

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #6/20, Friday, September 25, 2020

FROM: Sameer Dhalla, Director, Development and Engineering Services

RE: **METROLINX SERVICE LEVEL AGREEMENT (2020-2022)**

KEY ISSUE

Approval of the 2020-2022 service level agreement (SLA) between Toronto and Region Conservation Authority (TRCA) and Metrolinx.

RECOMMENDATION

WHEREAS Metrolinx has engaged with TRCA through SLAs from 2014 - 2019 for GO and Light Rail Transit (LRT) Projects and would like the formal relationship to continue;

WHEREAS the proposed SLA consolidates the existing agreements for the Metrolinx GO and LRT Projects, and adds the Subway Project;

WHEREAS the proposed SLA continues to include reviews during the environmental assessment, detailed design and voluntary project review (VPR) stages and provides streamlined services through a full-cost recovery budgeting and invoicing process;

WHEREAS the proposed SLA agreement also provides for natural heritage compensation coordination for all Metrolinx GO and Subway Projects;

WHEREAS TRCA on an annual basis, reports to the Board of Directors on the voluntary project review letters issued to Metrolinx and its design-build teams, generically referred to as “ProjectCo”;

WHEREAS outside of the proposed SLA, TRCA will continue to work with Metrolinx to implement projects that satisfy requirements for both natural heritage and Species at Risk (SAR) compensation, public realm benefits such as trails and trailheads, as well as complete negotiations for TRCA property as needed;

THEREFORE, LET IT BE RESOLVED THAT TRCA staff be directed to execute the 2020-2022 SLA with Metrolinx including the obtaining of necessary approvals and execution of any documents for this agreement, as well as any extensions;

THAT staff continue to report to the Board of Directors annually on all VPR letters issued to Metrolinx or ProjectCo.;

That TRCA staff provide a report annually to the Board of Directors regarding any natural heritage or SAR compensation projects undertaken on behalf of Metrolinx;

AND FURTHER THAT staff report back to the Board of Directors in 2022 regarding any proposed extensions to the term of the SLA.

Item 8.2

BACKGROUND

Since 2014, TRCA staff has been engaged by Metrolinx to ensure that review during the environmental assessment, detailed design, and voluntary project review stages for the Metrolinx GO and LRT Projects have been undertaken in a streamlined and expeditious manner through separate SLAs. When the previous agreement expired on December 31, 2019, both parties continued to work together under the terms of the previous SLA while finalizing the 2020-2022 agreement. The proposed SLA will continue TRCA's services for three projects: Metrolinx GO, LRT, and Subway (each a "Project" and collectively, the "Projects").

Prior SLAs with Metrolinx did not require Board of Directors' approval, however, TRCA's policies have changed to increase transparency regarding TRCA's relationships with key stakeholders, in accordance with recent changes to the Conservation Authorities Act.

RATIONALE

The proposed SLA shall be in effect for a period of three (3) years, commencing retroactively on January 1, 2020 and expiring on December 31, 2022 unless otherwise amended by the parties. Metrolinx will notify TRCA before the end of June 2022, if it would like to extend this SLA.

The SLA defines the agreed upon scope of work, which includes, review at the environmental assessment, detailed design and when appropriate, construction stages of the Projects. This review is to be completed in accordance with TRCA's mandate, program and policies, and regulatory objectives. The review shall include, but is not limited to, concerns related to flooding, erosion, natural heritage management (including natural heritage compensation coordination), stormwater management and coastal hazards in accordance with TRCA reporting requirements. TRCA is committed to meeting specific service delivery standards and will provide TRCA mapping and data. The SLA defines review requirements at each project stage, and provides for training of TRCA staff, Metrolinx and ProjectCo. to ensure the terms of the agreement as well as the review requirements are understood. In order to fulfil the terms of the agreement, TRCA is responsible for providing and managing planning and technical staff in accordance with its policies. Separate from this agreement, TRCA will engage with Metrolinx or ProjectCo. regarding natural heritage and SAR implementation projects and requirements for TRCA property.

The SLA also requires Metrolinx and ProjectCo. to engage TRCA at recommended contact points, to provide detailed project break downs at the outset of each project stage, including expectations regarding submissions and timing of submissions for each Project, when known, including, but not limited to, environmental assessment and detailed design and voluntary project review by the May of each year to inform service needs and budget expectation for the following year(s). Metrolinx has also committed to following its vegetation guidelines for individual Metrolinx GO and Subway projects on a case by case basis. For LRT projects, TRCA will continue to request compensation using the organization's compensation guidelines. In instances where the services are not directly associated with a Metrolinx GO Project, for example operational projects, the terms of this SLA will not apply. Such projects will be reviewed through TRCA's regular plan input and review process and fees for service will be charged in accordance with TRCA fee schedule.

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

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:
Strategy 7 – Build partnerships and new business models

Item 8.2

FINANCIAL DETAILS

Budget estimates are confirmed each year based on project expectations and service delivery requirements. The projected budgets are as follows: 2020 - \$1.844 M, 2021 - \$1.908 M and 2022 - \$1.972 M. Additional services outside the agreement scope of the agreement will be negotiated separately.

DETAILS OF WORK TO BE DONE

- Designated TRCA and Metrolinx staff to sign and execute the final SLA.
- TRCA staff to provide monthly invoices in accordance with the stipulations in the SLA.
- TRCA staff to continue to deliver plan review and compensation coordination services in accordance with the terms of the SLA.
- TRCA staff to work with Metrolinx to develop virtual training programs for Metrolinx and ProjectCo. that overview SLA, planning and technical deliverables at a cost to be borne by Metrolinx as stipulated in the SLA.
- TRCA staff to prepare annual reports to the BOD regarding VPR letters issued to Metrolinx or ProjectCo., and on natural heritage and SAR compensation projects completed by TRCA.

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