

Date: June 2, 2006



TO: Board Members – Vancouver Park Board
FROM: General Manager – Parks and Recreation
SUBJECT: Theatre Under the Stars - 2006 Operating Agreement

RECOMMENDATION

- A. THAT the Board approve an operating agreement for the 2006 season for Theatre Under the Stars (TUTS) to occupy Malkin Bowl which will include a provision to sublet the venue subject to the approval of the General Manager;***
- B. THAT no legal rights shall arise and no consents, permissions or licenses are granted hereby and none shall arise or be granted hereafter unless and until all contemplated legal documentation has been executed and delivered by all parties;***
- C. THAT once the form of all legal documentation has been approved by the General Manager and the Director of Legal Services for the City of Vancouver, that the General Manager be authorized to execute and deliver such documentation on behalf of the Board.***

BACKGROUND

Theatre Under the Stars, also known as TUTS, started in 1934 in an outdoor band shell (Malkin Bowl) in Stanley Park for summer afternoon concerts of choral or orchestra music. In 1940 a group of local theatre people formed a “not for profit society” called “Theatre Under the Stars” to produce quality musicals during the summer.

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.

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

- A. That the Board endorse fundraising 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 10 years with a 10 year option exercisable by the licensee subject to the completion of fundraising and a design satisfactory to the Board.***

In December, 2004 staff sent an information report to the Board stating that TUTS were commencing their fundraising program and had agreed to extend their current operating agreement for the 2005 season. At the end of the year the status of the project would be brought back to the Board for their information or approval as required.

DISCUSSION

In 2005 TUTS operated from July 13th to August 20th with two musicals performing on alternating nights; *Can-Can* and *Big*. The fundraising program was slow getting off the ground and the society experienced financial problems that resulted in a significant operating deficit at the end of the year.

The TUTS Board of Directors decided not to stage any productions themselves in 2006 and requested that they be allowed to sublet Malkin Bowl to other musical/concert groups subject to the final approval of staff. To-date approval has been given to TUTS to contract with the House of Blues to hold 10 concerts at the Bowl during the summer season. These concerts will appeal to a wide audience and include folk music, country and western, and soft rock. TUTS and the House of Blues have jointly held several concerts at the Bowl over the past few years without incident.

TUTS are committed to securing a stable financial future and intend to restructure their business plan in 2006 before embarking on another season of productions themselves.

Malkin Bowl itself is in need of extensive renovations which are included in the present fundraising program. For 2006 our maintenance crews will ensure the condition is satisfactory for accommodating the upcoming concerts.

SUMMARY

TUTS has a long history in Vancouver with their summer concerts, and an operating agreement to allow them to sublet Malkin Bowl in 2006 while their restructuring takes place will be a positive step in their recovery process.

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