



## STAFF REPORT ACTION REQUIRED

### Naming Rights Agreement with Mr. William Meany for the Creation of a New Toronto Island Hedge Maze

<b>Date:</b>	June 14, 2013
<b>To:</b>	Parks and Environment Committee
<b>From:</b>	Jim Hart, General Manager, Parks, Forestry and Recreation Division
<b>Ward:</b>	<b>Ward 28 – Toronto Centre - Rosedale</b>
<b>Reference Number:</b>	P:\2013\Cluster A\PFR\PE20-041513-AFS#17336

#### **SUMMARY**

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The purpose of this report is to seek approval from City Council to enter into a naming rights agreement and a construction agreement with a private citizen, Mr. William Meany, for the rebuilding and naming of a hedge maze located at Toronto Island Park, in accordance with the terms and conditions described in this report.

#### **RECOMMENDATIONS**

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**The General Manager of Parks, Forestry and Recreation Division recommends that:**

1. Authority be granted to the General Manager, Parks, Forestry and Recreation to negotiate and enter into a construction agreement with Mr. William Meany for the construction of a new hedge maze in Toronto Island Park, in a form and content satisfactory to the City Solicitor.
2. Authority be granted to the General Manager, Parks, Forestry and Recreation to negotiate and enter into a naming rights agreement with Mr. William Meany in compliance with the Corporate and Individual Naming Rights policy for a term of not more than ten years or the useful life of the hedge maze, whichever is earlier, with renewal rights at the City's option, in a form and content satisfactory to the City Solicitor.

## **Implementation Points**

The proposed naming rights holder will procure all materials and supplies and carry out the construction of the Maze in accordance with all City by-laws, policies and contractual requirements including compliance with the City's Fair Wage and Contractual Obligations in the Construction Industry Policies to the satisfaction of the City Solicitor and the General Manager of Parks, Forestry and Recreation.

Completion of the project will be celebrated with an opening event that will include the unveiling of a commemorative plaque officially naming the maze as "The William Meany Maze."

## **Financial Impact**

There are no financial impacts resulting from the construction and naming of the hedge maze at Toronto Island Park. The former hedge maze was in a state of disrepair and was removed in 2012. The cost to replace the maze per original specifications would have required a re-allocation of Capital Budget resources estimated at \$150,000 to \$200,000. The maintenance cost of the old maze was estimated at \$15,000 per year.

The value of the proposed hedge maze is also estimated at \$150,000 to \$200,000 and construction will be 100% funded by the proposed naming rights holder. The estimated annual maintenance cost of \$15,000 is already included in Parks, Forestry and Recreation's 2013 Operating Budget.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## **ISSUE BACKGROUND**

In 2012, the hedge maze at Toronto Island Park was removed as it had fallen into disrepair. Parks Branch staff began preparations for situating a new maze in an alternate location, immediately north of the original maze where growing conditions would be more favourable to the longevity of a maze.

A private citizen, Mr. William Meany, has expressed his desire to rebuild the maze to its original specifications in the alternate location, including the survey and layout and with improved fencing, and requested naming rights in return ("The William Meany Maze").

## **COMMENTS**

Mr. Meany has offered to rebuild the maze as he has fond memories of the maze as a child and believes it is a valuable asset to the City and to Toronto Island Park. Mr. Meany is a philanthropist who donates funds and time to various causes in the City. Mr. Meany started his career in the collections industry with Asset Inc., a Canadian collection supply chain management and technology leader based in Toronto. The company owns Repo

Man and Repo Depo which hold auctions for repossessed cars, boats and other property on behalf of banks and other creditors that are owed funds. Mr. Meany assumed the position of Company president in 1996. Under his direction, the company was named one of "Canada's 50 Best Managed Companies" for nine consecutive years, from 2001 through 2010, reflecting his commitment to his employees, and the greater community. He had a mandate to employ newcomers to Canada and people with disabilities, and supported (and received awards from) organizations such as JobStart and JVS. His company supported events and causes (such as Credit Education Week) that provided credit knowledge to assist individuals with their personal finances. Mr. Meany sold the company in 2011 and has since been involved in many other business and philanthropic endeavours.

The maze will be constructed in accordance with the original design drawings in order to replicate the dimensions and scale of the former maze. Once constructed, the City will be responsible for the ongoing operation and maintenance of the hedge maze.

Mr. Meany has requested naming rights for the maze ("The William Meany Maze"). Staff have reviewed the Individual and Corporate Naming Rights policy and determined that the naming rights proposal is compliant with the policy.

Parks, Forestry and Recreation, in consultation with Toronto Office of Partnerships and Legal Services identified due diligence requirements for naming rights proposals where a public asset will be named after an individual or corporation., Mr. Meany complies with all requirements of the due diligence review undertaken by staff.

Unsolicited naming rights proposals are exempt from "Unsolicited Proposals Policy," therefore the Division did not seek competing bids and did not obtain a third party assessment for the value of the naming right.

Subsequent to the approval of Council, the General Manager, in consultation with the Legal Services division, will negotiate and enter into a naming rights agreement and a construction agreement for the construction of the maze in accordance with all applicable statutes, by-laws, policies and contractual requirements of the City, including the following:

1. The naming rights proponent, Mr. Meany (the "Proponent") will retain a design architect for the project to act as the Project Manager who will co-ordinate all work and approvals through the General Manager, Parks Forestry and Recreation. The design architect will be a member in good standing of a respected professional organization (e.g. Ontario Association of Architects, Ontario Association of Landscape Architects or Professional Engineers of Ontario) approved by the City. The design architect will be designated as the "Constructor" under Occupational Health and Safety Act (OHSA), and will be responsible for coordinating all contractors insurance and WSIB certificates and submitting them to the City.

2. The project will be carried out at the sole expense of the Proponent, in accordance with all applicable statutes, by-laws, policies and contractual requirements of the City including but not limited to the City's Fair Wage and Contractual Obligations in the Construction Industry Policies. A list of all contractors will be submitted to the City for review for Fair Wage and Union compliance.
3. The design architect will submit detailed drawings for the project that will be subject to review and approval by the City.
4. All construction materials and plant materials used in the construction of the maze will require pre-approval by the City in advance of procurement and the design architect will provide warranties for the work and materials used in the build.
5. Upon completion of construction of the maze, the design architect, the Proponent and City staff will meet to review the completed work. Only when the work is deemed satisfactory to the City, will City sign off on the City's acceptance per the agreed upon design plans. The new maze will become the property of the City of Toronto.
6. All volunteers utilized in the tree planting component of the project will be required to complete and sign the City's approved volunteer participation form and will receive an orientation by City staff on the specific planting activities.
7. The Proponent will provide all required insurance and indemnities including but not limited to a performance bond and labour and material payment bond in the amount of 50 per cent of the value of the project.
8. Prior to officially naming the maze "The William Meany Maze," the Proponent will provide any requested information or documentation that the City requires in order to satisfy itself that the activities of the Proponent are compatible with the City's Goals, values and mission.
9. The Naming Rights Agreement will be for a term of 10 years or the useful life of the Maze, whichever is earlier and will be renewable at the option of the City.
10. The City will have the right to unilaterally terminate the Naming Rights Agreement if the Proponent is found to be non compliant with the Individual Naming Rights Policy or the Agreement.

It is anticipated work on this project, if approved, will be undertaken in the fall of 2013.

The City of Toronto Parks, Forestry and Recreation Division is committed to providing the community with exceptional services that are key contributors to the quality of life for all Torontonians. The installation of the maze on Toronto Island will reinstate a landmark feature for one of Toronto's most significant and well-used public parks.

## **CONTACT**

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## **SIGNATURE**

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Jim Hart  
General Manager, Parks, Forestry and Recreation