Watch Ltd.

I. Attached

None

Respectfully submitted,

Shawn Everitt
Director of Community Services

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