

Supplementary Report to EX34.7 - Response to Zoo Board Governance Report

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| Date: | October 7, 2013 |
| To: | City Council |
| From: | City Manager |
| Wards: | All |
| Reference Number: | |

SUMMARY

On September 24, 2013, item EX34.7 – Response to Zoo Board Governance Report was adopted by Executive Committee with an amendment requesting the City Manager to consult with representatives of the Toronto Zoo and report directly to the October 8, 2013 meeting of City Council with any amendments that may be necessary.

Per Executive Committee direction, City staff consulted with representatives of the Toronto Zoo on October 2, 2013. This supplementary report recommends amendments to EX34.7 – Response to Zoo Board Governance Report. The proposed revisions clarify various key points of interest to the Toronto Zoo Board of Management and provide further details on the implementation of staff recommendations.

RECOMMENDATIONS

The City Manager recommends that:

City Council amend Executive Committee Recommendations 3, 5 and 7 in Item EX34.7 to now read as follows:

3. City Council acknowledge the regional importance of the Toronto Zoo and request that the Province of Ontario take a strong role in the future of the Toronto Zoo given its function as a major regional attraction and its importance to the regional economy as a major tourism, recreation, wildlife conservation and education venue, and that the City Manager, in consultation with the Chief Executive Officer of the Toronto

Zoo, initiate discussions with the Province on these principles and to establish a funding partnership for Toronto Zoo programming and shared capital infrastructure;

5. City Council request the Chief Executive Officer of the Toronto Zoo, in consultation with the City Manager, to further engage stakeholders such as the University of Toronto, the University of Guelph, the Toronto and Region Conservation Authority and other GTA municipalities on their financial and program participation in the future of the Toronto Zoo;
7. City Council request the Toronto Zoo Board of Management, in consultation with the City Manager, to facilitate the establishment of a separate and independent charitable foundation for fundraising, sponsorship, donation and partnership purposes in alignment with its 2014 Strategic Plan;

Financial Impact

There are no financial implications resulting from the implementation of the recommendations in this supplemental report.

COMMENTS

The City Manager met with the Toronto Zoo Board of Management on September 23, 2013 to provide an overview of his report EX34.7 – Response to Zoo Board Governance Report and to discuss staff advice to Executive Committee. On September 24, 2013, Executive Committee adopted the report with an amendment requesting the City Manager to consult with representatives of the Toronto Zoo and report directly to the October 8, 2013 meeting of City Council with any amendments that may be necessary.

The following information has been prepared as a result of a meeting held on October 2, 2013 with City staff and representatives of the Toronto Zoo and is to be considered by City Council when deliberating on EX34.7 - Response to Zoo Board Governance Report.

Implementation and Further Governance Review

The City Manager has recommended that the Zoo Board of Management undertake various activities to further develop the vision and opportunities for the Toronto Zoo. These include leveraging and expanding the Zoo Board's forthcoming 2014 Strategic Plan, exploring partnership and funding opportunities with the provincial and federal governments and other GTA municipalities and learning institutions, the establishment of a separate and independent charitable fundraising foundation, and revising the Tripartite Agreement for the use of the zoo lands between the City, the Toronto Zoo Board and the Toronto and Regional Conservation Authority (TRCA).

EX34.7 recommends that the City Manager review the Toronto Zoo Board's governance and composition, including the consideration of alternative governance models, once these activities have concluded, with a view to enabling the new Zoo Strategic Plan while meeting City interests. As these activities will take some time to complete, the establishment of a relationship framework between the City and the Toronto Zoo at the outset is recommended to capture the various outcomes of Council directions, including the affirmation that future decisions regarding the acquisition, disposition and overall management of the Zoo's animal and plant collection is the responsibility of the Toronto Zoo and Board of Management.

Independence of a Separate Charitable Foundation

The City Manager recommends that the Toronto Zoo Board of Management facilitate the establishment of a separate and independent charitable foundation for fundraising, sponsorship, donation and partnership purposes in alignment with its 2014 Strategic Plan. Zoo Board representatives are of the view that a clearly independent charitable foundation would be best positioned to raise funds.

The foundation would be a separate legal entity, separate from both the City and the Zoo Board of Management. The founding members of the foundation will determine its board composition and whether any Council members would be invited to participate on the board. The involvement of some citizen board members of the Zoo Board of Management and the charitable foundation could be considered to help ensure alignment of objectives between both entities.

To be effective, the foundation and Zoo Board must build a solid working relationship with shared goals and objectives. They should enter into an agreement to ensure that the mandate of the charitable foundation is linked to the Zoo's Strategic Plan and that the funds are directed to agreed-upon shared priorities.

The Zoo could provide space and assistance to the foundation, but, as a separate legal entity the foundation will have its own employees.

Tripartite Agreement

The current City-Zoo Board-TRCA Tripartite agreement is subject to some interpretation on matters such as how much site remediation would be required should the Toronto Zoo cease to exist, at a cost to the Toronto Zoo and City. For example, the TRCA has noted that certain items might be included in site restoration such as clean up of any, if any, contaminated soils which would be ascertained through an environmental audit.

Negotiations respecting a new Tripartite Agreement, as recommended, would need to address this matter in detail and with clarity. The proposed terms of a new Tripartite Agreement would be reported to the Toronto Zoo Board of Management and City Council for approval.

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SIGNATURE

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