

Community & Operations Services Committee – January 11, 2023

Amendment to the LEAF Backyard Tree Planting Program Agreement (All Wards)

That the Community & Operations Services Committee recommend to City Council:

Whereas pursuant to Item [CS-20-59](#) dated October 19, 2020, a joint 5-year agreement was executed with the Region of Durham, participating municipalities of the City of Oshawa, Town of Ajax, Town of Whitby, City of Pickering and the Township of Scugog, and Local Enhancement and Appreciation of Forests (L.E.A.F.) for the implementation of the backyard tree planting program as described in [Report CS-20-21](#) dated March 9, 2020; and,

Whereas the Township of Brock and Municipality of Clarington wish to participate in the program; and,

Whereas to add the Township of Brock and Municipality of Clarington an amendment to the L.E.A.F. Backyard Tree Planting Program Agreement is necessary;

Therefore be it resolved that the Mayor and Clerk be authorized to sign the attached amendment to the LEAF Backyard Tree Planting Program Agreement and that the Commissioner of Community and Operations Services be authorized to sign any future amending agreements if administrative in nature.

**AMENDMENT 1 TO THE LEAF BACKYARD TREE PLANTING PROGRAM AGREEMENT  
("Amendment 1")**

effective this 1st day of July 2022

B E T W E E N:

**Local Enhancement and Appreciation of Forests ("LEAF")**

LEAF is a corporation without share capital, incorporated under the Ontario *Corporations Act*

AND

**The Regional Municipality of Durham  
The Corporation of the City of Oshawa  
The Corporation of the City of Pickering  
The Corporation of the Town of Whitby  
The Corporation of the Township of Scugog  
The Corporation of the Town of Ajax**

(with the foregoing collectively referred to as the "**Municipal Partners**")

AND

**The Township of Brock  
The Municipality of Clarington**

(with the foregoing collectively referred to as the "**Additional Municipal Partners**")

**RECITALS**

- A. WHEREAS the original LEAF Backyard Tree Planting Program Agreement (the "Agreement") took effect July 1<sup>st</sup>, 2021, between Local Enhancement and Appreciation of Forests (LEAF) and the Municipal Partners;
- B. AND WHEREAS the Township of Brock and the Municipality of Clarington wish to become parties to the Agreement;
- C. AND WHEREAS the original Agreement included an annual grant totaling \$148,000 contribution from the Municipal Partners for a total \$592,000 over the course of the five-year Agreement for LEAF to offer the Backyard Tree Planting Program (the "**Program**") to residents, in an effort to increase urban tree planting;
- D. AND WHEREAS Amendment 1 adds the Additional Municipal Partners for a one-year period, which may be extended at any time if mutually agreed to by LEAF and the Additional Municipal Partners, without further agreement by the Municipal Partners;
- E. AND WHEREAS the Parties wish to contemplate adding other municipal partners in the future without the need for a formal amendment;

**NOW THEREFORE**, for good consideration as provided for in this Amendment the parties hereby agree as follows:

1. The Additional Municipal Partners will be parties to the Agreement for the term July 1, 2022 to June 30, 2023 ("Year Two").
2. During Year Two, the Additional Municipal Partners will comply with all of the terms and conditions of the Agreement, as if they were original signatories to it.
3. Unless agreed to in writing by LEAF and the Additional Municipal Partners, this Amendment shall expire on June 30, 2023 and the Agreement shall revert to its original form, as it was prior to the Amendment.
4. Should LEAF and the Additional Municipal Partners agree to continue on the same terms as this Amendment for any of the additional years of the Term, no further written agreement from the original Municipal Partners will be necessary. An email between LEAF and the Additional Municipal Partners will suffice to indicate such an agreement, provided such participation is on the same terms and conditions as set out in this Amendment.
5. The Parties agree that should any other local area municipality wish to join the Program, that they may do so by agreement in writing between the local area municipality, the Regional Municipality of Durham and LEAF, and that a formal amendment signed by all Parties is unnecessary. The local area municipality will agree to abide by substantially the same terms and conditions and will receive approximately the same share of the Deliverables, as the other Municipal Partners.
6. During Year Two, the following amendments will be made to the Agreement:

**a) Replace subsections 4a) I and II of Section 4: DELIVERABLES with the following:**

- I. plant at least 244 trees (3 shrubs equivalent to 1 tree), according to the distribution set out in Section 6a);
- II. reach at least 530 residents through outreach/educational activities;

**b) Amend Section 6: FUNDING AND TARGETS by adding the following to the bottom of the chart, including replacing the row titled "Annual Totals":**

Brock	\$8,000	LEAF	July 15	22
Clarington	\$15,000	LEAF	July 15	40
<b>Annual Totals</b>	<b>\$171,000</b>			<b>244</b>

c) In subsection 10)b) of Section 10: GENERAL, replace the contact information for LEAF and add contact information for the Additional Municipal Partners, as follows:


LEAF  
Erin MacDonald, Acting Executive Director  
Artscape Wychwood Barns  
601 Christie St, Suite 253  
Toronto, ON M6G 4C7  
416-413-9244  
erin@yourleaf.org

The Municipality of Clarington  
Andrew Johnson, Landscape Architect 40  
Temperance Street  
Bowmanville, ON, L1C 3A6  
905-623-3379  
AJohnson@clarington.net

The Township of Brock  
Ingrid Svelnis, CAO  
1 Cameron Street East  
PO Box 10  
Cannington ON L0E 1E0  
705-432-2355 ext. 239  
ingrid.svelnis@brock.ca

The duly authorized representatives of LEAF and the Municipal Partners, having authority to bind their respective organizations and having read and understood the terms and conditions of this Amendment, agree to the terms and conditions, and execute this Amendment.

**LOCAL ENHANCEMENT AND  
APPRECIATION OF FORESTS**

Per:   
Name: Erin MacDonald  
Title: Acting Executive Director

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
I/We have authority to bind the Corporation

**THE CORPORATION OF THE  
MUNICIPALITY OF CLARINGTON**

Per: SA  
Name: Stephen Brake  
Title: Director of Public Works

Per: \_\_\_\_\_  
Name:  
Title:

I/We have authority to bind the Corporation

**THE CORPORATION OF THE TOWNSHIP  
OF BROCK**

Per: Ingrid Svelnis  
Name: Ingrid Svelnis  
Title: CAO

Per: F. Lamanna  
Name: Fernando Lamanna  
Title: Municipal Clerk/Deputy CAO

I/We have authority to bind the Corporation

**THE REGIONAL MUNICIPALITY OF  
DURHAM**

Per: S. Austin  
Name: Sandra Austin  
Title: Director, Strategic Initiatives

Per: \_\_\_\_\_  
Name:  
Title:

I/We have authority to bind the Corporation

**THE CORPORATION OF THE CITY OF  
OSHAWA**

Per: \_\_\_\_\_  
Name:  
Title:

Per: \_\_\_\_\_  
Name:  
Title:

I/We have authority to bind the Corporation


THE CORPORATION OF THE CITY OF  
PICKERING

Per:   
Name: **David Ryan**  
Title: **Mayor**


Per:   
Name: **Susan Cassel**  
Title: **City Clerk**  
I/We have authority to bind the Corporation

THE CORPORATION OF THE TOWN OF  
WHITBY

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Per:   
Name: Matthew Gaskell  
Title: Chief Administrative Officer  
I/We have authority to bind the Corporation

THE CORPORATION OF THE TOWNSHIP  
OF SCUGOG

Per:   
Name: Carol Coleman  
Title: Director of Public Works and Infrastructure

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
I/We have authority to bind the Corporation

THE CORPORATION OF THE TOWN OF  
AJAX

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Per:   
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
I/We have authority to bind the Corporation