



REPORT FOR ACTION

The Indian Residential School Survivors (IRSS) Legacy Structure

Date: June 27, 2018

To: Government Management Committee

From: General Manager, Economic Development and Culture
and General Manager, Facilities Management

Wards: Ward 27

SUMMARY

In December 2015, City Council endorsed all of the Truth and Reconciliation Commission of Canada's (TRC) Calls to Action and directed City staff to develop concrete actions to fully implement all calls to action that explicitly recognise the role of municipalities. Call to Action 82 was identified as one that recognised the role of municipalities. Call to Action 82 calls for the commission and installation of a publicly accessible and highly visible monument in each provincial or territorial capital to recognize Indian residential school survivors. City Council directed City staff to work in partnership with the Province of Ontario and local Indigenous communities to pursue the monument project.

In 2017, the City was approached by Toronto Council Fire (TCF) to partner in the installation of a large structure at Nathan Phillips Square (NPS) to recognize the experience of Indian residential school survivors, in fulfilment of Call to Action 82. On November 7, 2017, Council adopted a motion directing the General Manager, Economic Development and Culture (EDC) and the Deputy City Manager, Internal Corporate Services, to work with TCF to determine the feasibility of the project and report back to Council in the first quarter of 2018. An initial update was provided to the Government Management Committee on April 3, 2018. Planning has accelerated since that time. This report provides a further update on the state of design, engineering, budget, programming and stakeholder engagement as of June 2018. While some risks to the project remain, and are detailed below, the project is considered generally feasible.

The anticipated start of construction, pending completion of design work, for the project is April 2020. In the interim, a major event related to the project is being planned for October 2018 on Nathan Phillips Square in order to advance the project and the broader cause of reconciliation.

RECOMMENDATIONS

The General Manager, Economic Development and Culture and the General Manager, Facilities Management recommend that:

1. City Council approve an increase of \$250,000 gross and \$0 net to the 2018 Approved Operating Budget of the Economic Development and Culture Division, funded entirely by the Major Special Events Reserve Fund, for expenses related to an October 2018 event including costs related to planning, consultation and programming for the Indian Residential School Survivors Legacy Project.
2. City Council direct the General Manager, Economic Development and Culture to include for consideration in its 2019 Operating Budget submission a request for \$250,000 to fund costs related to planning, consultation and programming for the Indian Residential School Survivors Legacy Project.
3. City Council direct the General Manager, Economic Development and Culture and the General Manager, Facilities Management, to submit costs related to the installation of the Indian Residential School Survivors Legacy Project for consideration as part of the 2019 budget process.

FINANCIAL IMPACT

The feasibility and cost estimate of the IRSS Legacy Structure project is supported by the city-wide technical audits and project validation work included in the Facilities, Real Estate, Environment & Energy (FREEE) 2018 Council Approved Capital Budget.

Funding requirements are under discussion and yet to be determined for the construction of the IRSS Legacy Structure project. There is no provision included in the City's 10-Year Capital Plan for these construction costs. The financial impacts associated with delivery of this project will be subject to Council consideration as part of the 2019 Budget process.

Budget

The estimated project budget including construction, professional services, allowances and contingencies is approximately \$11.8M. Discussions with TCF have examined a scenario where the City, as part of NPS State-of-Good-Repair program, would cover approximately \$5.8M for site preparation (to be considered through future budget submissions) and TCF would contribute about \$6.0M. TCF have received about \$2.3M to date, with a remainder of approximately \$3.7M to be raised.

Facilities Management have retained Marshall & Murray Incorporated to assist in the preparation of various levels of pre-construction cost estimates as part of this project.

The revised conceptual design has allowed Facilities Management and Toronto Council Fire to prepare a consolidated pre-construction Class D cost estimate (accurate within +/- 20-25%) for the construction cost only of the project.

In addition to the construction costs, the overall project budget includes Professional Service Fees and other associated costs. These are budgetary amounts that are proportionally against the estimated construction costs. The attached project budget summary outlines the estimated costs and allocation between SOGR (City of Toronto) and non-SOGR (TCF) (see Attachment 1: Project Budget Summary).

Table 1: IRSS Legacy Structure Draft Initial Working Budget (Class D)

ITEM	DESCRIPTION	SOGR (City of Toronto)	NON-SOGR (Council Fire)	OVERALL
A	Construction Cost	\$ 2.8M	\$ 5.3M *	\$ 8.1M
B	Professional Services Cost	\$ 0.6M	\$ 0.6M	\$ 1.2M
C	Contingency and Allowances	\$ 2.3M		\$ 2.3M
D	Subtotal (A+B+C) Pre Tax	\$ 5.7M	\$ 5.9M	\$ 11.6M
E	Taxes HST	\$ 0.7M	\$ 0.8M	\$ 1.5M
F	Net of HST Recoverable (1.76%)	\$ 5.8M	\$ 6M	\$ 11.8M

*Includes \$1.5M for the fabrication and installation of the turtle sculpture.

Funding Sources for Construction Expenses

TCF is committed to covering the non-SOGR construction costs associated with the site. To date, TCF has received a commitment of \$1.5M from the Ministry of Indigenous Relations and Reconciliation (MIRR) towards the project. Of this amount, \$0.7M, will be applied against the \$5.3M Class D estimate for above grade construction costs. TCF indicates that it has secured a further \$0.8M in commitments from a combination of government and private sector sources. Assuming these commitments will be applied to the non-SOGR costs, approximately \$3.8M will need to be raised by TCF for construction costs alone.

Funding for Planning, Consultation and Programming Expenses

Additional funding is required to support planning, consultation and programming for the IRSS Legacy Project. This report recommends increasing the 2018 Approved Operating

Budget for Economic Development and Culture by \$250,000 gross and \$0 net, funded by the Major Special Events Reserve Fund (MSERF), for a planned October 2018 event at Nathan Philips Square to be organized by TCF, as well as planning, consultation and programming for the Indian Residential School Survivors Legacy Project. The Interim CFO has confirmed there are sufficient funds in the reserve.

This report also recommends that a request for \$250,000 for costs related to planning, consultation and programming in 2019 be included in Economic Development and Culture Division's 2019 Operating Budget submission for Council consideration.

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

DECISION HISTORY

On December 9, 2015, City Council endorsed all the Truth and Reconciliation Commission of Canada's (TRC) Calls to Action and directed City staff to develop concrete actions to fully implement all calls to action that explicitly recognise the role of municipalities.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EX10.16>

On May 3, 2016, City Council received for information the report from the City Manager outlining the eight Calls to Action that City staff, in consultation with the Aboriginal Affairs Committee, had identified for implementation. Call to Action 82 was one of the ones identified for implementation. Call to Action 82 calls for the commission and installation of a publicly accessible and highly visible monument in each provincial or territorial capital to recognize Indian residential school survivors.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX14.1>

On June 19, 2017, Executive Committee directed the City Manager to consult with TCF on the project, and report to the Executive Committee on options for a location and funding support for the project as per

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EX26.26>

On November 7, 2017, City Council directed the General Manager, EDC and the Deputy City Manager, Internal Corporate Services, to work with TCF to determine the feasibility of the project and report back to Council in the first quarter of 2018.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EX28.16>

Staff were directed to include the following in the feasibility report:

- Technical specifications of the proposed structure and site with detailed drawings, including an engineering assessment; a detailed budget that clearly delineates the cost of the legacy structure's design, fabrication and installation; the costs of an education and outreach program associated with the structure; the cost of a landscape design for the surrounding site; any additional costs foreseen by the proponent as integral to the project; and this budget will also include a detailed explanation of the revenues available to support the project; and
- A proposed plan for engagement with City divisions, adjacent property owners, and planned users of Nathan Phillips Square.

On April 3, 2018, the Government Management Committee directed the General Manager, Economic Development and Culture and the Deputy City Manager, Internal Corporate Services to report prior to the end of the current Council term with an update on the Indian Residential School Survivors Legacy Structure project.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.GM26.13>

COMMENTS

On May 3, 2016, City Council adopted the City Manager's report on Fulfilling Calls to Action from the Truth and Reconciliation Commission. This report outlines how the City is working on the eight of the TRC's Calls to Action that explicitly recognise the role of municipalities. Included in these is Call to Action 82, which calls for provincial governments, in collaboration with survivors and their organizations, to commission a highly-visible, publicly accessible residential schools monument in each capital city to commemorate the victims and survivors of Canada's residential schools.

The Province of Ontario, through the Ministry of Indigenous Relations and Reconciliation (MIRR), is working with Indigenous partners and residential school survivors across the province to establish an Indian Residential School Survivors (IRSS) Legacy monument in Toronto. At the request of the Province, Toronto Council Fire Native Cultural Centre (TCF) is leading the process for the Toronto project, having been awarded a \$1.5 million grant from MIRR.

Established in 1976, TCF is an Indigenous cultural agency, serving the breadth of Toronto's Indigenous population, with a focus on social services, employment and youth services, and counselling. Its involvement in the IRSS project stems from TCF's strong support of Indian residential school survivors and its credibility with this community. Through various presentations to the City of Toronto's Aboriginal Affairs Committee (AAC), TCF has gained support for its leadership of the project from other AAC member organizations, such as the Native Canadian Centre of Toronto, Native Child and Family Services of Toronto, and the Mississaugas of the Credit First Nation. The continued support for and involvement in the project by the Mississaugas of the Credit, as treaty holders for most of present day Toronto, will be important to the success of the project.

Given the significance of the project for TCF, the City and all Torontonians, EDC is working closely with the Indigenous Affairs Office and the Equity, Diversity and Human Rights Division, seeking to ground the project in common objectives around reconciliation and Indigenous place-making. The proposed project represents a significant symbolic gesture of reconciliation by the City of Toronto, and the project's ultimate design, maintenance and programming must therefore serve the City's commitment to advancing reconciliation. An IRSS Legacy project working group has been established in order to achieve these objectives. The working group is led by EDC working with Facilities Management, the City's Indigenous Affairs Office and the Equity, Diversity and Human Rights Division. Other members include those with roles in Indigenous relations and place-making in the City, such as Parks, Forestry and Recreation, and Planning.

The City's Indigenous Affairs Office will lead the effort to develop a comprehensive reconciliation plan for the City of Toronto following consultations with the public and Indigenous partners. While work on that plan is underway, the City is engaged in several recent initiatives in support of reconciliation between Indigenous and non-Indigenous peoples. Such initiatives include the commitment to Indigenous cultural competency training for City staff, the creation of an Indigenous Culture Program, the establishment of the Indigenous Affairs Office, and work by Parks, Forestry and Recreation to develop Indigenous place-making plans. The IRSS Legacy project will be the City's most visible public gesture of reconciliation to date and will mark an important milestone in the City's reconciliation efforts.

While the construction of the project is considered feasible, any significant delays in design approvals, funding commitments and contract awards will impact the success of the project. The proponent, TCF, indicated in its submission to Executive Committee on October 24, 2017, its intention to raise the funds associated with the project, termed the Teaching, Learning, Sharing & Healing (TLSH) space. The ability to raise such funds in a timely and predictable manner, as well as to conclude a governance agreement with the City of Toronto to allow for cost-sharing and joint oversight over programming, will be critical to the project's success. The public consultation phase and the design review phase may introduce new variables to the project.

Engineering

At the outset of City involvement in the project, Facilities Management retained ERA Architects in September 2017 to undertake a preliminary engineering assessment for the turtle sculpture to be installed within the boundaries of the site. The final report concluded that the parking garage suspended roof slab area within the site can support the weight of the sculpture, which was then estimated to weigh 12 tonnes (12,000 kg). The sculpture has since been reduced in size (see Attachment 2: ERA Report).

State of good repair (SOGR) work is required at the site before the sculpture and the TLSH space can be constructed. The site had been previously considered as a potential location for a restaurant as part of the Nathan Phillips Square Revitalization project and the required SOGR work had been identified. Plans for the proposed restaurant were ultimately cancelled and the SOGR work was deferred. This work must be completed

within five years as the waterproofing is failing and surface finishes (concrete and gravel) are in poor condition. As part of the IRSS Legacy Structure project, this SOGR work will be accelerated. It will include:

- Waterproofing of the suspended roof slab and upturn curbs and walls;
- Roof drainage repairs and replacements;
- Mechanical & Electrical service below grade repairs and replacements;
- Replacement of concrete slab, concrete curbs, planters, vehicular bollards, security infrastructure, Queen Street curbs, and drains on the Osgoode pedestrian path and vehicular laneway.

This SOGR work is not contingent on TCF funding and will be undertaken by the City subject to budget approval.

Design

TCF, working with a professional architect, has made progress in refining the conceptual design of the site, outlining the major components in addition to the Restoration of Identity sculpture by artist Solomon King. The sculpture forms the centrepiece of a landscaped garden, the Teaching, Learning, Sharing, and Healing space. The sculpture design is based on the traditional Indigenous story of Turtle Island. The tiles on top of the turtle shell represent the 13 new moons in the Indigenous lunar calendar. The 28 surrounding tiles represent the number of days between the new Moons. In addition, the 13 top tiles will represent the 11 First Nations specific to the Ontario region as well as the Inuit and Métis. The sculpture depicts the turtle climbing over a boulder structure, listing all historic Residential Schools in Ontario, and is intended to mark the struggles experienced by Residential School Survivors and to demonstrate their continued recovery and resilience. In addition to the sculpture, the site will include components reflecting the heritage of Inuit and Métis peoples.

The revised conceptual design includes changes reflecting feedback from stakeholders such as the Nathan Phillips Square Community Advisory Committee (NPSCAC) to consider existing patterns of public use of Nathan Phillips Square as well as consider the influence of programming uses on site design (see Attachment 3: Site Plan and Perspective).

Engagement

Public and stakeholder engagement on the project has been underway for some time. TCF has consulted broadly with Indigenous peoples, including a focus on residential schools survivors, whose input has informed the design of the sculpture and surrounding space. Internal engagement with relevant City of Toronto divisions has been initiated through the establishment in July 2017 of a City of Toronto/Toronto Council Fire Working Group that meets bi-weekly. The working group includes EDC, Facilities Management, PF&R, Urban Design, Heritage Preservation Services, Equity, Diversity & Human Rights, the City's Indigenous liaison, and others as required. In addition, the project has been reviewed by the Nathan Phillips Square Community Advisory Committee, who have in turn provided advice to TCF regarding project design

and overall consistency with the design elements of the Nathan Phillips Square revitalisation.

Additional public engagement activities will be undertaken in the coming months, with a focus on significant milestones such as National Indigenous Day on June 21 and the gathering planned by TCF for Nathan Phillips Square in October 2018.

In addition to the extensive consultation with Indigenous peoples already undertaken by TCF, additional efforts are outlined in the Planned Engagement document (see Attachment 4: Engagement). As the project progresses, TCF and the City are committed to both joint and separate engagement and outreach programs. The IRSS Legacy Celebration, October 9-11, 2018, will provide engagement opportunities for the general public, the Toronto Aboriginal Support Services Council, and the wider Indigenous community in Toronto. This event will include a 'to scale' lightweight model of the turtle sculpture and interpretive panels to provide the public with an understanding of the project and its relationship to the City's efforts towards reconciliation. In addition, information on the project will be made available to the public during National Indigenous Day on June 21, 2018 to raise public awareness of the project.

City-led public engagement activities on the project will follow these activities including public meetings, open house information sessions, social media campaigns, and online surveys. Development of the full public engagement plan will involve the participation of the City's Manager of Indigenous Affairs.

Most of the adjacent property owners (Osgoode Hall, the Sheraton Centre and Infrastructure Ontario for the new Toronto Courthouse at 11 Centre Street) have been made aware of the project. Additional efforts will be made over summer and fall 2018 to engage additional adjacent stakeholders, such as the Toronto Parking Authority. Staff will continue to engage with federal and provincial partners.

This report recommends that the City allocate \$500,000 (including \$250,000 in 2018 and \$250,000 in 2019) to support consultation and engagement activities, along with education and programming initiatives described below.

Education and Programming

Given the origins of the project with the TRC, the project can contribute to raising public awareness of the legacy of Residential Schools as well as highlighting the resilience of Indigenous peoples in the face of such challenges. TCF has outlined an overall programming vision, where the primary intention of the project is to be an inclusive space for teaching, learning, sharing and healing. The space is designed to enable Indigenous and non-Indigenous people to come together to learn about residential schools, their legacy and to work toward reconciliation. This vision sees the Indigenous community, under the stewardship of TCF, as having a primary role in programming the space, and also provides opportunities for the City and other partners to program the space. These programming partnerships will be coordinated through the creation of a co-management agreement between the City and TCF. TCF has also provided an initial outline of programs and associated costs (see Attachment 5: Programming).

Next Steps

1. Working group meetings will continue bi-weekly, focusing on event planning for October 2018 and work on all aspects of the capital project, towards a budget submission.
2. Development of a co-management structure, to include research on existing agreements in other divisions.

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ATTACHMENTS

1. Project Budget Summary
2. ERA Report
3. Site Plan & Perspective
4. Engagement
5. Programming