

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #6/19, Friday, June 21, 2019

FROM: Moranne McDonnell, Director, Restoration and Infrastructure

**RE: TORONTO PORT AUTHORITY MEMORANDUM OF UNDERSTANDING AND
MASTER SERVICE AGREEMENT**

KEY ISSUE

Toronto and Region Conservation Authority (TRCA) request for Board of Directors approval to enter into a Memorandum of Understanding (MOU) setting the guiding principles of a long-term relationship between TRCA and Toronto Port Authority (TPA), and a subsequent Master Service Agreement with TPA for a variety of environmental initiatives that provide mutual benefits to the two organizations along the Toronto Waterfront within TPA's jurisdiction.

RECOMMENDATION

WHEREAS both Toronto and Region Conservation Authority (TRCA) and Toronto Port Authority (TPA) play integral roles in the development and protection of Toronto's waterfront;

AND WHEREAS TRCA and TPA desire to support the activities of the other by collaborating on projects that are beneficial to the City of Toronto, TRCA's municipal partners, the Province of Ontario, and Canada;

THEREFORE LET IT BE RESOLVED THAT TRCA staff be directed to enter into a non-binding Memorandum of Understanding (MOU) with TPA setting the guiding principles of a long-term partnership to advance a variety of mutually beneficial infrastructure, planning and environmental initiatives;

THAT staff be directed to enter into a subsequent Master Service Agreement and Letter Agreements with TPA for TRCA to undertake a variety of activities on behalf of TPA that may include but not be limited to activities such as:

- (a) environmental monitoring;**
- (b) project planning;**
- (c) landscape design and construction;**
- (d) stakeholder consultation; and**
- (e) obtaining environmental permits and approvals.**

AND FURTHER THAT authorized TRCA officials be directed to take whatever action may be required to implement the agreements, including the obtaining of necessary approvals and execution of any documents.

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BACKGROUND

Since 1986, TRCA has been working with the TPA (formerly Toronto Harbour Commissioners, and now operating under the name PortsToronto) to cost-share the dredging of the Keating Channel on an annual basis to prevent the long-term accumulation of sediment that adversely impacts hydraulic capacity and has the potential to increase flooding and accumulation of ice within the Channel and the Lower Don River.

Since 1989, TRCA has completed an environmental assessment and planning process to develop and implement the Tommy Thompson Park (TTP) Master Plan, which has and continues to transform the Leslie Street Spit, a lakefill site created from surplus construction fill from various development sites in Toronto commencing in the late 1950s, into a unique urban wilderness feature on Toronto's waterfront with funding support from the City of Toronto, and through grants and fundraising efforts.

Today, TRCA and TPA are engaged in discussions regarding a variety of initiatives including:

- flood protection work including Billy Bishop Airport;
- maintenance of, and upgrades to, the existing facilities at the Outer Harbour Marina;
- the transformation of the Outer Harbour Marina into a more accessible and ecologically productive landscape;
- final armouring of the Leslie Street Spit to satisfy Ministry of Natural Resources and Forestry (MNRF) requirements;
- expanded dredging of the Keating Channel for the Don Mouth Naturalization and Port Lands Flood Protection Project; and
- the collection of environmental monitoring data required to support decisions related to the potential future development of TPA lands.

RATIONALE

With both organizations playing an integral role in the development and protection of Toronto's waterfront, and the desire to support the activities of the other from a position of collaboration, the establishment of agreements is a key component of legitimizing a long-standing relationship into a formal business partnership.

The development and execution of an MOU allows the two organizations to agree on the guiding principles of a long-term partnership that seeks to expedite initiatives that are deemed beneficial to both parties. An MOU is typically intended to be non-binding, but it signals the intention of two parties to enter into future agreements from a position of mutual respect and shared objectives. Entering into an MOU will allow TRCA to enter into Non-Disclosure Agreements with TPA to obtain feedback on plans that help to shape the design process in a manner that ultimately expedites the approval process through increased assurance that all environmental concerns and objectives have been considered prior to finalizing the design plans.

Where specialized services are requested to be provided by TRCA to advance specific initiatives of TPA, a Master Service Agreement and subsequent Letter Agreements govern the terms and conditions related to how future services will be provided. It is recommended that the Master Service Agreement with TPA be similar to the type of agreement that TRCA has with the City of Toronto Parks and Forestry Division but tailored specifically to the needs of TPA and their jurisdiction. With respect to the provision of specific services, a Letter Agreement

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appended as a Schedule to the Master Service Agreement speaks to the scope of work, budget, schedule and other project-specific details.

On the reciprocal side, it is TRCA's intention to utilize TPA for dredging assignments and marine based transportation and construction. For example, this could include working with TPA on TRCA and municipal partner initiatives and work related to flood protection and erosion hazard mitigation projects across the Lake Ontario Waterfront within our jurisdiction.

It is the desire of TRCA and TPA to develop and execute the MOU in summer 2019 following approval by each party's respective Board of Directors, with the Master Service Agreement to follow as soon as possible thereafter. Once the Master Service Agreement is executed, Letter Agreements will be developed and executed from a pre-approved template on an as-needed basis.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 2 – Manage our regional water resources for current and future generations

Strategy 7 – Build partnerships and new business models

FINANCIAL DETAILS

TRCA and TPA will each fund their respective costs associated with the development and execution of these agreements, with TRCA's portion covered by projects funded by municipal partners or senior levels of government.

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