

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #5/20, Friday, June 26, 2020

FROM: John MacKenzie, Chief Executive Officer

RE: **MEMORANDUM OF UNDERSTANDING AND SERVICE LEVEL AGREEMENT
WITH CREATETO**

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 CreateTO, and to report back to the Board on any subsequent Service Level Agreement or specific Agreements with CreateTO 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 CreateTO has been launched to create opportunities to build a better Toronto by continuously looking for new and better ways to use the City's real estate assets, underutilized and surplus lands and open spaces;

AND WHEREAS TRCA and CreateTO 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 CreateTO's 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 CreateTO 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 CreateTO for TRCA to undertake a variety of activities on behalf of CreateTO 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

Launched on January 1, 2018, CreateTO was established by the City of Toronto to manage its real estate portfolio, which, with more than 8,000 properties, is one of the most expansive, diverse and valuable real estate portfolios in all of North America. CreateTO will develop City buildings and lands for municipal purposes and deliver client-focused real estate solutions to City divisions, agencies and corporations.

In addition to having expertise in mitigating flooding and erosion hazards, protecting, restoring, and enhancing terrestrial and aquatic habitat, TRCA is also a significant landowner in the City of Toronto with 498 properties of its own. TRCA has a land management agreement with the City of Toronto for the majority of these properties and many TRCA properties and City properties are adjacent or within close proximity to a number of City of Toronto and CreateTO properties, including the Leslie Street Spit. Therefore, TRCA has a vested interest in the plans and implementation of improvements, modifications or alterations to these properties and would be an asset to CreateTO due to our knowledge of stream, valley and shoreline management, our professional expertise and due to the numerous successful projects that our partnership with the City of Toronto and Waterfront Toronto have already resulted in. TRCA currently operates under Memorandum of Understanding (MOU) and fee for service delivery agreements with divisions of the City of Toronto and provides 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 in a cost effective manner.

RATIONALE

By leveraging TRCA's in depth local knowledge, experience and relationships with the watersheds, ecosystems, stakeholders and interest groups within the City of Toronto, we believe that CreateTO can achieve greater success with its planned projects in specific locations through a partnership with TRCA. Additionally, such a partnership provides TRCA greater opportunity to inform and shape the changes and planned use of relevant

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properties with potential benefits for CreateTO.

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 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 CreateTO, 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 CreateTO 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 CreateTO 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 CreateTO 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 late 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 CreateTO 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: June 5, 2020