

Amendment to 2004 Management Agreement with Toronto Botanical Garden

Date: December 12, 2020

To: Infrastructure and Environment Committee

From: General Manager, Parks, Forestry and Recreation

Wards: Ward 15- Don Valley West

SUMMARY

The purpose of this report is to seek authority from City Council to amend the 2004 Management Agreement with Toronto Botanical Garden, a registered charity, by extending its term for a second twenty year period, from December 1, 2024 to November 30, 2044, with an option to renew for an additional ten years after that, to November 30, 2054.

Under the Management Agreement with the City of Toronto, Toronto Botanical Garden (TBG) manages 1.6 hectares of space, including indoor facilities and gardens collectively called the Toronto Botanical Garden, on behalf of the City at the approximately 14 hectare site of Edwards Gardens.

At its April 24, 25, 26, and 27, 2018, meeting, City Council passed PE26.2, Growing the Gardens, to facilitate the implementation of the Edwards Gardens and Toronto Botanical Garden Master Plan and Management Plan. Those plans outline long-term improvements for Edwards Gardens - Toronto Botanical Garden to create a world-class horticultural facility and cultural attraction in an ecologically and fiscally sustainable way. The Master Plan and Management Plan calls for TBG to raise approximately \$50 million in private and public funds for capital improvements to Edwards Gardens - Toronto Botanical Garden over multiple years.

To secure donor confidence in its fundraising plan to facilitate significant gifts, TBG has requested that the current Management Agreement be extended for an additional twenty years starting in 2024, with an option to renew for an additional ten years after that. Section 3 of the 2004 Management Agreement requires City Council approval in order to extend the term.

RECOMMENDATIONS

The General Manager, Parks, Forestry and Recreation, recommends that:

1. City Council authorize the General Manager, Parks, Forestry and Recreation to execute an amending and renewal agreement with Toronto Botanical Garden (TBG) to extend the original 20-year term of the 2004 Management Agreement for another twenty years, to November 30, 2044, with an option to renew, at the General Manager's sole discretion after consultation with the TBG for an additional ten years after that, to November 30, 2054, all on terms and conditions satisfactory to the General Manager, and in a form satisfactory to the City Solicitor.

FINANCIAL IMPACT

There is no immediate financial impacts resulting from the adoption of the recommendation in this report.

Under the 2004 Management Agreement, Parks, Forestry and Recreation provides the Toronto Botanical Garden with \$25,000 annually for custodial costs. Funding for these custodial costs will continue to be included in the Operating Budget submission for Parks, Forestry and Recreation through the annual budget process in future years.

The Chief Financial Officer and Treasurer have reviewed this report and agree with the financial impact information.

DECISION HISTORY

At its meeting on April 24, 25, 26, and 27, 2018, City Council passed motions to implement the Edwards Gardens and Toronto Botanical Garden Master Plan and Management Plan.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PE26.2>

At its meeting on April 30, May 1 and 2, 2001 City Council authorized what became the December 1, 2004, Management Agreement between the City and Toronto Botanical Garden.

COMMENTS

In April 2018, City Council passed motions to implement the Edwards Gardens and Toronto Botanical Garden Master Plan and Management Plan. "Growing the Gardens" outlines a holistic long-term plan that is ecologically and fiscally sustainable and elevates the Toronto Botanical Garden to the level of other globally acclaimed botanical gardens.

The 2018 motions authorized the General Manager, Parks, Forestry and Recreation to enter into Fundraising and Construction agreements with Toronto Botanical Garden, a charitable organization, and to make amendments, as necessary, to the 20-year Management Agreement, executed in 2004, which governs the relationship between the City and TBG and defines TBG's responsibilities on the site.

The Master Plan and Management Plan calls for TBG to undertake a major campaign to fund an estimated \$50 million in capital improvements over multiple years to help fund the vision. The Management Plan calls for TBG to expand its management responsibilities over the entire Edwards Gardens site, in phases, to program, operate and maintain the facility. As a first step, in 2019 the City and TBG executed an amendment to the 2004 Management Agreement that saw TBG expand its management responsibilities to the public parking lot. This has created an important additional revenue stream for TBG, especially during the pandemic, from parking revenues.

TBG has struck an Expansion Committee comprised of experienced fundraisers and construction experts, and is in the process of hiring an architectural design consultant. The City has also collaborated with TBG on the design of a new works yard at Edwards Gardens by Parks, Forestry and Recreation Capital Projects. This will allow the decommissioning of the existing yard and the expansion of TBG's management responsibilities into that space, to improve the visitor experience with new amenities. Simultaneously, the City and TBG are completing work on a Fundraising Agreement and Construction Agreement. Construction of Master Plan projects (other than the new yard) will be contingent on the ability of the Toronto Botanical Garden to raise the funds.

In order to secure donor confidence in the project for significant gifts, TBG has requested that the current Management Agreement, which expires in 2024, be extended. Section 3 of the 2004 Management Agreement requires City Council approval in order to extend the term.

Botanical gardens across North America typically have long-term agreements between the landowner, usually a government authority, and the operator, typically a non-profit organization. This is because botanical gardens by their nature take root and require decades to develop and nurture. For example, Green Bay Botanical Garden in Wisconsin has a 99-year lease, the San Diego Botanic Garden has a 55-year lease, and the Idaho Botanical Garden has a 50-year lease with their respective government authorities.

The General Manager is recommending a 20-year term extension with TBG, with an option to renew for an additional 10 years after that. TBG has agreed to this proposal.

Toronto Botanical Garden has advised that various significant donations are imminent.

CONTACT

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SIGNATURE

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ATTACHMENTS

Edwards Gardens and Toronto Botanical Garden Master Plan

<https://www.toronto.ca/city-government/planning-development/construction-new-facilities/parks-facility-plans-strategies/edwards-gardens-and-toronto-botanical-garden-master-plan/>