



City of
Peterborough

To: Members of the General Committee

From: Sheldon Laidman, Commissioner, Community Services

Meeting Date: July 4, 2022

Subject: Community Gardens Administrator Agreement, 2023 Budget Precommitment, and Policy Update, Report CSRS22-003

Purpose

A report to seek approval to enter into a Community Garden Administrator Agreement with the YWCA Peterborough Haliburton for the administration of community gardens located on municipal land (City owned or managed), pre commit the 2023 budget, and to update corporate policy number 0023, known as the Community Gardens Policy.

Recommendations

That Council approve the recommendations outlined in Report CSRS22-003, dated July 4, 2022 of the Commissioner, Community Services as follows:

- a) That authority be delegated to the Commissioner of Community Services to execute a Community Garden Administrator Agreement with the YWCA Peterborough Haliburton, in a form acceptable to the City Solicitor, for the creation and administration of community gardens in such City owned or managed locations as the Commissioner determines are appropriate;
- b) That the term of the Community Garden Administrator Agreement be from January 1, 2022 to December 31, 2027, with an option to automatically renew for one additional 3-year term, at the Commissioner's discretion;
 - i. That funding to the YWCA Peterborough Haliburton in the amount of \$49,602 be pre committed in in the 2023 budget with annual increases of 2% for the term of the agreement; and

- c) That the revised Community Garden Policy attached to this report as Appendix A, be approved.

Budget and Financial Implications

Approval of recommendation (c) results in a pre-commitment to the 2023 – 2027 operating budgets, beginning with \$49,602 for 2023 and increasing at 2% annually for the full term of the agreement, including the renewal period if exercised by the City.

Background

In 2010, Council approved corporate policy 0023, the Community Gardens Policy, as per the recommendations of report CSRS10-002. Council recognized the important role community gardening played in the community at that time and had the foresight to anticipate that role expanding over time. Community gardens provide many essential benefits to communities such as increased access to public lands, greening of underused landscapes, and mitigation of the impacts of climate change by reducing urban water run-off, capturing carbon and providing food sources for birds and pollinators. Increasing poverty, food insecurity, mental health struggles, and the impacts of climate change issues are becoming more prominent. While community gardens will not independently solve these challenges, they are an important piece of the community fabric that can make a community more vibrant and resilient. The significance of community gardening has more recently been recognized by the provincial government when it declared community gardens to be an essential service during the COVID-19 pandemic as food production spaces for people, including those who are facing food insecurity.

Historic Administration of Community Gardens on Municipal Land

The Community Gardens Policy demonstrated Council's support of community gardening by making suitable municipal lands available for gardening purposes. However, Council also recognized the City did not have the capacity to introduce a new directly operated service to manage the ongoing operation of the existing or future community gardens situated on municipal lands. As such, the existing policy is flexible, allowing for an external organization to take on that management role in consultation with City staff.

At the time the Community Garden Policy was approved, Peterborough GreenUp in collaboration with the YWCA Peterborough Haliburton Peterborough Public Health, and the Community Opportunity & Innovation Network (COIN) had established the Peterborough Community Garden Network (PCGN). GreenUp was the lead organization under which the PCGN operated. GreenUp acted as the legal entity with whom the City entered into licence agreements specific to each garden site located on municipal land. Section 4.2.3 of the Community Gardens Policy requires a licence

agreement for this use of municipal land. GreenUp worked directly with the public who were interested in establishing gardens on municipal land, submitted community garden applications to the City, and acted as the operator of each of the approved gardens as per the terms of the licence agreements.

In 2014, the management responsibilities transferred from Green Up to the YWCA Peterborough Haliburton (referred to hereafter as YWCA), who has been involved with community gardening for more than 30 years.

The YWCA manages the gardens on municipal lands as part of their Nourish Project program. The Nourish Project works in partnership with community gardeners to develop sustainable community garden groups who oversee the individual sites. This process is critical in ensuring that the uniqueness of each garden is recognized, the gardeners are empowered to take on leadership roles and feel a sense of pride and connection with the garden sites and sustaining the community garden projects in the long term. The YWCA also maintains a waiting list of interested new gardeners. There were 65 people on the waiting list at the time this report was written. The relationship between the City and the YWCA has proven to be an efficient means for the City to manage the use of municipal lands for community gardening purposes.

YWCA's Capacity Concerns

While the YWCA recognizes that managing the community gardens on municipal lands fits well within its corporate vision, and mission, they have raised concern to City staff that they do not have sufficient capacity to continue to handle the workload without financial support for the necessary resources to fulfill the responsibilities of that role. Several of those responsibilities would otherwise fall to the City as a directly operated service. The YWCA currently manages the key responsibilities, which include the following:

1. Serve as the single point of contact with the City for the establishment of new Community Gardens on municipal land.
2. Serve as the Operator, assume liability, and manage all operations of the Community Gardens on municipal land, including plot assignments and complaints handling.
3. Prepare and submit all application forms to the City to establish new community gardens on municipal land.
4. In partnership with City staff, facilitate neighbourhood consultation to determine neighbourhood support for each Community Garden application, and provide all input to the City for its consideration in the approval process.
5. Attend the Arenas Parks and Recreation Advisory Committee meetings at which Community Garden approvals are being addressed, to present and/or respond to questions as required.

6. Enter and enforce Plot Holder Agreements and liability waivers which shall be signed by all Plot Holders and be made available to the City upon request.
7. Maintain a community wide Waiting List and connect interested community gardeners to available plots throughout the City.
8. Facilitate the receipt of donations from the public to community gardens such as tools, seeds, and seedlings.
9. Provide information for community gardeners who would like to donate produce to community programs.
10. Promote community garden initiatives to the public, including for the provision of instructional programming, and to support local food production.

Over the past few years, the demands on the YWCA's community garden program have increased with the gardens located on municipal lands requiring the most attention, especially those located in or near the downtown core. There are a total of 144 garden plots available within the gardens located on the following municipal lands:

- Whitefield Park
- 1900 Ashburnham Drive
- King Edward Park
- Nevin Park
- Stewart Park
- 480 McDonnell St. (abuts Bonaccord St – Referred to as the Bonaccord Garden)
- Barnardo Ave. & Wolsely St. intersection (flower garden)
- There was at least one other application in progress at the time this report was written

YWCA Request for Financial Support

Staff met with the YWCA to review the list of service responsibilities and requested that the YWCA provide a budget that represents the reasonable expenses associated with providing those services annually. Staff have reviewed the budget provided by the YWCA, which identifies an annual expense of \$49,602.00 effective January 1, 2023, broken down as follows:

Staffing	\$36,036
Supplies	\$4,000

Mileage	\$2,000
Administration (IT, phone, heat, hydro, space, insurance, training etc.)	\$7,566
Total	\$49,602

The YWCA would provide an annual in-kind contribution of \$8,000 in supervision, \$14,586 in additional staffing, and \$1,000 in additional mileage.

The YWCA is also requesting funding for 2022 in the amount of \$12,461.00 for the period of August 1 to December 31, 2022, broken down as follows:

Staffing	\$10,560
Administration (IT, phone, heat, hydro, space, insurance, training etc.)	\$1,901
Total	\$12,461

While City staff understand the need for financial support and are recommending such funding for 2023 and beyond, staff are not recommending the partial funding for 2022. This would necessitate a mid year budget adjustment for a service and funding request that was only recently made known to the City. Beginning this funding in the new calendar year of 2023 follows the typical municipal practice of including a new funded service in the annual budget process.

Comparison Cost for Direct Delivery: As an alternative option, Staff have considered the workload and expense to provide the services directly. It is estimated that an additional 1.00 Full Time Equivalent position would be required to provide the services currently being managed by YWCA. The estimated annual cost is \$67,000 for salary and benefits alone.

Agreement With YWCA

Staff is recommending that the City enters into a Community Garden Administrator Agreement with the YWCA as an economical and efficient means to manage the community garden operations on municipal lands. This approach maintains the already established streamlined process for the public, providing one point of access for everything related to community gardening within the region, including managing a central wait list, and connecting gardeners to plots and resources across the full scope of the gardening system within the City and County.

Community Garden Policy Updates

The corporate community garden policy became due for review during the pandemic. Attached to this report as Appendix “A” is a revised version of the Community Garden Policy. The revisions are supportive of Recommendation (a) of this report, to enter into an agreement with the YWCA. The revisions are as follows:

- Section 3.0 – Definitions – All references to “License Agreement” are changed to “Community Garden Administrator Agreement”;
- Section 4.1 – The word “shall” is replaced with “will”;
- Section 4.2.3 – The term “License agreement” is changed to “Community Garden Administrator Agreement”;
- Section 4.2.4 & 4.2.5 – All references to “each operator” are changed to “the Operator”;
- Section 4.3 – Entire wording deleted and replaced with “Failure of the Operator to comply with this policy may result in termination of the Community Garden Administrator Agreement”; and
- Section 5.1 – All references to “License and Use Agreement” are deleted.

Summary

In 2010, the City introduced a Community Gardens Policy, establishing the formalized use of municipal lands for community gardening. While the City made municipal lands available, it relied on local not for profit organizations to manage the gardens. Since 2014, the YWCA has worked in that capacity without financial compensation. With the workload continuing to grow in relation to the garden operations on municipal lands, the YWCA has reached out to the City requesting financial support to continue to provide this service on behalf of the City. This report recommends formalizing the relationship with the YWCA through a Community Garden Administrator Agreement. Also recommended are minor revisions to the Community Gardens Policy.

Submitted by,

Sheldon Laidman
Commissioner of Community Services

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Attachments:

Appendix A – Revised Community Gardens Policy



Community Gardens Policy

Department:	Community Services
Division:	Recreation
Section/Function:	N/A
Approval Level:	Council
Effective Date:	2021-12-01
Revision #:	3

1.0 Purpose

- 1.1. The City of Peterborough values and supports sustainable Community Gardens because they contribute to economical, nutritious, and local food production; an appropriate use of open space; health and well-being; fitness and recreation; positive social interaction; strong neighbourhoods; environmental education; and increased self-reliance.
- 1.2. This Policy provides direction to establish Community Gardens on City-owned or managed land.

2.0 Application

- 2.1. This Policy and related Procedures applies to the City and to individuals and groups who establish, operate, administer, oversee, approve, or conduct Community Gardening activities on City owned or managed land.
- 2.2. Community Services Department develops and approves the necessary City procedures to implement this Policy, in consultation with other City Departments.
- 2.3. This Policy only applies to Community Gardening and does not apply to other forms of urban agriculture such as the breeding and raising of livestock and poultry.

3.0 Definitions/Acronyms

City – The Corporation of the City of Peterborough, its employees, elected officials, agencies, boards, and commissions.

Community Garden – A site that is operated by an individual or group, on a non-profit basis, for one or more of the following purposes:

1. Production of produce for:
 - Personal use;



Community Gardens Policy

- Donation to local food causes; or
 - Generating revenue to reinvest in the Community Garden.
2. Production of a floral or landscape display; or
 3. Demonstration gardening or other related instructional programming.

Community Garden Administrator Agreement – An agreement, between the City and an Operator, that sets out the rights and responsibilities of both parties pertaining to the use of City-owned or managed land for the purpose of a Community Garden.

Liability Waiver – A waiver that Plot Holders sign acknowledging the risks of participating in a Community Garden and that they are responsible for their own actions.

Operator – The legal entity with whom the City enters into a Community Garden Administrator Agreement to manage and operate all Community Gardens situated on City owned or managed land.

Plot Holder – A member of a Community Garden who has shared or full responsibility for gardening at least one garden plot within the Community Garden.

Plot Holder Agreement – An agreement between a Plot Holder and the Community Garden Operator that stipulates rights, responsibilities, and rules to be followed within the Community Garden.

Terms of Reference – A document created by the Community Garden Operator, with assistance from the City, that identifies how a Community Garden will be operated (e.g. the management structure, decision-making processes, assignment of plots, length of membership, fees).

4.0 Policy Statement(s)

4.1. The City will demonstrate its support for Community Gardens by:

- .1 Promoting Community Garden initiatives and participating as a stakeholder with community partners.
- .2 Encouraging the use of Community Gardens for related instructional programming and to support local food production.
- .3 Assisting new Community Gardens with start-up activities, as determined by the City's selection process and subject to available funding.
- .4 Incorporating Community Gardens in municipal land use planning of new development areas and established parkland.
- .5 Compiling and maintaining an inventory of potential sites for Community Gardens.

- 4.2.** Community Gardens are to be operated in a safe and fair manner in a way that enhances neighbourhoods, therefore the City requires:
- .1 That neighbours be consulted through a public process before a new Community Garden is established.
 - .2 Fair, equitable, and transparent processes for the operation of Community Gardens.
 - .3 A Community Garden Administrator Agreement.
 - .4 That the Operator establish and comply with a Terms of Reference.
 - .5 That the Operator maintain and enforce Plot Holder Agreements and Liability Waivers, which shall be signed by Plot Holders and Operators.
 - .6 That the requirements of the Accessibility for Ontarians with Disabilities Act are met by the Operator.
- 4.3.** Failure of the Operator to comply with this Policy may result in the termination of the Agreement.

5.0 Appendix, Related Documents & Links

Note: All references refer to the current version, as may be amended from time to time.

5.1. Pertinent Resources:

- Plot Holder Agreement
- Release and Waiver
- Template Terms of Reference
- Committee of the Whole Report CSRS10-002 “Community Gardens Policy”

5.2. Related Policies:

- N/A

5.3. Related Procedures:

- N/A

5.4. Related Forms:

- N/A

5.5. Miscellaneous:

- N/A

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6.0 Amendments/Reviews

Date (yyyy-mm-dd)	Section # Amended	Comments
2010-04-06	N/A	Committee of the Whole Report No. 8 of a Meeting of April 6, 2010 recommending that the Community Gardens Policy in Report CSRS10-002 be approved.
2010-04-12	N/A	City Council approved item 13 of Committee of the Whole Report No. 8 of a Meeting of April 6, 2010 recommending that the Community Gardens Policy in Report CSRS10-002 be approved.
2012-12-21	N/A	Review of Policy completed by Recreation – No changes made to the Policy – Next Review Date set for 2015-01-01
2013-01-01	N/A	Revision #1 – No changes were made to the content of the Policy. Policy revised to move to new Policy Template (i.e. Policy Statements moved to Section 2.0, Application moved to Section 3.0, Definitions moved to Section 4.0) and to move to new protocol for showing defined terms (i.e. capitalizing the first letters).
2015-02-09	N/A	Policy reviewed by Recreation Division. No changes made to the Policy. Next Review Date set to 2020-01-01.
2021-12-01	N/A	Revision #2 – No changes were made to the content of the Policy. Policy moved to updated Policy Template; (Section 2.0 moved to Section 4.0, Section 3.0 moved to Section 2.0, Section 4.0 moved to Section 3.0). Policy document format has been updated to become compliant with the Accessibility for Ontarians with Disabilities Act (AODA) Regulation 191/11 Integrated Accessibility Standards.
2022-07-04	3.0, 4.2.3, 4.2.4, 4.2.5, 4.3, 5.1	Revision #3 – Policy reviewed and updated by Recreation Division. Revisions include an amended Operator definition and minor wording changes to clarify and streamline the language used (e.g., “Agreement” in place of “License Agreement”; the “Operator” in place of “each Operator”. Policy to be reviewed by General Committee through Report CSR22-003.

Next Review Date:	2027-01-01
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