

THE UNIVERSITY OF BRITISH COLUMBIA

FORWARDED TO:

BOARD OF GOVERNORS ON RECOMMENDATION
OF PRESIDENT STEPHEN J. TOOPE

APPROVED FOR SUBMISSION:


Stephen J. Toope

PRESENTED BY:

John Hepburn, Vice President – Research and International
Pierre Ouillet, Vice President – Finance, Resources and
Operations
Stephen Owen, Vice President – External, Legal and
Community Relations

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DATE OF MEETING:

February 4, 2010

SUBJECT:

Memoranda of Understanding with the City of Vancouver
and BC Hydro

DECISION REQUESTED:

That the Board of Governors authorize the Administration
to enter into separate Memorandums of Understanding with
the City of Vancouver and BC Hydro to advance Place and
Promise's sustainability objectives, on terms that are
substantially consistent with the information provided in
this report.

A. EXECUTIVE SUMMARY:

This report recommends that UBC enter into separate Memorandums of Understanding (MoU) with the City of Vancouver and with BC Hydro, to advance UBC's strategic plan "Place and Promise", and particularly the plan's sustainability objectives. The City and BC Hydro are key organizations locally, provincially and nationally with respect to sustainability and natural partners for UBC; the City has recently announced its Green City Action Plan and BC Hydro is recognized as a leader in clean energy production and energy conservation in the province. UBC has long-standing operational partnerships with

BC Hydro and BC Hydro is investing in the CIRS building on campus, and the proposed MoU would expand these existing connections into research and development and student engagement. UBC has a Charter with the City of Vancouver that establishes a framework for how the City and UBC will work together on areas of mutual interest. The proposed MoU would be supplementary to that Charter, with a specific focus on sustainability initiatives beginning with a student engagement initiative.

Both MoUs will follow a format that the City of Vancouver and BC Hydro have used before.

B. REPORT

The purpose of each MoU is to establish a non-legally binding framework and set of principles for enhanced coordination and collaboration related to energy conservation, efficient infrastructure development and the advancement of each organization's relevant plans and programs.

The MoUs will identify key initial areas of focus for this collaboration. Any joint initiatives arising from these initial collaborations will require further discussion and agreements to define each party's responsibilities including funding.

The structure of both proposed MoUs is similar and based on a recent MoU signed between BC Hydro and the City of Vancouver. Using this same structure eases the process of reaching agreement and securing approvals. The structure is:

- A series of 'whereas' clauses that recite the key interests of each organization;
- The purpose of the MoU;
- A statement of shared objectives;
- Key areas of focus;
- Guiding principles;
- Administration and implementation mechanisms; and
- Duration of the MoU.

Draft UBC content for the shared objectives and key areas of focus for each MoU is outlined below. The other clauses in the MoUs are expected to be straightforward and relatively similar between the two MoUs, and the draft content for those clauses is provided in Attachment 2.

Proposed UBC - City of Vancouver MoU

Under shared objectives, the draft content for the UBC-City MoU is as follows:

- To reduce energy consumption and greenhouse gas emissions at UBC and in the City, and demonstrate sustainability leadership for other communities and universities.
- To coordinate each party's efforts in support of the University of British Columbia's goals of becoming the leading institution in the world in sustainability research, teaching and operations, and in support of the City of Vancouver's goals of becoming the world's Greenest City.
- To share knowledge and research findings and expertise.
- To develop a conservation culture within the UBC campus community and in the City of Vancouver, and to advance the values of a civil and sustainable society through community engagement.
- To raise the profile of the University of British Columbia and the City of Vancouver as sustainability leaders, to demonstrate best practices and showcase key initiatives.

Under key areas of focus, draft content is:

- Mayors' Fellows Program: Up to 10 students per year would work as Mayor's Fellows at the City of Vancouver, developing implementation plans for the Green City Action Plan.
- Clean Energy Research and Demonstration: Working together to implement clean energy innovations at UBC and in the City of Vancouver, including assessing opportunities associated with the proposed biomass facility at the UBC campus and woodwaste generated in the City of Vancouver, and partnering with BC Clean Tech companies.
- Campus and City as Living Labs: Working together to communicate UBC's and the City's existing sustainability successes in areas such as green buildings, sustainable infrastructure, sustainable community design and development, smart growth and sustainable transportation, and to advance these through exploring opportunities to pilot 'Smart Precincts' that demonstrate integration of multiple initiatives.
- Bilateral Learning Agenda: Sharing knowledge regarding topics such as energy and water retrofit programs and neighbourhood energy utilities, and undertaking assessment of sustainability initiatives in the City of Vancouver and at UBC.
- Community Outreach Initiatives: Working together with the Centre for Interactive Research on Sustainability (CIRS) decision theatre and decision-making tools to engage UBC and City residents in ongoing education and dialogue around the benefits, challenges and choices associated with building a more sustainable future.

Proposed UBC - BC Hydro MoU

Under shared objectives, the draft content for the UBC-BC Hydro MoU is as follows:

- To support UBC's long-term goal to showcase the Vancouver Campus as the world's first net positive campus for energy and water and to become a living laboratory for sustainability solutions and innovation, with the Centre for Interactive Research on Sustainability (CIRS) as a key initiative and focus for research and demonstration initiatives.
- To share knowledge and research findings and expertise.
- To develop a conservation culture within the campus community and to promote student engagement in sustainability.
- To further raise the profile of the University of British Columbia as a world leader in energy education, research and demonstration.

Under key areas of focus, draft content is:

- Conservation/Optimization: Working together to implement a program of continuous optimization for core academic buildings at the Vancouver campus, and to assess opportunities for peak electrical demand management.
- Integrated Planning: Working together to develop and implement community energy plans (for family and student housing neighbourhoods on campus), to pilot 'Smart Precincts and

Neighbourhoods' that demonstrate integration of multiple initiatives, and to resolve transmission line capacity issues.

- Green Building Performance and Alternative Energy Systems: Working together to implement and assess the research initiatives associated with CIRS, to consider a broad range of alternative energy sources for the campus, and to develop pricing for green electricity that achieves a minimum of \$.12/kWhr.
- Research and Development: Working together to implement smart grid technologies at the UBC campus, to develop a fourth research cluster for CIRS on the behavioural dimension of electricity efficiency and conservation, and to undertake other initiatives in the future.
- Student Engagement: Working together, assess the opportunity to extend UBC's SEEDS program to the BC Hydro environment, partnering a UBC student and faculty member with a BC Hydro staff member to develop approaches and solutions to BC Hydro challenges.

Next Steps

Once the MoU content is agreed, communicating the agreements and the first concrete project under each MoU would be planned, preferably during the February / March period to link to global and local attention on sustainability associated with the Olympics and Globe events. Board authorization to finalize these MoUs enables this timing to be achieved.

ATTACHMENTS:

1. Previous Board History
2. Draft UBC Content for selected MoU clauses
3. Charter for the Relationship between The City of Vancouver and The University of British Columbia

Previous Board Action

Board Action (2003)

Date of Meeting: October 2, 2003

Board Action: Approval of Charter for the Relationship between the City of Vancouver and the University of British Columbia

Draft UBC Content for Selected MoU Clauses

The draft content for the following clauses is set out in this attachment:

- A series of ‘whereas’ clauses that recite the key interests of each organization;
- The purpose of the MoU;
- Guiding principles;
- Administration and implementation mechanisms; and
- Duration of the MoU.

Whereas clauses – UBC will note its interest in advancing the sustainability objectives of Place and Promise, and related sustainability plans such as the Climate Action Plan, the Sustainability Academic Strategy, and land use and transportation plans. UBC would also note its achievements to date in reducing energy consumption, reducing GHG emissions and similar measures.

The Purpose section would emphasize that the MoU is not legally binding, but provides a framework for collaboration on sustainability and energy conservation initiatives. This section would acknowledge that the combined influence and expertise of the parties are better applied together to support common goals. This section would also state that any initiatives arising from the MoU would require further discussion and separate agreements to define each party’s responsibilities, funding and other matters. Finally this section would state that the MoU is not an exclusive arrangement between the two parties.

The Guiding Principles would include reference to core principles of conservation, cooperation, coordination, innovation and efficiency that underpin provincial legislation that guides BC Hydro and City actions. Also included would be principles related to administrative efficiency and simplicity, to consistent protocols, mutual respect and compliance with the law.

The Administration and Implementation section would establish a Steering Committee to manage the collaborative efforts, provide for working groups to address key areas of interest, ensure that each party bears its own costs in relation to meeting MoU objectives and that initiatives to be carried out under the MoU are subject to the availability of funds, that the MoU is not confidential, that notice will be given to the other party prior to any public communications, and that intellectual property is protected.

The Duration section will establish the time frame for the MoU, which is likely to be a ten year period, and provide for termination procedures without liability.

DRAFT CHARTER
For the Relationship between
The City of Vancouver
and
The University of British Columbia

Whereas the University of British Columbia (UBC) is the Province's oldest institution of higher education, a major employer, a substantial economic presence, a centre of excellence in learning, innovation, and research; and

Whereas the University is in the process of creating a University Town and is a destination for education, culture, and recreation for many Vancouver residents; and

Whereas the City of Vancouver (City) is recognised as one of the most liveable cities in the world committed to sustainability and fiscal responsibility that enhances the economic development, social, cultural, and recreational attributes of the City and region; and

Whereas the main UBC campus and the emerging University Town are located on the western border of the City and UBC is engaged in strengthening its city presence beyond its long established campuses thereby augmenting its contributions to the intellectual, social, cultural, and economic development of Vancouver; and

Whereas the City provides many municipal services and access essential to the effective operation of UBC and its university community and is home to many members of the university;

Therefore the City and UBC acknowledge the need for an effective, mutually beneficial, working relationship between themselves and commit to this Charter to guide that relationship and enhance the links between them.

1. The City and UBC each acknowledge their legal independence and their responsibility to act in a manner consistent with enabling legislation and obligations.
2. The City acknowledges UBC's Mission as articulated in its strategic plan (called 'Trek 2000') to be an outstanding Canadian university and to create a university community that supports students, faculty, staff and alumni in achieving its mission.
3. UBC acknowledges Vancouver's Mission to create a great city of communities that cares about its citizens, its environment, and its capacity to offer opportunities to live, work, and prosper.
4. UBC and the City commit to continuing effective communication on matters of interest to both parties including, but not limited to, notice to each other and consultation on physical developments and strategic policies and programs which may affect the other.
5. The President of UBC and the City Manager of Vancouver, or their nominees, will arrange annual joint meetings of their executive and/or senior managers, and additionally when appropriate, to review the relevant plans of the two institutions to

determine matters of mutual benefit, issues that merit closer examination, and appropriate processes to address matters of mutual interest.

6. Following such annual meetings, the governing bodies of the two institutions -- the UBC Board of Governors and Vancouver City Council -- will receive reports from their officials and give directions, as each deems appropriate, on actions to support the common interests of the two parties.
7. Where opportunities may exist for either the City or UBC to provide services (e.g. police, planning, engineering,) to the other, the President of UBC and the City Manager of Vancouver will develop a draft agreement including, if appropriate, fee for service arrangements for consideration and approval by the UBC Board of Governors and Vancouver City Council.
8. Having regard to their respective mandates, the City and UBC agree to work together, through processes established through the proceedings described in Section 5, in the following areas of mutual interest, and, insofar as their separate interests and obligations may permit, participate in the development of mutually agreed plans to further those objectives and resolve issues in a manner that:
 - a. Encourages collaboration and communication between the City and UBC on initiatives to foster intellectual, social, cultural, health, and economic development in the Vancouver region through research and technology transfers.
 - b. Strengthens UBC's presence in such key locations as the Downtown, and those districts of the City that attract advanced technology, innovation, and health research centres that further health, well being, and a knowledge-based economy.
 - c. Seeks opportunities to make efficient use of public funds through partnerships on joint projects and shared provision of sustainable services and physical infrastructure.
 - d. Provides communication and transportation connections for efficient and environmentally sustainable access between UBC and the City having regard to the UBC Transportation Plan and the City of Vancouver Transportation Plan.
 - e. Ensures public consultation on significant decisions relating to UBC and adjacent City lands and encourages UBC-Vancouver links through advisory councils, outreach programs, and "town and gown" activities.
 - f. Where appropriate, ensures consultation for effective UBC/Vancouver responses to Regional, Provincial and Federal legislation, regulations, communications, and policy directives that impact upon or may shape the relationships between UBC and Vancouver. Examples include environmental management issues, sewage and storm water treatment, water standards, transit services, emergency preparedness, and initiatives concerning Pacific Spirit Park.
 - g. Measures the effectiveness and efficiency of collaborative programs to guide policy development.

9. In the event of a disagreement with respect to issues between UBC and the City, the City and UBC agree to rely on the following dispute resolution procedures.
- a. Issues concerning development on the main UBC campus under the Official Community Plan for Part of Electoral Area "A" will be addressed through the Joint Committee of the Greater Vancouver Regional District (GVRD) and UBC as set out in the GVRD-UBC MOU dated December 18, 2002, as amended.
 - b. Issues concerning applications for development, permits, or licences by UBC within the City of Vancouver will be addressed through City regulatory processes.
 - c. Other issues will be resolved:
 - In the first instance through a joint review by the President of UBC and the City Manager of Vancouver or their nominees;
 - If the review by the President and City Manager is unsuccessful in resolving the dispute, a joint review by a committee consisting of the Mayor, two members of City Council, and the City Manager, and the Chair of the Board of Governors, two members of the Board, and the UBC President; and
 - If this is unsuccessful, mediation/arbitration by an independent board with one member appointed by each of the City and UBC, and a third member, who shall be the Chair, appointed by the two members. Costs will be shared equally by the parties.
 - d. The City and UBC agree to be bound by the conclusions of the arbitration. Where either the City or UBC cannot be legally bound by the rulings of a third party, neither shall be bound, but both undertake to give the recommendations from the process due consideration.
10. On matters requiring formal agreement between the two parties, the City and UBC agree to pursue simplified legal agreements relying on the dispute resolution procedures set out above.
11. On all matters of mutual interest, the City and UBC agree to take actions that develop, enhance, and mutually support the links that tie them to each other and the region.