

**FURTHER TO AUTHORITY MEETING #9/03
To be held Friday, November 28, 2003**

FURTHER TO:

7. CONSIDERATION OF REPORTS TO THE AUTHORITY

- 7.1 TORONTO WATERFRONT REVITALIZATION - DELIVERY AGREEMENTS
FOR THE PORT UNION WATERFRONT IMPROVEMENTS PROJECT AND
THE MIMICO WATERFRONT LINEAR PARK PROJECT 14-18**

TO: Chair and Members of the Authority
Meeting #9/03, November 28, 2003

FROM: Adele Freeman, Acting Director, Watershed Management Division

**RE: TORONTO WATERFRONT REVITALIZATION - DELIVERY AGREEMENTS
FOR THE PORT UNION WATERFRONT IMPROVEMENTS PROJECT AND
THE MIMICO WATERFRONT LINEAR PARK PROJECT**

KEY ISSUE

To authorize Toronto and Region Conservation Authority officials to execute the delivery agreements for the Port Union Waterfront Improvements and Mimico Waterfront Linear Park Projects.

RECOMMENDATION

WHEREAS the Toronto Waterfront Revitalization Corporation (TWRC) has requested that the Toronto and Region Conservation Authority (TRCA) enter into a delivery agreement with TWRC to undertake certain works for the Port Union Waterfront Improvements Project (\$16 million) and the Mimico Waterfront Linear Park Project (\$6.5 million), consistent with TWRC Development and Business Plan;

AND WHEREAS it is in the interest of TRCA under its authority and mandate as set out in the Conservation Authorities Act (R.S.O. 1990, c. 27) to enter into such an agreement;

THEREFORE LET IT BE RESOLVED THAT the TRCA enter into the Toronto Waterfront Revitalization - Port Union Waterfront Improvements Project and the Mimico Waterfront Linear Park Project Delivery Agreements, subject to all terms and conditions being finalized in a manner satisfactory to the Chair of the Authority, TRCA staff and solicitors, Gardiner Roberts LLP;

THAT TRCA officials be authorized and directed to take all necessary actions as may be required, including the signing of documents, for the execution of the Delivery Agreements;

AND FURTHER THAT the Toronto Waterfront Revitalization Corporation and the City of Toronto Waterfront Secretariat be so advised.

BACKGROUND

On November 3, 1999, Mayor Mel Lastman released the vision document "Our Toronto Waterfront! The Wave of the Future", and with the Premier of Ontario and the Prime Minister announced the creation of the Toronto Waterfront Revitalization Task Force to develop an action plan for realizing the new vision for Toronto's waterfront.

On March 27, 2000, the task force released its report Our Toronto Waterfront: Gateway to the New Canada, outlining a conceptual plan.

The City of Toronto at its August 1, 2 and 3, 2000 Council Meeting received a staff report entitled "Our Toronto Waterfront: Building Momentum" and endorsed in principle, the concepts put forward in the Toronto Waterfront Revitalization Task Force proposal.

On October 20, 2000, government leaders of the City of Toronto and provincial and federal governments announced their support for the Toronto Waterfront Revitalization Initiative and their joint commitment of \$1.5 billion to be shared equally by the three governments. The leaders directed senior staff of their respective governments to cooperate in developing the mechanics of implementing the plan, including a governance structure.

On March 5, 2001, City of Toronto Mayor Mel Lastman, Federal Transport Minister, The Honourable David Collenette and Ontario Deputy Premier and Finance Minister, The Honourable Jim Flaherty announced the commitment of the three governments to the creation of the Toronto Waterfront Revitalization Corporation. On December 11, 2001, Jim Flaherty, Ontario's former Deputy Premier and Finance Minister, introduced enabling legislation to create the permanent Toronto Waterfront Revitalization Corporation (TWRC). The TWRC will be a non agent, non share, not-for-profit Toronto Waterfront Revitalization Corporation established by the three governments, designed to create a business and development strategy to undertake the revitalization of Toronto's waterfront.

In October 2002, the TWRC released its document entitled *Our Waterfront: gateway to a New Canada - The Development Plan and Business Strategy for the Revitalization of the Toronto Waterfront*.

At Authority Meeting #11/02 held on January 10, 2003 the Development Plan and Business Strategy and its recommendations contained therein were supported in principle with the adoption of Res. #A286/02:

THE BOARD RECOMMENDS TO THE AUTHORITY THAT it support in principle the Development Plan and Business Strategy for the revitalization of the Toronto waterfront prepared by the Toronto Waterfront Revitalization Corporation dated October 17, 2002;

THAT the Authority support the TWRC's inclusion of the \$25 million for strategic waterfront projects outside of the Central Waterfront and the \$5 million within the Year 1 (2003-2004) activities and expenditures for strategic projects;

THAT the Authority request the three levels of government confirm the Port Union (Scarborough) and Mimico (Etobicoke) projects are the key strategic projects outside the Central Waterfront;

THAT the Authority staff be directed to work with the TWRC to develop a work plan and necessary contracts for the implementation of the Port Union project and completion of the Environmental Assessment and implementation of the Mimico project;

THAT the Authority requests the TWRC confirm Tommy Thompson Park as part of Lake Ontario Park and make provision within the financial plan for implementation of the Tommy Thompson Park Master Plan;

THAT staff be directed to provide comments on the Development Plan and Business Strategy directly to the Corporation and the City of Toronto on any specific details;

AND FURTHER THAT the Toronto Waterfront Revitalization Corporation and the City of Toronto, Province of Ontario and Government of Canada be so advised.

Over the past several months, TRCA staff, in consultation with the TWRC program managers, city staff and others, have been developing Delivery Agreements for the Port Union Waterfront Improvements Project (Scarborough) and the Mimico Waterfront Linear Park Project (Etobicoke). The Delivery Agreements will facilitate the implementation of these projects with funding of \$16 million for the Port Union Project and \$6.5 million for the Mimico Linear Park Project. There is agreement among the government partners that expenditures incurred on these projects prior to the signing of the Delivery Agreements will be included within the funding envelope.

Summary of Delivery Agreements

The Delivery Agreements provide for the carrying out of the implementation and related activities by the TRCA, and funding by the TWRC. The format and content of these agreements has been discussed among the stakeholders. A summary of key elements in the Delivery Agreements has been provided below. While separate documents have been prepared for each of the projects, the format and content are virtually the same.

Scope of Authorized Activities

TRCA will submit a detailed summary of activities for each of the projects in keeping with the parameters set out in the Delivery Agreement. The activities will be set out for each project in the Project Expenditure and Work Plans and submitted to the TWRC for approval.

Maximum Allowable Cost

Refers to the maximum amount of costs to be funded to the TWRC by the levels of government for, and in respect to, the projects as set out in the Contribution Agreement. The Port Union Waterfront Improvements Project has a maximum allowable cost of \$16 million with the Mimico Waterfront Linear Park Project eligible for \$6.5 million dollars, including project management costs.

Obligations

The TRCA is to ensure that:

- the authorized activities are carried out in accordance with the terms of this agreement and in compliance with all laws and regulations and all contract documents;
- all third party contracts observe and perform their obligations under the terms of this agreement;
- all other governmental authorizations and agreements necessary to complete the authorized activities are obtained;
- all contracts exceeding \$75,000.00 to be entered between the TRCA and an approved consultant be awarded following a competitive process;
- all tender documents, requests for proposals, third party contracts and appointments of consultants receive authorization from the TWRC; and
- up-to-date records and documents for the authorized activities are maintained.

Schedules and Reports

The Delivery Agreements stipulate that the TRCA is to undertake an extensive reporting process which includes undergoing periodic audits by the TWRC and the three levels of government. TRCA will establish and maintain a Delivery Plan. Once a month, the TRCA will submit to the TWRC: a Master Project Sequencing and Schedule Plan (MPSSP); a Monthly Progress Report with a description of any deviations between the MPSSP and Progress Report; and Payment Requests.

Payment Process

The TRCA is entitled to submit a written request for payment of incurred costs in accordance with the project budget once a month. The TWRC has 10 business days to review payment requests and a further 10 business days to provide payment. In case of sudden, unexpected costs incurred as a component of the authorized activities, the TRCA can negotiate for a payment advance, within the scope of the project budget.

Ownership and Copyright

All data acquired, developed, prepared, conceived of or produced, in the performance of this agreement, shall be the sole property of the TWRC. However, the TWRC grants the TRCA an irrevocable, perpetual and royalty-free license to use the data in connection with the project or other projects of the TRCA, provided such use is not for commercial or revenue generating purposes, and that any disclosure of the data will be subject to reasonable confidentiality requirements of the TWRC.

Timeframe

The timeframe for the Delivery Agreements is April 1, 2003 through to March 31, 2008.

Work to be Completed

Prior to the Delivery Agreements being finalized, the schedules, pre-agreement costs and agreement on eligible costs will need to be confirmed.

DETAILS OF WORK TO BE DONE

- TRCA staff will continue to work with the program managers at TWRC to finalize the Delivery Agreements and its schedules in a timely manner.
- TRCA will prepare the appropriate documentation for all pre-agreement costs for the TWRC approval in a timely manner.

FINANCIAL DETAILS

The Port Union Delivery Agreement will ensure the realization of the \$16 million waterfront park link between the Highland Creek and the Rouge River, and the continuation of the Port Union Pedestrian Node component which was initiated in September 2002. The Funds will flow through account 223-10.

The Mimico Delivery Agreement with a total estimated cost of \$6.5 million will facilitate the completion of the Environmental Assessment approvals, property acquisition and implementation of the waterfront linear park between Grand Harbour and Norris Crescent. Funds will flow through accounts 206-01.

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