



**CITY OF KINGSTON**  
**REPORT TO COUNCIL**

**Report No.: 12-117**

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**TO:** Mayor and Members of Council

**FROM:** Cynthia Beach, Commissioner, Sustainability & Growth

**RESOURCE STAFF:** Paul MacLatchy, Director, Environment & Sustainable Initiatives  
Joseph Davis, Project Manager, Sustainability & Growth

**DATE OF MEETING:** April 3, 2012

**SUBJECT:** Authority to enter into a Service Level Agreement with the Sustainable Kingston Corporation & Council Appointment to the Board

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**EXECUTIVE SUMMARY:**

The application for the creation of a not-for-profit corporation, known as Sustainable Kingston Corporation, has been submitted to the Province and the Board of Directors have been selected by the Founding Board of Directors for the Sustainable Kingston Corporation.

This report requires that authority for the Mayor and Clerk to enter into a Service Level Agreement and other legal documents with the Board of Directors of the Sustainable Kingston Corporation, and that Council appoint a member from Council to represent the City's interests as specified in the Service Level Agreement on the Board of Directors for Sustainable Kingston Corporation.

**RECOMMENDATION:**

**THAT** Council authorize the Mayor and Clerk to execute a Service Level Agreement for a period of three years with options for renewal and any other documents required to provide use of the City's Sustainable Kingston documentation and intellectual property with the Board of Directors of the Sustainable Kingston Corporation in a form acceptable to the Director of Legal Services; and

**THAT** Council appoints a member of Council to sit on the Board of Directors of the Sustainable Kingston Corporation for the term of the Service Level Agreement; and

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**THAT** a by-law be presented to Council to amend By-Law 2010-205, as amended, being a by-law to define the mandate and meeting procedures for committees established by the Corporation of the City of Kingston, to include an entry under section D-1, regarding the Sustainable Kingston Corporation.

**AUTHORIZING SIGNATURES:**

ORIGINAL SIGNED BY COMMISSIONER _____ Cynthia Beach, Commissioner, Sustainability and Growth
ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER _____ Gerard Hunt, Chief Administrative Officer

**CONSULTATION WITH THE FOLLOWING COMMISSIONERS:**

Lanie Hurdle, Community Services	N/R
Denis Leger, Transportation, Properties & Emergency Services	N/R
Jim Keech, President & CEO, <i>Utilities Kingston</i>	N/R

***(N/R indicates consultation not required)***

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**OPTIONS/DISCUSSION:**

Council at its meeting on June 7, 2011, approved Report No. 63 directing staff to create a new community based not-for-profit corporation for the purpose of governing and implementing the *Sustainable Kingston Plan* and once the corporation is established a Service Level Agreement (SLA) will be entered into between the City of Kingston and the Board of Directors of the Sustainable Kingston Corporation.

The Service Level Agreement (SLA) will ensure that the governance and implementation of the *Sustainable Kingston Plan* will be performed by the Sustainable Kingston Corporation in exchange for a monetary contribution by the City.

The requirements of the proposed Service Level Agreement are consistent with the mandate of the Sustainable Kingston Corporation and include the following:

- a. advance community sustainability within the City of Kingston.
- b. advance the reputation of Kingston as a sustainable city nationally, and internationally.
- c. raise awareness within Kingston of community sustainability and the *Sustainable Kingston Plan*.
- d. engage the community and advocate for community action.
- e. leverage the resources of *Sustainable Kingston* to help facilitate community initiatives and actions; and
- f. consult with the community to continuously improve the *Sustainable Kingston Plan*.

The proposed Agreement will also require services that include:

- a. leasing accessible business space;
- b. operation of website with Community Action Inventory;
- c. creation of documents to promote the *Sustainable Kingston Plan*;
- d. organizing events such as public speakers, provision of documentary screenings;
- e. hosting of a Community Sustainability Conference and Annual General Meeting (AGM);  
and
- f. recommending revisions to the *Sustainable Kingston Plan*.

The Service Level Agreement will require that the Sustainable Kingston Corporation is competent to perform the Services or will achieve the required competencies to perform the Services as required and it has the necessary qualifications, including knowledge, skill and experience to perform the Services, together with the ability to use those qualifications effectively for that purpose.

The Agreement also provides the City of Kingston the right to nominate one City Councillor to be a Director on the Board of the Sustainable Kingston Corporation during the term of the agreement.

The proposed Agreement will contain other clauses dealing with the term of the Agreement, a three year term is being proposed, along with termination should the mandate not be meaningfully fulfilled by the new Corporation. The Agreement will also specify the funding to be provided by the City during the term of the Agreement along with requirements for reporting of the Sustainable Kingston Corporation’s activities in relation to the Agreement. The Service Level Agreement will also require the Sustainable Kingston Corporation to undertake both short term and long term planning with the objective of becoming financially self sufficient by seeking and obtaining other funding sources/opportunities in addition to the City of Kingston’s contribution.

This report seeks the authority from Council to have the Mayor and Clerk execute the agreement on behalf of the City, in a form acceptable to the Director of Legal Services along with other legal documents that will allow Sustainable Kingston to use the intellectual properties associated with the governance and implementation of the *Sustainable Kingston Plan*.

Council is also requested to appoint a member of Council, annually to the Board of Directors to represent the City’s interests as defined in the Service Level Agreement as described above. The proposed term of the Service Level Agreement is three years with the option to renew for a further period of time depending on the success the Sustainable Kingston Corporation has at securing sustainable funding to support the governance and implementation of the *Sustainable Kingston Plan*. The level of support from the City may be reduced after the three years.

**EXISTING POLICY/BY LAW:**

By-Law No. 2010-205 Schedule D-1

**NOTICE PROVISIONS:**

No Notice provisions are required.

**ACCESSIBILITY CONSIDERATIONS:**

There are no accessibility considerations directly related to this report.

**FINANCIAL CONSIDERATIONS:**

As per Report to Council No. 2011-063, the Service Level Agreement will require a monetary contribution from the City of Kingston of \$132,000 per year for the term of the agreement. This amount is currently within the approved 2012 operating budget.

**CONTACTS:**

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Joe Davis, Project Manager, Sustainability & Growth	613-546-4291 ext 1349
Alan McLeod, Senior Legal Counsel, Legal Services, Corporate Administrative Team	613-546-4291 ext 1237

**OTHER CITY OF KINGSTON STAFF CONSULTED:**

None.

**EXHIBITS ATTACHED:**

Exhibit A — Draft By-Law

**BY-LAW NO. 2012-\_\_\_\_\_**

**A BY-LAW TO AMEND BY-LAW NO. 2010-205 “A BY-LAW TO DEFINE THE MANDATE AND MEETING PROCEDURES FOR COMMITTEES ESTABLISHED BY THE CORPORATION OF THE CITY OF KINGSTON” (To Establish the Sustainable Kingston Plan Corporation)**

**PASSED:**

The Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law No. 2010-205 of The Corporation of the City of Kingston entitled, “A By-Law To Define The Mandate And Meeting Procedures For Committees Established By The Corporation Of The City Of Kingston”, as amended, is hereby further amended as follows:
  - 1.1. Schedule “D-1, is hereby amended by adding a new section 13 which shall read as follows:

“13. One member of Council appointed annually. The Corporation is responsible for the Sustainable Kingston Corporation. The member of Council will act as Councils representative to this corporation during the term of the Service Legal Agreement between the City of Kingston and the Sustainable Kingston Corporation. The Service Level Agreement will ensure that the governance and implementation of the Sustainable Kingston Plan will be performed by the Sustainable Kingston Corporation in exchange for a monetary contribution by the City.

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2. This By-Law shall come into force and take effect on the date of its passing.

**GIVEN ALL THREE READINGS AND PASSED**

**CITY CLERK**

**MAYOR**