

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 1st, 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
Annual Totals	\$171,000			244

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: Ingvid Svelnis
Name: Ingvid 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: 
Title: **David Ryan**
Mayor

Per: _____

Name: 
Title: **Susan Cassel**
City Clerk

I/We have authority to bind the Corporation

THE CORPORATION OF THE TOWN OF
WHITBY

Per: _____

Name:
Title:

Per: _____

Name: 
Title: Matthew Gaskell
Chief Administrative Officer

I/We have authority to bind the Corporation

THE CORPORATION OF THE TOWNSHIP
OF SCUGOG

Per: _____

Name: 
Title: Carol Coleman
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