



## Member Motion

### City Council

#### Motion without Notice

MM38.31	ACTION			Ward: 15
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#### **Authorization to Enter into Agreement with Toronto Botanical Garden for Transfer of Civic Garden Foundation Endowment Funds - by Councillor Jaye Robinson, seconded by Councillor James Pasternak**

*\* Notice of this Motion has not been given. A two-thirds vote is required to waive notice.  
 \* This Motion is subject to referral to the Infrastructure and Environment Committee. A two-thirds vote is required to waive referral.  
 \* This Motion has been deemed urgent by the Chair.*

#### **Recommendations**

Councillor Jaye Robinson, seconded by Councillor James Pasternak recommends that:

1. City Council authorize the General Manager, Parks, Forestry and Recreation, to accept approximately \$175,000 as the City's share of the disposition of the Civic Garden Foundation's property upon dissolution of the Foundation per the Foundation's Letters Patent.
2. City Council authorize the General Manager, Parks, Forestry and Recreation to negotiate and execute an agreement with the Toronto Botanical Garden to transfer the City's share of the funds received from the Civic Garden Foundation, requiring Toronto Botanical Garden to spend the funds on parks and horticultural purposes, with the agreement in a form satisfactory to the City Solicitor.
3. City Council authorize the transfer of the funds referenced in the agreement between the City and Toronto Botanical Garden in Recommendation 2 above, once the agreement has been signed.

#### **Summary**

The Civic Garden Foundation was established in 1983 as a fundraising vehicle and holder of endowment funds for the Civic Garden Centre, the precursor to today's Toronto Botanical Garden.

The only function today of the Civic Garden Foundation is to hold endowment funds and distribute the proceeds to Toronto Botanical Garden, a registered charity. The board of the Civic Garden Foundation has determined that the costs and Canada Revenue Agency reporting obligations required to maintain the Foundation are no longer worth having the Foundation remain a separate entity from Toronto Botanical Garden, when Toronto Botanical Garden as a registered charity can perform the same function. Therefore, the Foundation's board has

decided to dissolve the Foundation.

The Foundation's Letter's Patent require that, upon dissolution and after payment of all debts and liabilities, its remaining property shall be "disposed of to the Municipality of Metropolitan Toronto for application for parks and horticultural purposes and The Civic Garden Centre [now Toronto Botanical Garden] equally or failing them to any Canadian charitable organization or governmental body."

Toronto Botanical Garden has requested, and the General Manager of Parks, Forestry and Recreation agrees, that the City's share of the Foundation's remaining property, estimated at approximately \$175,000, be transferred to Toronto Botanical Garden for the same purposes the Foundation was originally mandated to fulfill.

This motion seeks Council authority to accept the funds from the Civic Garden Foundation and enter into the appropriate agreement with Toronto Botanical Garden and transfer the funds to Toronto Botanical Garden.

The motion is urgent as the Civic Garden Foundation wishes to wind up operations before the end of fiscal 2021.

### **Background Information (City Council)**

Member Motion MM38.31