



Date: December 6, 2004

**TO: Board Members - Parks and Recreation**  
**FROM: General Manager - Parks and Recreation**  
**SUBJECT: Theatre Under the Stars – One Year Agreement Extension**

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*That this Report be received for information.*

## **BACKGROUND**

Theatre Under the Stars (TUTS) has been performing during the summer at Malkin Bowl since 1971. At first their occupation of the site was based on an annual approval which was formalized in 1985 with an Agreement of Understanding. In 1994 the Board's approval was extended to 5 year agreements with the current agreement terminating in 2004.

## **DISCUSSION**

TUTS has indicated its intention to fund raise to rebuild Malkin Bowl and hence become a major funding partner as opposed to a seasonal park tenant.

In April, 2002, after hearing this long term vision of staff and TUTS the Board unanimously approved the following resolutions:

- A. *That the Board endorse fund raising by Theatre Under the Stars to redevelop Malkin Bowl.***
- B. *That the Board agree to enter into a license with Theatre Under the Stars to occupy and operate Malkin Bowl for ten years with a ten year option exercisable by the licensee subject to the completion of fund raising and a design satisfactory to the Board.***

TUTS has a new Board and President and the fund raising for an improved facility is a high priority for them. Their Capital Campaign Committee is about to be finalized.

At this time we had anticipated that TUTS would have commenced their fund raising process. As this has not occurred, we are extending the current operating agreement (attached) for the 2005 season to facilitate the efforts of TUTS in raising the required funds.

At such time that fund raising is in place, the Board has given design approval, and the project is ready to proceed, a new license agreement will be prepared reflecting the change in the nature of the current relationship.

Prepared by:

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