

[Guide to City Council Minutes](#)

**MINUTES OF A SPECIAL MEETING
OF THE COUNCIL OF THE
CITY OF TORONTO**

TUESDAY, AUGUST 31, 1999

City Council met in the Council Chamber, City Hall, Toronto.

CALL TO ORDER

S9.1 Mayor Lastman took the Chair and called the Members to order.

NOTICE OF SPECIAL MEETING

S9.2 Mayor Lastman read the following Notice of Special Meeting:

“Pursuant to the authority granted under Section 5 of the Council Procedural By-law, this Special Meeting of City Council is called for the following purposes:

- (a) to receive a confidential presentation by the Chief Administrative Officer on the status of collective bargaining between the City and Toronto Civic Employees’ Union, Local 416, Canadian Union of Public Employees;
- (b) to consider a confidential report from the Chief Administrative Officer pertaining to the matter of collective bargaining between the City and Toronto Civic Employees’ Union, Local 416, Canadian Union of Public Employees, and other related issues; and
- (c) to consider and enact a Bill to confirm the proceedings of this Special Meeting.”

S9.3 DECLARATIONS OF INTEREST

There were no declarations of interest.

S9.4 IN-CAMERA MEETING SESSION OF THE COMMITTEE OF THE WHOLE*Motion:*

Deputy Mayor Ootes moved that Council now resolve into Committee of the Whole and recess to meet privately, in order to receive the confidential presentation from the Chief Administrative Officer and consider confidential reports submitted to Council, in accordance with the provisions of the Municipal Act.

Vote:

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 10:25 a.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 3:15 p.m., and met in public session in the Council Chamber.

Mayor Lastman took the Chair and called the Members to order.

S9.5 Collective Bargaining - City of Toronto and Toronto Civic Employees' Union, Local 416, Canadian Union of Public Employees.

Having regard that this matter was submitted to Council without recommendation:

Motions:

Mayor Lastman, in accordance with the provisions of the Municipal Act, reported that the following motions had been moved in Committee of the Whole for consideration by Council:

- (a) Mayor Lastman, seconded by Councillor Berardinetti, moved that Council adopt the following recommendations:

“It is recommended that:

- (1) staff be authorized to immediately apply to the Ontario Labour Relations Board for First Contract Arbitration;

- (2) a reasonable offer of settlement, as outlined by staff at the Special Meeting of City of Toronto Council on August 31, 1999, and in the form filed with the City Clerk, be submitted with the First Contract Arbitration Application; and
 - (3) notwithstanding the submission of an application to the Ontario Labour Relations Board, staff be instructed to continue to negotiate with the Toronto Civic Employees' Union, Local 416, Canadian Union of Public Employees, toward a settlement which is acceptable to the Union and the City.”
- (b) Councillor Berardinetti moved that:
- (1) motion (a) by Mayor Lastman, seconded by Councillor Berardinetti, be amended by adding thereto the following:
 - “(4) the law firm of Hicks Morley be retained and authorized, in consultation with the City Solicitor, the Executive Director of Human Resources and the Chair of the Administration Committee, to take all necessary steps to protect the legal interests of the City of Toronto relating to any unauthorized strike activity.”; and
 - (2) Council adopt the following recommendations:

“It is recommended that:

 - (a) the confidential report dated August 31, 1999, from the Chief Administrative Officer, entitled ‘Collective Bargaining - City of Toronto and Toronto Civic Employees’ Union, Local 416, Canadian Union of Public Employees’, embodying a recommendation that ‘the presentation by the Chief Administrative Officer on the status of collective bargaining between the City of Toronto and Toronto Civic Employees’ Union, Local 416, Canadian Union of Public Employees (“Local 416”) be received’, be adopted, such report to remain confidential in accordance with the provisions of the Municipal Act;
 - (b) the confidential report dated August 30, 1999, from the Chief Financial Officer and Treasurer, entitled ‘Financial and Purchasing Arrangements for Possible Labour Disruption’, be adopted, such report to remain confidential in accordance with the provisions of the Municipal Act, save and except the following recommendations embodied therein:

‘It is recommended that:

 - (1) direct strike related expenses be charged against the Corporate Contingency account;

- (2) budgets of departments be reduced by the strike related savings and transfers made accordingly to the Corporate Contingency account;
 - (3) in the event of a disruption to the standing committee meeting schedule, the Bid Committee be authorized to award contracts of up to \$2.5 million, the normal limit for standing committees, during the period of a labour disruption until normal committee scheduling commences following a strike, and that the Chief Financial Officer and Treasurer report to the Administration Committee on purchases made under this arrangement;
 - (4) the Chief Administrative Officer be given authority to award contracts resulting from emergencies involving public health, public safety and public service, that the normal purchasing procedures be waived under these circumstances and that such contracts be reported to the Administration Committee;
 - (5) the Chief Financial Officer and Treasurer be directed to report to Council following a labour disruption on the actual expenditures and savings; and
 - (6) the appropriate City officials be directed to give effect to the foregoing and leave be granted to introduce the necessary Bill(s) to give effect thereto.'; and
- (c) the confidential report dated August 26, 1999, from the City Clerk, entitled 'Council and Committee Process in the Event of Labour Disruption', be adopted, such report to remain confidential in accordance with the provisions of the Municipal Act, save and except the following recommendations embodied therein:

'It is recommended that:

- (1) the Mayor, the Deputy Mayor, or in their absence the Clerk, be authorized to declare there to be a "Delayed Quorum Condition" where in his or her opinion it is likely that a quorum for Council cannot be assembled for a scheduled commencement time of a meeting of Council due to there being a picket line or other labour action which prevents or delays the necessary parties from entering the place of meeting;

- (2) a Committee Chair, Vice-Chair, or in their absence the Clerk, be authorized under the same circumstances as described in Recommendation No. (1) to declare there to be a “Delayed Quorum Condition” pertaining to their respective committee;
- (3) should there be declared to be a “Delayed Quorum Condition”, the following shall apply:
 - (a) should there be no quorum present at the scheduled commencement time, the Clerk shall ring the Bells for a period of up to 15 minutes, and shall then call the roll;
 - (b) should no quorum yet be present, the Clerk shall continue to ring the Bells for further periods of 15 minutes, and shall at the end of each such period, again call the roll; and
 - (c) should no quorum be present within two hours of the scheduled commencement time of the meeting, the meeting, subject to Recommendation No. (4), shall stand adjourned until the next scheduled day of meeting, and all unfinished business shall be carried forward to the next scheduled day of meeting, unless a special meeting is called for the purpose of dealing with such business;
- (4) any report pertaining to a matter of emergency health or safety, or legal deadline, or to a matter which is of a critical nature, which cannot be considered by a Committee prior to a Council meeting may be submitted directly to Council if a Notice of Motion is moved by the relevant Committee Chair or Vice-Chair after consultation with the Chief Administrative Officer or the appropriate Commissioner, and the Clerk, and any such Notice of Motion if it is on the regular Agenda for a meeting of Council shall be deemed to be a report that Council has directed be reported directly to it and not through a Committee pursuant to subsection 27(3) of the Council Procedural By-law (simple majority);
- (5) the foregoing remain in effect until all collective agreements with the City’s various union locals have been finalized, and for such purpose subsections 9(5) and 112(3) of the Council Procedural By-law be waived accordingly; and

- (6) the City Clerk be requested to propose permanent modifications to the Council Procedural By-law so as to provide for “Delayed Quorum Conditions” in respect of labour disputes, weather conditions, and such other circumstances beyond the control of the City which reasonably could be regarded as making it problematic for a quorum to be assembled.’ ”

Votes:

Adoption of Part (1) of motion (b) by Councillor Berardinetti:

<p>Yes - 45 Mayor: Lastman Councillors: Adams, Altobello, Ashton, Balkissoon, Berardinetti, Berger, Bossons, Brown, Cho, Chong, Davis, Duguid, Feldman, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Kelly, Kinahan, King, Korwin-Kuczynski, Lindsay Luby, Mahood, Mihevc, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Sgro, Shaw, Shiner, Silva, Sinclair, Tzekas, Walker</p>
<p>No - 4 Councillors: Augimeri, Bussin, Jones, McConnell</p>

Carried by a majority of 41.

Adoption of Part (1) of motion (a) by Mayor Lastman, seconded by Councillor Berardinetti, as amended:

<p>Yes - 40 Mayor: Lastman Councillors: Adams, Altobello, Ashton, Balkissoon, Berardinetti, Berger, Bossons, Brown, Cho, Chong, Davis, Duguid, Feldman, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Kelly, Kinahan, King, Korwin-Kuczynski, Lindsay Luby, Mahood, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Saundercook, Sgro, Shaw, Shiner, Silva, Sinclair</p>
<p>No - 9 Councillors: Augimeri, Bussin, Jones, McConnell, Mihevc, Miller, Prue, Tzekas, Walker</p>

Carried by a majority of 31.

Adoption of Part (2) of motion (a) by Mayor Lastman, seconded by Councillor Berardinetti, as amended:

Yes - 41 Mayor: Lastman Councillors: Adams, Altobello, Ashton, Balkissoon, Berardinetti, Berger, Bossons, Brown, Cho, Chong, Davis, Duguid, Feldman, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Lindsay Luby, Mahood, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Saundercook, Sgro, Shaw, Shiner, Silva, Sinclair
No - 8 Councillors: Augimeri, Bussin, McConnell, Mihevc, Miller, Prue, Tzekas, Walker

Carried by a majority of 33.

Adoption of Part (3) of motion (a) by Mayor Lastman, seconded by Councillor Berardinetti, as amended:

Yes - 49 Mayor: Lastman Councillors: Adams, Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Chong, Davis, Duguid, Feldman, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Lindsay Luby, Mahood, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Sgro, Shaw, Shiner, Silva, Sinclair, Tzekas, Walker
No - 0

Carried, without dissent.

Part (2)(a) of motion (b) by Councillor Berardinetti carried.

Part (2)(c) of motion (b) by Councillor Berardinetti carried.

Adoption of Part (2)(b) of motion (b) by Councillor Berardinetti:

<p>Yes - 49 Mayor: Lastman Councillors: Adams, Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Chong, Davis, Duguid, Feldman, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Lindsay Luby, Mahood, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Sgro, Shaw, Shiner, Silva, Sinclair, Tzekas, Walker</p>
<p>No - 0</p>

Carried, without dissent.

Mayor Lastman, in accordance with the provisions of the Municipal Act, further reported that Council, at its in-camera meeting, had issued confidential instructions to staff, such instructions to remain confidential in accordance with the provisions of the Municipal Act.

BILLS AND BY-LAWS

S9.6 On August 31, 1999, at 3:18 p.m., Councillor Giansante, seconded by Councillor Miller, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this special meeting of Council, be passed and hereby declared as By-laws:

Bill No. 550	By-law No. 548-1999	To further amend By-law No. 7-1998 to permit the Chief Administrative Officer to award contracts of any value during the period of a labour disruption if an emergency situation exists involving public health, public safety or public service.
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Bill No. 551	By-law No. 549-1999	To further amend Interim Purchasing By-law No. 57-1998 to permit the Bid Committee to award certain contracts if a labour disruption occurs and to authorize the Chief Administrative Officer to award contracts of any value in case of emergency,
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which carried.

- S9.7 On August 31, 1999, at 3:20 p.m., Councillor Moeser, seconded by Councillor Mihevc, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this special meeting of Council, be passed and hereby declared as a By-law:

Bill No. 552	By-law No. 550-1999	To confirm the proceeding of the Council at its special meeting held on the 31st day of August, 1999,
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the vote upon which was as follows:

Yes - 46 Mayor: Lastman Councillors: Adams, Altobello, Ashton, Balkissoon, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Chong, Davis, Duguid, Feldman, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Lindsay Luby, Mahood, Mihevc, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Sgro, Shaw, Shiner, Silva, Sinclair, Tzekas
No - 3 Councillors: Augimeri, McConnell, Walker

Carried by a majority of 43.

S9.8 **MOTIONS TO VARY PROCEDURE**

Waive the provisions of the Procedural By-law to hear deputations:

- (a) Councillor Walker moved that, in accordance with Section 133 of the Council Procedural By-law, Council waive the provisions of Section 59(1) of said By-law, in order to permit representatives of the Toronto Civic Employees' Union, Local 416, Canadian Union of Public Employees, to appear in deputation before Committee of the Whole, in-camera.
- (b) Councillor Miller moved that motion (a) by Councillor Walker be amended to provide that the deputation by Local 416 be for a period of five minutes.

Votes:

Adoption of motion (b) by Councillor Miller:

<p>Yes - 27 Councillors: Adams, Augimeri, Balkissoon, Berger, Bossons, Brown, Bussin, Cho, Davis, Disero, Jakobek, Jones, Kinahan, King, McConnell, Mihevc, Miller, Minnan-Wong, Nunziata, Pantalone, Prue, Rae, Shaw, Shiner, Silva, Tzekas, Walker</p>
<p>No - 19 Mayor: Lastman Councillors: Altobello, Ashton, Berardinetti, Chong, Duguid, Feldman, Flint, Gardner, Giansante, Holyday, Johnston, Kelly, Korwin-Kuczynski, Lindsay Luby, Moeser, Ootes, Pitfield, Saundercook</p>

Carried by a majority of 8.

Adoption of motion (a) by Councillor Walker, as amended:

<p>Yes - 20 Councillors: Adams, Augimeri, Berger, Brown, Bussin, Jakobek, Jones, Kinahan, McConnell, Mihevc, Miller, Minnan-Wong, Nunziata, Pantalone, Prue, Rae, Shaw, Silva, Tzekas, Walker</p>
<p>No - 26 Mayor: Lastman Councillors: Altobello, Ashton, Balkissoon, Berardinetti, Bossons, Cho, Chong, Davis, Disero, Duguid, Feldman, Flint, Gardner, Giansante, Holyday, Johnston, Kelly, King, Korwin-Kuczynski, Lindsay Luby, Moeser, Ootes, Pitfield, Saundercook, Shiner</p>

Lost, less than two-thirds of Members present having voted in the affirmative.

Waive the provisions of the Procedural By-law related to meeting times:

Mayor Lastman, at 10:15 a.m., moved that, in accordance with subsection 11(8) of the Council Procedural By-law, Council waive the requirement of the 12:30 p.m. recess, and that Council continue in session, in order to conclude all matters on the Order Paper for this special meeting, which carried, more than two-thirds of Members present having voted in the affirmative.

S9.9 ATTENDANCE

Councillor Kinahan, seconded by Councillor Adams, moved that the absence of Councillors Chow, Fillion, Layton, Li Preti, Mammoliti, Moscoe and O'Brien, from this Special meeting of Council be excused, which carried.

Minutes of the Council of the City of Toronto
August 31, 1999

August 31, 1999	10:10 a.m. to 10:18 p.m.*	Ctte. of the Whole in-camera 10:25 a.m. to 3:10 p.m.	3:15 p.m. to 3:21 p.m.*
Lastman	x	x	x
Adams	x	x	x
Altobello	x	x	x
Ashton	x	x	x
Augimeri	x	x	x
Balkissoon	x	x	x
Berardinetti	x	x	x
Berger	x	x	x
Bossons	x	x	x
Brown	x	x	x
Bussin	x	x	x
Cho	x	x	x
Chong	x	x	x
Chow	-	-	-
Davis	x	x	x
Disero	x	x	-
Duguid	x	x	x
Faubert	-	-	-
Feldman	x	x	x
Filion	-	-	-
Flint	x	x	x
Fotinos	-	-	x
Gardner	x	x	x
Giansante	x	x	x
Holyday	x	x	x
Jakobek	x	x	x
Johnston	x	x	x
Jones	x	x	x
Kelly	x	x	x
Kinahan	x	x	x
King	x	x	x

Minutes of the Council of the City of Toronto
August 31, 1999

August 31, 1999	10:10 a.m. to 10:18 p.m.*	Ctte. of the Whole in-camera 10:25 a.m. to 3:10 p.m.	3:15 p.m. to 3:21 p.m.*
Korwin-Kuczynski	x	x	x
Layton	-	-	-
Lindsay Luby	x	x	x
Li Preti	-	-	-
Mahood	-	x	x
Mammoliti	-	-	-
McConnell	x	x	x
Mihevc	x	x	x
Miller	x	x	x
Minnan-Wong	x	x	x
Moeser	x	x	x
Moscoe	-	-	-
Nunziata	x	x	x
O'Brien	-	-	-
Ootes	x	x	x
Pantalone	x	x	x
Pitfield	x	x	x
Prue	x	x	x
Rae	x	x	x
Saundercook	x	x	x
Sgro	-	x	x
Shaw	x	x	x
Shiner	x	x	x
Silva	x	x	x
Sinclair	x	x	x
Tzekas	x	x	x
Walker	x	x	x
Total	47	49	49

* Members were present for some or all of the time period indicated.

MEL LASTMAN,
Mayor

NOVINA WONG,
City Clerk