

**FURTHER TO BUSINESS EXCELLENCE ADVISORY BOARD MEETING #2/04**  
**To be held on Friday, April 16, 2004**

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## CORRESPONDENCE 6.1



Robert Appelbe <rapinc@sympatico.ca> on 04/13/2004 07:43:42 AM

**To:** Deanne Rodrigue/MTRCA@MTRCA, Catherine MacEwen/MTRCA@MTRCA, Kathy Stranks/MTRCA@MTRCA  
**cc:** Ron Haney <rhane@dgcodc.ca>, Marian Hebb <mhebb@sympatico.ca>  
**Subject:** "After The Hurricane"

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Without Prejudice

Dear Deanne,

I am writing to you to express my shock and disbelief to your phone call late on Thursday April 8th, 2004.

I did submit to the Toronto & Region Conservation Authority (TRCA) in good faith and in confidence my script treatment, overview and preliminary budget for a half-hour documentary on Hurricane Hazel. I also included my résumé. This submission was not based on any original script idea from the TRCA, nor were any protocols given me to prepare this submission. The script treatment, overview and budget were wholly my original idea and in no way was controlled by TRCA.

I further agreed to supply you with "letters of reference" from Steve Simons, Peter Henton and Andre van Heerden, and I believe they have all e-mailed these to you. At your request, I also supplied you with copies of some Canadian films I have worked on.

My submission, including the budget of \$125,000, was approved by your Executive Board and since this project had been brought to you and you had not originated this project, there was no necessity to put this project out for tender. My clear understanding from both you and Kathy Stranks was that your Executive Board had approved this as my project and mine alone, and you were instructed to facilitate just that. You had even asked me to prepare an agreement between my company and TRCA as you had no experience with such agreements. I did so with the expectation that you would negotiate this agreement swiftly and in good faith.

In spite of your growing negative attitude towards me, I continued to work in good faith and added a wonderful director, Alan Erlich, to the project (I attach his résumé for your information). The addition of Alan would have certainly helped in securing a television network sale. I re-worked the budget flattening out my own fees regardless of how long this project would take and losing the budget item "corporate overhead", to still bring the project in for the same budget of \$125,000. I also forwarded this revised budget (now in Excel format) to you. I also made calls to a cameraman, Branimir Ruzic and to an editor, Michael Doherty, both of whom expressed a strong interest for my project.

You kept ignoring my requests to negotiate the agreement with me, and worse, you have deliberately made no attempt to negotiate with me. I have now discovered why, as you took my concept and proceeded to go elsewhere to obtain other quotes, contrary to the direction given you by your Executive Board. I might also add using my submission approved by your Executive Board to inspire you to obtain other quotes is tantamount to plagiarism and is totally unacceptable and possibly illegal.

You also expressed rudely to me that your lawyers thought that some budget items were too high, namely my producer's fees during the research and scripting phase. I am curious with regard to their qualifications to make such a judgement. Two thousand dollars per week for a producer is hardly an exorbitant fee considering I am also the production manager, assistant director and production accountant, and considering six weeks is probably the minimum the research and scripting will take, I can only say my fees are well well below industry standards.

You then telephoned me, as previously mentioned, to inform me that, according to you, I was no longer awarded this film, and when I asked you for an explanation you told me in a dismissive manner you were about to go into a meeting and did not have time to discuss this any further. I am wondering what sole authority you have to over-ride an Executive Board directive.

I then telephoned Kathy Stranks who in turn referred this matter to Catherine MacEwen, your immediate supervisor. Catherine called me late Thursday afternoon, and she has promised to look further into this matter, and especially into the wording from the Executive Board minutes indicating my project had their full approval. If this is fact, and I have been led to believe so, then we have a major problem that I am hopeful Catherine and I will work out, as your decision has obviously caused me great embarrassment and harm.

I also request that the entire Executive Board be sent a copy of this e-mail.

I will look forward to hearing from Catherine as soon as possible.

Yours Sincerely,

Robert Appelbe



- att1.htm



- Alan Erlich-new res. 2 pager

**TO:** Chair and Members of the Business Excellence Advisory Board  
Meeting #2/04, April 16, 2004

**FROM:** Adele Freeman, Acting Director, Watershed Management Division

**RE: MEMORANDUM OF UNDERSTANDING ON THE LIVING CITY BETWEEN  
TORONTO AND REGION CONSERVATION AND THE CANADIAN URBAN  
INSTITUTE**

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#### **KEY ISSUE**

The Toronto and Region Conservation Authority and Canadian Urban Institute have drafted a Memorandum of Understanding which represents the commitment of both parties to work together to advance The Living City program. One of the major joint projects proposed in collaboration with CUI is the completion of The Living City Report Card.

#### **RECOMMENDATION**

**THE BOARD RECOMMENDS TO THE AUTHORITY THAT the Chair and Chief Administrative Officer be authorized to enter into a Memorandum of Understanding with the Canadian Urban Institute (CUI) to advance The Living City program through projects such as The Living City Report Card;**

**THAT staff continue planning for The Living City Report Card, including securing \$25,000 from the Toronto Remedial Action Plan Memorandum of Understanding 2004/2005 budget or an equivalent source and embarking on further fundraising efforts with CUI for this project;**

**AND FURTHER THAT staff report back to the Watershed Management Advisory Board with progress on Toronto and Region Conservation Authority (TRCA)/CUI joint projects where appropriate.**

#### **BACKGROUND**

In working towards the realization of The Living City, TRCA is identifying ways to pool knowledge, experience and expertise through effective partnerships. TRCA and CUI recognize that their programs and core businesses are very complementary through their shared goals of sustainable communities. CUI's interest in supporting The Living City initiatives has resulted in the creation of a draft Memorandum of Understanding (MOU) between TRCA and CUI. The MOU has been compiled as a letter of agreement which expresses TRCA and CUI's desire to work in partnership to increase their individual and collective program impacts. It is understood that the Parties will act separately and voluntarily under this MOU and that neither Party is legally bound by its signing.

The proposed TRCA and CUI MOU outlines five joint initiatives which will be undertaken in partnership:

- The Living City Report Card;
- Toronto Museum;
- The Living City Advisory Committee;
- West Don Lands; and
- Enough Talk.

Upon signing the MOU, TRCA and CUI will appoint representatives to sit on a steering committee to develop and implement the identified joint projects. The MOU between TRCA and CUI will be in effect for one year to the date of signing whereupon the steering committee shall review it and make any necessary adjustments. Amendments to the MOU will be permitted with the mutual consent of both parties through the steering committee and it can be terminated by either Party with 30 days written notice to the other Party.

Preliminary planning has been underway for the most substantial project which will be completed under this MOU, The Living City Report Card. This project, formerly known as the Regional Report Card, has been renamed to reflect a focus on The Living City objectives.

At Authority Meeting #7/02, held on July 26, 2002, Resolution #A202/02 was approved as follows:

*THAT staff be directed to compile an inventory of all organizations and municipalities in the GTA that prepare state of the environment reports or report cards on how governments, business or industries are doing with respect to the environment;*

*AND FURTHER THAT staff report on the potential of joining with these organizations in the development of one regional environmental state of the environment report.*

A progress report on the formerly named Regional Report Card was brought to the September 12, 2003 Watershed Management Advisory Board (Resolution #D69/03).

The Living City Report Card will be led jointly by TRCA and CUI in conjunction with the Toronto and Region Remedial Action Plan (RAP) Team, for which TRCA is the implementation coordinator. Suzanne Barrett, under contract with CUI, will be the project manager for this initiative. The involvement of other organizations will continue to be explored in the planning process.

#### **FINANCIAL DETAILS**

The Living City Report Card will be the first major joint project under the MOU and will be completed in 2004. A draft workplan for the delivery of this product has been prepared. As a RAP Team member, TRCA will work with Environment Canada and Ministry of the Environment representatives in order to secure \$25,000 under the RAP Memorandum of Understanding (MOU) to contribute towards this project. Other equivalent funding sources will also be investigated.

**Report prepared by: Lisa Turnbull, extension 5325**  
**For Information contact: Lisa Turnbull, extension 5325**  
**Date: April 14, 2004**

**TO:** Chair and Members of the Business Excellence Advisory Board  
Meeting #2/04, April 16, 2004

**FROM:** Brian Denney, Chief Administrative Officer

**RE: HURRICANE HAZEL**

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**KEY ISSUE**

Approval in principle for production of a 30-minute documentary on Hurricane Hazel and the resultant work of the Toronto and Region Conservation Authority, as well, a change in company that we retain to produce this documentary.

**RECOMMENDATION**

**THE BOARD RECOMMENDS TO THE AUTHORITY THAT Harvest Television be retained to produce a 30-minute documentary on Hurricane Hazel and the work of the Toronto and Region Conservation Authority (TRCA) at a cost not to exceed \$95,125, excluding GST, subject to all funding being confirmed by TRCA and Harvest Television International prior to May 31, 2004;**

**THAT should TRCA decide not to proceed with the project due to lack of funding commitment from third party sources available by May 31, 2004, that TRCA will not be responsible for any payment to Harvest Television International;**

**THAT approval to enter into an agreement with Harvest Television International be subject to a contract to be negotiated to the satisfaction of TRCA staff and solicitors;**

**AND FURTHER THAT the appropriate TRCA officials be authorized and directed to execute all necessary documentation required.**

**BACKGROUND**

2004 is the 50th anniversary of Hurricane Hazel and TRCA staff are planning promotional activities around the 50th anniversary including: a public event hosted by TRCA; public plaquing at the Old Mill / Bloor Streets; and presentations led by TRCA staff on TRCA's science / engineering aspect of flood management and emergency preparedness of storms.

At Authority Meeting #3/04, held on March 26, 2004, Resolution #A75/04 was approved as follows:

*THAT Robert Appelbe Productions Inc. be retained to produce a 30-minute documentary on Hurricane Hazel and the work of the Toronto and Region Conservation Authority (TRCA) at a cost not to exceed \$125,000, excluding GST, subject to all funding being confirmed by Robert Appelbe Productions Inc. prior to May 3, 2004;*

*THAT should TRCA decide not to proceed with the project due to funds not being available by May 2, 2004, Robert Appelbe Productions Inc. be reimbursed for expenses incurred up to a maximum of \$5,000;*

*THAT approval to enter into an agreement with Robert Appelbe Productions Inc. be subject to a contract to be negotiated to the satisfaction of TRCA staff and solicitors;*

*AND FURTHER THAT the appropriate TRCA officials be authorized and directed to execute all necessary documentation required.*

This Hurricane Hazel documentary idea was developed by TRCA staff, who approached different companies about it initially. Robert Appelbe's proposal came in, and following that he submitted an agreement which was reviewed by TRCA staff and TRCA's lawyer as per Authority direction. The agreement that was submitted by Robert Appelbe Productions Inc. was not acceptable to TRCA and staff determined that an agreement, satisfactory to TRCA staff and solicitor, cannot be achieved.

### **RATIONALE**

TRCA has received a proposal from Harvest Television International in the amount of \$95,125. Harvest Television has also extended the offer to cover the initial up-front research development expenses to bring this project to the point where a first draft script could be prepared. As well, Harvest Television has significant experience in producing documentaries and environmental documentaries in particular. Given that this proposal is the lowest bid which meets TRCA's specifications, staff are recommending proceeding to negotiate an agreement with Harvest Television.

The 50th anniversary of Hurricane Hazel presents an excellent opportunity to capture, in an engaging way, the important work of TRCA in the area of storm / flood management and safety measures that have been subsequently put into place by TRCA.

Staff has entered into discussions with Harvest Television in regards to the proposed documentary as a complement to the proposed recognition events, and as a possible method of revenue generation.

The documentary will be produced as a television grade documentary that will reflect back to 1954, where we start with our chronological account of when Hurricane Hazel hit the Toronto area. In continuation from the introduction, the story will communicate who the TRCA is and how they have evolved since 1957. The documentary will be produced in digital video "film style" with professional filmmakers, employing Harvest Television International's location production facilities. Once the script has been developed, written and approved, the initial creative intent is to employ a host who will communicate each component of the storyline. We envision the anchor's dialogue to be shot entirely at exterior locations that are appropriately suited to, and will support the story.

Understanding that the project will initially be developed for release on DVD and VHS, the TRCA presentation will be produced as a professional broadcast quality presentation, in a format that is recognized by television stations and networks. The overall tone will be entertaining with engaging dialogue and visuals, supported with high quality, interesting graphics and titles, additional voice track recording, music, sound sweetening and effects, all produced in Harvest Television International's studio facilities.

The footage will be a combination of stock footage and present day live footage. Live interviews will be filmed in innovative ways.

Once the project is fully completed and business matters finished, the Toronto and Region Conservation Authority will possess full and complete ownership of the documentary, including all rights to any film clips that Harvest Television provides from it's own database.

The producer will arrange for and will deliver all necessary digital television videos accounted for within the production budget, and will also arrange for and have delivered to TRCA all DVD and VHS cassettes as required for direct sales.

The video is an excellent way to build awareness of TRCA (what we do, how we evolved and our relevance today), and to clarify misconceptions of the effects that storms have to our watersheds.

This entertaining and informative video promises to get the media's attention and as the topic is hot and in the media, we believe sales of this video at our conservation parks and other facilities will prevail.

#### Benefits of the Project

- Renew the focus of TRCA's relevant work;
- Recognize the issues around storm / flood management;
- Clarify any misconceptions of the effects that storms have to our watersheds;
- Revenue generating initiative;
- Open the door for potential partnerships with the media and other sponsors;
- Present The Living City messaging;
- Raise awareness of TRCA's role in the community;
- Increase donations to the Conservation Foundation.

#### **FINANCIAL DETAILS**

Upon recommendation from the Business Excellence Advisory Board to the Authority, and development of a contract to the satisfaction of TRCA staff and solicitor, opportunities for financial support will be explored. The producer will approach potential sponsors / broadcasters for funding. Also, the producer will require assistance from Authority Members and the Conservation Foundation Board of Directors to approach stakeholders / partners as there are excellent funding opportunities with existing relationships that members have with corporate donors and municipal, provincial and federal partners.

Funding for the documentary will come from as many federal and provincial funding agencies as possible, and from any eligible federal and provincial production tax credits where applicable. Television pre-sale commitments will be funded through TRCA with that money flowing directly back to TRCA upon payment from that television company.

If TRCA is unable to get preliminary interest and potential funding commitments by May 31, 2004, TRCA will withdraw from the project. Harvest Television International is very interested in producing this documentary and is prepared to take on the financial risk to carry out preliminary upfront investigative research work at no financial cost or commitment from TRCA.

While this project is being developed as a 50th Anniversary presentation to be sold as a video documentary, it will also yield many offshoot benefits. The educational benefits for schools, libraries, websites, information kiosks and television are excellent and will yield returns on our investment.

The project will be edited to a finished length of 28 minutes 30 seconds in the event the story is aired on television. Harvest Television will provide the Telecaster Canada certification number as required by the CTRC for all broadcast programming and television commercials.

**Potential Funding Sources:**

- Sponsors: Would give a letter of credit, line of credit or cheque.
- First Position Network Sale: If it's commissioned, they would have input, and the funding would be in the \$15,000 - 25,000 range, depending on the product and what time slot it could go into. If it's an acquisition, they wouldn't have input and the funding would be in the \$2,000 - 5,000 range. (these are approximate numbers)
- TV Stations: A licensing fee of \$25,000 - 30,000 is a ballpark and they would have minimal input.
- Pre-sale from Television Networks: Licensing fee commitment. When we deliver the video they pay us.
- Provincial/Federal Funding Agencies: Telefilm Canada, Ontario Media Development Corporation outright investment grant.
- TRCA's List of Sponsors: Would give a letter of credit, line of credit or cheque.
- Federal / Provincial Tax credit could be approximately 20% of labour cost.
- Other sales to various markets.

**Report prepared by: Deanne Rodrigue, extension 5359**  
**For Information contact: Deanne Rodrigue, extension 5359**  
**Date: April 13, 2004**