

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #4/20, Friday, May 22, 2020

FROM: John MacKenzie, Chief Executive Officer

RE: **TORONTO BOTANICAL GARDENS MEMORANDUM OF UNDERSTANDING
AND SERVICE LEVEL AGREEMENT**

KEY ISSUE

Toronto and Region Conservation Authority (TRCA) staff are advising the Board of Directors of TRCA's intent to enter into a Memorandum of Understanding (MOU) setting the guiding principles of a long-term relationship between TRCA and the Toronto Botanical Gardens (TBG), and to report back to the Board on any subsequent Service Level Agreement or specific Agreements with the TBG for a variety of environmental initiatives that provide mutual benefits to the two organizations.

RECOMMENDATION

WHEREAS TRCA is dedicated to the conservation and management of natural resources;

AND WHEREAS the TBG operates a living museum, maintaining documented plant collections for the purposes of education, conservation, research and display;

AND WHEREAS TRCA and the TBG recognize that there are opportunities for cooperation and collaboration and agree to establish a framework for an ongoing collaborative relationship;

AND WHEREAS TRCA can support the TBG desire to expand through knowledge and support through design development, fundraising, construction and public education and awareness;

THEREFORE LET IT BE RESOLVED THAT TRCA staff be directed to enter into a non-binding Memorandum of Understanding (MOU) with the TBG (attached) which includes general principles which will guide cooperation and collaboration between the two organizations on a variety of natural resources management and related environmental initiatives;

THAT staff be authorized to prepare a Service Level Agreement(s) and Letter Agreements with the TBG for TRCA to undertake a variety of activities on behalf of the TBG that may include but not be limited to activities such as:

- (a) erosion hazard mitigation;**
- (b) forest management and arboricultural services;**
- (c) review of TRCA Permit Applications under O.Reg. 166/06, including water resources engineering, geotechnical engineering and ecology;**

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- (d) coordination with City of Toronto Urban Forestry – Ravine and Natural Feature Protection By-law staff;
- (e) terrestrial and aquatic restoration opportunities;
- (f) invasive species management plans and implementation;
- (g) restoration opportunity planning and prioritization;
- (h) wildlife and ecosystem management services;
- (i) trails and facilities planning design, permitting and construction;
- (j) education and outreach related services;

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

BACKGROUND

The Toronto Botanical Garden (TBG) with the City of Toronto have developed the “Edwards Gardens and Toronto Botanical Garden 2018 Master Plan and Management Plan” (Attachment 2). This TBG Board approved plan identifies the expansion of the location from four (4) to thirty-five (35) acres in order to create a globally-acclaimed botanical garden. The Plan identifies potential partners and lists TRCA as a site partner, as TRCA is a regulator for which consultation on programming and management would be required.

TRCA has been mitigating flooding and erosion hazards and protecting, restoring, and enhancing terrestrial and aquatic habitat for decades. We have applied our knowledge of stream, valley and shoreline management, and our professional expertise to achieve numerous successful projects in partnership with other public agencies such as the City of Toronto and Waterfront Toronto. Some of this work for the City of Toronto has recently occurred and is underway in Wilket Creek. TRCA currently operates under Memorandum of Understanding (MOU) and fee for service delivery agreements with these agencies to provide highly specialized and cost-effective environmental monitoring, project management, landscape design, stakeholder consultation, environmental approvals and construction services. As evidenced by our longstanding and continued partnerships, we can expedite required environmental approvals, facilitate community engagement and consultation, meet tight timelines and realize positive project outcomes.

RATIONALE

By leveraging TRCA's in depth local knowledge, experience and relationships with Wilket Creek and Don River West Watershed stakeholders, we believe the TBG can achieve greater success with its planned projects outlined in the Master Plan and Management Plan, such as flood mitigation measures; protecting assets against the hazards of erosion and slope instability; designing and constructing new trails; planning and implementing strategic invasive species management; riparian planting; and carrying out forestry work and arboricultural services.

The development and execution of a 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

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intention of two parties to enter into future agreements from a position of mutual respect and shared objectives.

Where specialized services are requested to be provided by TRCA to advance specific initiatives of the TBG, a Service Level Agreement and subsequent Letter Agreements govern the terms and conditions related to how future services will be provided on a fee for service basis. It is recommended that the Service Level Agreement with the TBG 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 the TBG on the lands that they lease from the City of Toronto. With respect to the provision of specific services, a Letter Agreement template appended as a Schedule to the Service Level Agreement will be used to set out the specific scope of work, budget, schedule and other details for specific projects.

It is the desire of TRCA and the TBG to finalize and execute the MOU following approval by each party's respective Board of Directors, with the Service Level Agreement to be developed in summer 2020. Once the Service Level Agreement is executed, Letter Agreements may be executed from a preapproved template for specific projects 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 3 – Rethink greenspace to maximize its value

Strategy 5 – Foster sustainable citizenship

Strategy 7 – Build partnerships and new business models

FINANCIAL DETAILS

TRCA and the TBG will each fund their respective costs associated with the development and execution of these agreements, with TRCA's portion covered by projects funded by its stakeholders or partners.

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Date: May 22, 2020

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Attachment 1: Draft Memorandum of Understanding with Toronto Botanical Gardens

Attachment 2: [Edwards Gardens and Toronto Botanical Garden 2018 Master Plan and Management Plan](#)