

Consolidated Clause in Works Committee Report 6, which was considered by City Council on June 14, 15 and 16, 2005.

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**Citizen Participation Model for Environmental
Assessment of a Long-Term Residual
Waste Management System**

City Council on June 14, 15 and 16, 2005, adopted this Clause without amendment.

The Works Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the revised report (May 26, 2005) from the Deputy City Manager and Chief Financial Officer, the City Solicitor and the General Manager, Solid Waste Management Services, subject to amending Appendix B, headed “Community Environment Assessment Team – Member Selection Process”, by deleting all the words after the word “individuals” in the paragraph under the heading “Composition”, so that the paragraph now reads as follows:

“Composition:

The EA Team will consist of up to 25 individuals.”

Purpose:

This report is submitted in response to the Works Committee’s request to the former Acting Commissioner of Works and Emergency Services, the Chief Financial Officer and Treasurer and the City Solicitor, in consultation with the Chair and Vice-Chair of the Works Committee and Councillor Fletcher, member of the Roundtable on the Environment, to report to Works Committee regarding administration, accountability and financial aspects of the “Citizen Participation Model for Public Consultation Related to Solid Waste”, as recommended by the Roundtable on the Environment.

Financial Implications:

Funds in the amount of \$750,000.00 have been approved in the 2005 Capital Budget of Solid Waste Management Services (CSW-004-16 Waste Diversion Facilities-Residual Waste Management Facilities), in order to provide project funding during 2005 for the City’s Environmental Assessment (“EA”) Terms of Reference of a long-term residual solid waste management system.

A budget forecast providing major components of the budget is attached as Appendix E to provide members of the Works Committee with an anticipated order of magnitude of the project, based on information available to date. The anticipated expenditure may reach \$710,000.00 to \$935,000.00 to complete the EA Terms of Reference. Of this amount, approximately one-third (\$300,000.00) will be expended in 2005. The balance (approximately \$600,000.00) will be required for 2006, with any incremental funding to be included in SWMS' 2006 Capital Budget submission. The incremental funding is currently projected at \$185,000.00, but will be subject to the Community Environmental Assessment Team's ("CEAT") finalized workplan.

Following the completion of the EA Terms of Reference, a separate budget will be required to undertake the actual EA. At this time a budget projection for the EA can only be provided on an estimated basis because the Terms of Reference have not yet been developed, nor has the ensuing review by the Minister of the Environment, which may broaden the scope of the EA, been completed.

Based on recent experience regarding EAs of the scope contemplated here, it is estimated that the EA could take from four to six years to complete and would require an associated budget beyond the EA Terms of Reference of \$3.5 million to \$5.5 million. Upon completion of the EA a minimum two-year timeframe would be required for facility(ies) construction and provision of associated capital costs.

Recommendations:

It is recommended that, in the context of approval in principle by Council of enhanced public participation in Toronto's Environmental Assessment of a long-term residual solid waste management system:

- (1) Council adopt a hybrid citizen participation model that will have the following key features:
 - (a) a Community Environmental Assessment Team will be formed and will participate with staff and project consultants in the development of the Terms of Reference, the consultation plan, and the Environmental Assessment that will be prepared on behalf of the City;
 - (b) budget provision in the range of \$125,000.00-\$150,000.00 for an independent facilitation consultant to assist the Community Environmental Assessment Team;
 - (c) the Community Environmental Assessment Team will have a standing presentation before every regular meeting of the Works Committee to present its views directly to the Works Committee to supplement the reports provided to the Works Committee by the General Manager of Solid Waste Management Services;
 - (d) representatives of the Community Environmental Assessment Team will participate in the selection process for project consultants to the extent allowed by City policies, including procurement, confidentiality and conflict-of-interest policies;

- (e) the Works Committee will act as the steering committee for the Environmental Assessment, including the Terms of Reference; and
 - (f) the General Manager, Solid Waste Management Services, will have authority to proceed with the environmental assessment process in accordance with Works Committee and Council direction;
- (2) the Mandate, attached as Appendix A, which clarifies the role of the Community Environmental Assessment Team and provides direction with respect to its activities, be adopted;
- (3) the criteria for selection of members of the Community Environmental Assessment Team include:
- (a) expertise or past involvement in environmental/scientific/technology issues, Ontario's environmental assessment process, community engagement, public consultation, consensus building, land development, health or education;
 - (b) ability to organize and analyze information, including technical information;
 - (c) commitment to public service and to a high standard of ethics;
 - (d) good interpersonal skills, including the ability to work in a team;
 - (e) excellent listening skills, open-mindedness (no biases with respect to the outcome of the EA process), sound judgement and tact;
 - (f) the ability to work under time pressures; and
 - (g) flexible work schedule;
- (4) the following appointments process be adopted:
- (a) the Community Environmental Assessment Team be appointed through an open nomination process as described in Appendix B, "Community Environmental Assessment Team – Member Selection Process", attached;
 - (b) the Community Environmental Assessment Team Nominating Panel, to be comprised of the present Chair and Vice-Chair and the incoming Chair and Vice-Chair of the Works Committee, submit its recommendations for the membership of the Community Environmental Assessment Team to the September meeting of the Works Committee;
 - (c) the City Clerk administer the nominating and selection process for the membership of the Community Environmental Assessment Team;

- (5) Community Environmental Assessment Team members enter into individual agreements with the City of Toronto covering such topics as honoraria, treatment of confidential information (such as proprietary information about technologies), conflict of interest and other City policies, in a form satisfactory to the City Solicitor;
- (6) honoraria for each member be set at \$2,500.00 per year and an additional \$2,500.00 be provided to both the Chair and Vice-Chair (for a total of \$5,000.00 each), but if any member (including the Chair and Vice-Chair) has been involved for less than a full year in any year, the honorarium be pro-rated on a monthly basis;
- (7) the General Manager, Solid Waste Management Services, in consultation with the City Solicitor, report on an annual basis evaluating the operation of the hybrid citizen participation model recommended in this report; and
- (8) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

At its meeting of November 9, 2004, the Works Committee had before it a communication (dated October 25, 2004) from Deputy Mayor Joe Pantalone, Chair, Roundtable on the Environment (the "Roundtable"), that contained advice, in response to a request from the Works Committee, on the development of a Citizen Participation Model for Public Consultation Related to Solid Waste. The recommendations from the Roundtable have been attached for reference purposes in Appendix C.

The Works Committee adopted the following recommendations (Report 10, Clause 1) in connection with the Roundtable's advice:

- (1) City Council approve in principle the Citizen Participation Model for Public Consultation Related to Solid Waste recommended by the Roundtable on the Environment;
- (2) the Acting Commissioner of Works and Emergency Services be requested to report to the Works Committee meeting on December 8, 2004, regarding administration, accountability and financial aspects of the model; and
- (3) the Chair and Vice-Chair of the Works Committee be authorized to select the Community Environmental Assessment Team.

At its meeting of November 30, December 1 and 2, 2004, City Council deleted Recommendations (1) and (2) of the Works Committee and replaced them with the following:

- “(1) City Council approve in principle the Citizen Participation Model for Public Consultation Related to Solid Waste recommended by the Roundtable on the Environment, subject to approval by Council of a report from the Acting Commissioner of Works and Emergency Services, the Chief Financial Officer and Treasurer and the City Solicitor, in consultation with the Chair and Vice-Chair of the Works Committee and Councillor Fletcher, member of the Roundtable on the

Environment, regarding administration, accountability and financial aspects of the model; and further that the report be submitted to the Works Committee for its meeting on January 5, 2005.”

Recommendation (3) was renumbered as Recommendation (2).

This staff report is submitted in response to City Council’s request for a report on the administration, accountability and financial aspects of the Citizen Participation Model for Public Consultation as recommended by the Roundtable and approved in principle by City Council.

A chronology of the key decision points and steps leading to the consideration of the Roundtable’s advice to the Works Committee is attached as Appendix G of this report. An account of Halifax’s public consultation model is attached as Appendix F.

Consultation with Councillors:

As directed by City Council, the subject matter of this report was discussed with the Chair and Vice-Chair of the Works Committee and Councillor Fletcher, member of the Roundtable on the Environment. The model recommended in this report reflects the input and feedback provided through those discussions. Many of the points addressed are included below.

- CEAT will focus on the management of the residual waste component, not the portion of the waste stream that is either currently diverted from disposal through recycling and composting, or is to be diverted from disposal using enhanced solid waste management policies, practices and programs.
- A stand-alone waste diversion advisory group will be formed to provide on-going input and feedback to Solid Waste Management Services concerning proposed waste diversion and reduction policies, practices and programs. (This will be the subject of a separate report.)
- CEAT will be comprised entirely of Toronto citizens, with no members of City Council or staff holding positions on that body.
- The City Clerk will administer the selection process for CEAT members.
- A discretionary fund for local travel and limited research will be established as part of the project budget and made available to CEAT.
- Significant budget expenditures for purposes such as travel outside of southern Ontario and the engagement of experts/consultants will require approval by the Works Committee and be in accordance with City policies.
- Although participation on CEAT is to be viewed as community service, an annual honorarium will be budgeted for members since they are expected to dedicate significant amounts of time and expertise to their work on CEAT.

- The General Manager, Solid Waste Management Services and the Chief Financial Officer will proceed with the formal engagement of MacViro Consultants Inc., as previously directed by City Council. MacViro's budget will be reviewed when the consultation workplan and budget are submitted to Works Committee for approval.

Comments:

Council has adopted in principle and indicated that staff should identify as much as possible a model that incorporates enhanced citizen participation. In light of that direction and the concerns of staff as set out below, this report recommends that Council proceed with modified implementation of the advice of the Roundtable. The modified model would have the General Manager of Solid Waste Management Services manage the EA planning process and incorporate enhanced public participation through the active involvement of a new Community Environmental Assessment Team ("CEAT") that would continue to be involved, along with staff, throughout the EA process and would be able to communicate directly with Works Committee through a standing presentation.

As set out below, staff have concerns with the Roundtable's advice that CEAT should have responsibility for overall management of the project. The listed concerns are in respect of accountability, administration and financial issues.

In summary, the staff concerns are:

- the advice to proceed with a community-managed EA planning process was based on the idea that the planning model utilized in Halifax for the development of its waste management system can be successfully replicated in Toronto. However, as described in Appendix F of this report, the conditions under which Halifax proceeded (including an exemption from Provincial EA planning requirements, a direction to undertake local landfill siting and a consultation process based on an open consultation forum as opposed to a committee structure with restrictive membership requirements) are not the conditions under which the City is operating;
- the proposed public participation model would remove responsibility for the project from senior staff and as a result Council would not be able to hold staff accountable for adherence to corporate procedures, approved budgets, and project timelines;
- removal of staff administrative authority would most likely result in project delays, as CEAT would be required to seek Council authority to undertake new research and policy initiatives and the General Manager's authority to direct his staff in relation to the EA project would be effectively transferred to Council as a whole;
- since CEAT would be responsible for not only the Terms of Reference, but also for the EA itself once the Terms of Reference are approved, the members of CEAT should commit to being available and accountable for a lengthy timeframe (potentially four to six years) and a multi-million dollar process with potential siting activity in other municipal jurisdictions, which is likely an unrealistic expectation;

- preparation and scoring of RFP submissions is a process usually undertaken by experienced staff, not by outside appointees. The evaluation process in particular must be done in accordance with established processes and confidentiality requirements. The selection process cannot accommodate 15 to 25 people interviewing or scoring respondents;
- removing responsibility for the project from staff to an advisory body would place significant responsibility on the advisory body, and the advisory body would have to be held accountable through extraordinary mechanisms and Works Committee oversight. This would create a parallel process to the existing staff model but with time delays and more complex mechanisms. Although City processes would be applied in order to ensure adequate clarity in the role of CEAT, a fair and open selection process, and application of commonly-understood rules of procedure, the fact that the process would be directed by individuals not truly accountable to the City would mean that adequate procedural protections are not in place. For example, staff should be responsible for compliance with the City's Financial Control and Purchasing By-laws; and
- the process of decision-making under the EAA must be transparent, and traceable and replicable. It is important that these requirements not be compromised by any accountability, administrative or financial issues.

Hybrid Consultation Model:

For the reasons summarized above, staff recommend that the Roundtable's recommendations be modified and that the hybrid model described in this report be adopted.

Since the submission of the Commissioner's report in June 2004, comprehensive feedback has been received on the public consultation model for the EA through public deputations, the Roundtable, Works Committee and City Council. All parties have advocated a more comprehensive and in-depth consultation process to access stakeholder and citizen input and feedback. The key themes or objectives of the advice arising from the feedback can be summarized as follows:

- formation of an appointed public consultation body that would provide ongoing advice, input and feedback during the course of the EA;
- direct access to the Works Committee on the part of the appointed public consultation body;
- engagement of external facilitation for the public consultation process; and
- appointee participation in the selection of project consultants.

In response to that input and feedback this report has recommended the adoption of a hybrid consultation model for the EA that includes elements previously recommended by the Commissioner and incorporation of elements contained in the advice of the Roundtable and other parties.

The key elements of the recommended hybrid consultation model are summarized as Recommendation (1) in this report.

Member Selection:

Members of CEAT will be undertaking, in conjunction with staff, a sensitive and difficult process. Given that the EA process requires fairness and objectivity, the members of the group would have to be clearly unbiased in terms of their evaluation of, among other things, technologies and the location of any facilities. Otherwise the EA could be challenged on the basis of bias.

Limiting the composition of the Team to members with “ample expertise in environmental issues (preferably in waste management) and in community engagement and law (preferably in environmental assessment)” may be too restrictive, and certainly does not reflect the general community. By requiring members to have expertise in environmental issues and community engagement and law, in accordance with Roundtable Recommendation (5), many citizens with practical experience in fields such as land development, health and education, who may bring valuable insights and expertise to the process, would be excluded. This report’s recommendations, therefore, include a broader range of candidates.

In addition, high priority should be given to selecting members who are prepared to maintain an open mind with respect to how Toronto’s waste should be managed in order to ensure that the assessment of alternatives is fair and can be justified in accordance with legislative requirements.

The Roundtable recommended (No. 7) that potential vendors, i.e., representatives of waste firms and their trade associations, not be included on CEAT in order that the process not be tainted by commercial interests nor seen to be tainted. In contrast, the Halifax consultation process welcomed the participation of representatives of waste management firms and their trade associations as non-voting members.

We concur that representatives of waste firms should not hold membership on CEAT for conflict-of-interest reasons. However, we have found through the City’s New and Emerging Technologies, Policies and Practices Citizen and Expert Advisory Group that representatives of trade associations that do not represent a single commercial interest can effectively participate and bring to the table an industry perspective, which in turn helps to generate ownership of the outcome and a more comprehensive planning process. We, therefore, recommend that representatives of trade associations should be considered for membership.

A fair and open process for selection of members should be adopted, as suggested in Recommendation (6) from the Roundtable. Appendix B sets out the proposal for the selection process.

The Roundtable recommended (No.10) that the Committee conduct its work in public. In keeping with EA planning principles, we concur that the work of CEAT should be conducted in public. In some cases, however, confidentiality requirements or City policies may require or allow in-camera meetings. Some flexibility should therefore be provided.

The work of CEAT should be carried out in accordance with the City's Rules of Procedure for Advisory Bodies as set out in Clause 34 of Report 7 of Policy and Finance Committee adopted by Council at its meeting held on September 28, 29, 30 and October 1, 2004.

CEAT's members must work in the best interests of the City and abide by financial and other City processes. They should, therefore, be required to sign contracts that address such matters as honoraria, treatment of confidential information (such as proprietary information about technologies), conflict-of-interest and other City policies.

Consultants:

It should be noted that the City has already chosen a consultant to assist with preparation of the EA Terms of Reference. On May 18, 19 and 20, 2004, City Council adopted Clause 1 embodied in Report 3 of the Works Committee, resulting in MacViro Consultants Inc. being retained as the project consultant for development of the EA Terms of Reference.

To date a contract between the City and MacViro has not been executed due to the review of the public consultation process that has taken place since the decision of City Council in May of 2004 to retain MacViro. The contract has been awarded, however, and an agreement will be executed shortly. Meanwhile, a review of the current consulting budget approved by Council is required once CEAT is created, in order to ensure sufficient funding is provided for consultant attendance at CEAT meetings, which were not contemplated at the time the RFP was issued, and any other scope changes identified by CEAT in connection with its mandate.

Financial:

The Roundtable recommended (No. 9) that the City should set a budget for the work of CEAT for the first phase of the EA, developing a Terms of Reference. The Roundtable contemplated retention of additional consultants to support consultation work.

Funds in the amount of \$750,000.00 have been approved in the 2005 Capital Budget of Solid Waste Management Services (CSW-004-16 Waste Diversion Facilities-Residual Waste Management Facilities), in order to provide project funding during 2005 for the City's Environmental Assessment ("EA") Terms of Reference of a long-term residual solid waste management system.

The budget forecast providing major components of the budget is attached as Appendix E to provide members of the Works Committee with an anticipated order of magnitude of the project, based on information available to date. The anticipated expenditure may reach \$710,000.00 to \$935,000.00 to complete the EA Terms of Reference. Of this amount, approximately one-third (\$300,000.00) will be expended in 2005. The balance (approximately \$600,000.00) will be required for 2006, with any incremental funding above the \$750,000.00 approved budget will be included in the SWMS 2006 Capital Budget submission. The incremental funding is currently projected at \$185,000.00, but will be subject to CEAT's finalized workplan.

Following the completion of the EA Terms of Reference, a separate budget will be required to undertake the actual EA. At this time a budget projection for the EA can only be provided on an estimated basis because the Terms of Reference have not yet been developed, nor has the ensuing review by the Minister of the Environment, which may broaden the scope of the EA, been completed.

Based on recent experience regarding EAs of the scope contemplated here, it is estimated that the EA could take from four to six years to complete and would require an associated budget beyond the EA Terms of Reference of \$3.5 million to \$5.5 million.

The Roundtable's Recommendation (12) is that an honorarium be considered for citizen members. The provision of honoraria is contrary to existing City policy. However, this report recommends that honoraria be provided because members of CEAT are engaging in an important role that requires expertise and involves a heavy workload. The yearly honorarium recommended is \$2,500.00 for each member and \$5,000.00 for the Chair and Vice-Chair. If the member is active for only a part of any year, this amount would be pro-rated on a monthly basis. The recommended amount is intended to include out-of-pocket expenses to attend CEAT meetings. Reimbursement of approved travel costs will be provided separately. Members of CEAT will be required to adhere to the City's expense reimbursement policy.

An interim budget for honoraria of \$42,500.00 to \$67,500.00 should be reasonable (\$2,500.00 x 13 to 23 members plus \$5,000.00 x 2 – Chair and Vice-Chair) for that stage of the EA Terms of Reference process, plus reimbursement for travel costs. These costs are incorporated in the budget forecast in Appendix E.

The Roundtable recommended that CEAT be comprised of between 15 and 25 members. No change to this recommendation is sought, but preference may be given to a number at the lower end of the range in an attempt to achieve an effective working relationship among the members.

Conclusions:

This report has been submitted in response to City Council's request to the Acting Commissioner of Works and Emergency Services, the Chief Financial Officer and Treasurer and the City Solicitor, in consultation with the Chair and Vice-Chair of the Works Committee and Councillor Fletcher, member of the Roundtable on the Environment (the "Roundtable"), for a staff report regarding administration, accountability and financial aspects of the proposed Citizen Participation Model for an Environmental Assessment of a long-term residual solid waste management system (the "EA"). Any incremental funding required to cover the expanded scope of the EA Terms of Reference, to be defined by CEAT, will be included in the SWMS 2006 Capital Budget. The City Solicitor has signed this report in respect of any legal issues arising from the administration, accountability and financial issues that were to be addressed.

This report recommends that Council proceed with a modified model, and that the EA planning process should be managed by the General Manager of Solid Waste Management Services and incorporate enhanced public participation through the creation of a Community Environmental Assessment Team that would be involved, along with staff, throughout the EA process and would be able to communicate directly with Works Committee through a standing presentation.

Funds in the amount of \$750,000.00 have been approved in the 2005 Capital Budget of Solid Waste Management Services in order to provide project funding in 2005.

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List of Attachments:

Appendix A - Draft - Mandate of the Community EA Team;

Appendix B - Community EA Team – Member Selection Process;

Appendix C - Advice on Development of a Citizen Participation Model for Public Consultation Related to Solid Waste: Recommendations contained in memorandum dated October 25, 2004 to Works Committee from Deputy Mayor Joe Pantalone, Chair, Roundtable on the Environment;

Appendix D - Roles in EA Process for Residual Solid Waste Management System;

Appendix E - EA Terms of Reference Process– Project Budget Forecast;

Appendix F - Halifax's Public Participation Model; and

Appendix G - Chronology of Key Decision Points and Steps.

Appendix A

Draft

Mandate of the Community Environmental Assessment Team

Section A - Purpose:

The City of Toronto (the “City”) has embarked on an individual Environmental Assessment (“EA”) of a long-term management system for its residual solid waste. At this time the City exports its residual solid waste by tractor-trailer to the Carleton Farms Landfill site located in the State of Michigan.

Diversion policies and programs that are in place, or are in the development phase, have been designed to provide the City with the ability to divert municipal solid resources (“MSR”) from disposal. The remaining portion forms the “residual” component.

The design and implementation of a system to manage approximately 400,000 tonnes per year of residual MSR is the central focus and purpose of the EA.

Following a review of various management models for the EA, the City has decided to create a community-based planning body to be known as the “Community Environmental Assessment Team” (“CEAT”). Based on the strategic direction provided by City Council, CEAT will, in addition to other functions and responsibilities developed during the course of the EA:

- (i) participate with staff and project consultants in the development of the Terms of Reference, the consultation plan, and the Environmental Assessment that will be prepared on behalf of the City;
- (ii) have a standing presentation to every regular meeting of the Works Committee to provide for regular and direct communication with the Works Committee; and
- (iii) participate, to the extent allowed by City policies, in procurement processes for project consultants.

Section B - CEAT Membership:

CEAT is to be comprised of up to 25 citizens of Toronto. A selection process is to be conducted by a Nominating Panel, comprised of the present Chair and Vice-Chair and incoming Chair and Vice-Chair of Works Committee, and administered by the City Clerk’s office. Final ratification of nominees to CEAT will be the responsibility of City Council.

Specific conditions of CEAT membership are as follows:

- (1) Membership will be for the duration of the project, including the EA Terms of Reference, the public consultation program, and the EA.

- (2) In order to maintain continuity, CEAT members are expected to maintain an attendance record in good standing. In the event a member has repeated absences without satisfactory explanation, the Chair or Vice-Chair may bring the matter before a meeting of CEAT, which may recommend to Works Committee that the member be replaced.
- (3) If Council determines that departing members should be replaced, replacement members will be selected in accordance with the applicable provisions of Appendix B and appointed by Council.
- (4) Each member of CEAT is required to enter into an agreement with the City covering such topics as honoraria, treatment of confidential information (such as proprietary information about technologies), conflict of interest and other City policies, in a form satisfactory to the City Solicitor.
- (5) One or more members of CEAT can be removed and replaced by City Council.

Section C - CEAT Membership Selection Criteria:

The criteria for selection of members of the Community Environmental Assessment Team include:

- (i) expertise or past involvement in environmental/scientific/technology issues, Ontario's environmental assessment process, community engagement, public consultation, consensus building, land development, health or education;
- (ii) ability to organize and analyze information, including technical information;
- (iii) commitment to public service and to a high standard of ethics;
- (iv) good interpersonal skills, including the ability to work in a team;
- (v) excellent listening skills, open-mindedness (no biases with respect to the outcome of the EA process), sound judgement and tact;
- (vi) the ability to work under time pressures; and
- (vii) flexible work schedule.

Section D - CEAT Chair:

- (1) The Chair and Vice-Chair of CEAT will be appointed by City Council on the recommendation of the CEAT Nominating Panel.
- (2) The Chair and Vice-Chair will be the official media spokespersons for CEAT.

Section E - Honoraria:

- (1) Each member of CEAT in good standing will receive an annual honorarium of \$2,500.00.
- (2) The Chair and Vice-Chair are entitled to an honorarium of \$5,000.00 per annum if they take on additional facilitation responsibilities.
- (3) If a member, including the Chair and Vice-Chair, has been involved for less than a full year in any year, the honorarium will be pro-rated on a monthly basis.

Section F - CEAT Timeframe:

The mandate of CEAT will commence following membership ratification by Council and continue through to the completion of the EA, including completion of the regulatory review and approvals process.

Section G - Administration:

- (1) CEAT will have a standing presentation to City Council's Works Committee.
- (2) CEAT's work program will be carried out in accordance with the City's Rules of Procedure for Advisory Bodies as set out in Clause 34 of Report 7 of Policy and Finance Committee, adopted by Council at its meeting held on September 28, 29 and 30 and October 1, 2004.
- (3) As a general principle, CEAT meetings will be open to the public, however, confidentiality requirements or City policies may in some cases require or allow in-camera meetings.
- (4) Minutes of meetings or proceedings will be prepared for approval by CEAT. The minutes will record recommendations of CEAT and summarize presentations and discussions. Upon approval by CEAT, minutes of CEAT will be public, aside from any activities carried out in private session.
- (5) CEAT shall hold some meetings or information sessions outside of the City's municipal boundaries to facilitate input and feedback from stakeholders in jurisdictions potentially affected by the siting of a facility to manage residual waste from Toronto or to facilitate input and feedback.
- (6) CEAT may form sub-committees to deal with specific issues as the need arises, which will report to CEAT with any recommendations.
- (7) CEAT will meet at the call of the Chair or at the request of the General Manager, Solid Waste Management Services.
- (8) CEAT's mandate is established by City Council. City Council may amend or revoke CEAT's mandate.

- (9) CEAT may recommend modifications to its Mandate that are consistent with its general purpose.

Section H - Travel and Research:

- (1) CEAT's budget will include funds for travel and research in southern Ontario.
- (2) Funds for travel and research for members of CEAT outside of southern Ontario will require pre-approval by the Works Committee and City Council.

Section I - Staff Support:

The General Manager, Solid Waste Management Services, and his staff will, in addition to general management of the EA process (e.g., managing the procurement process, providing technical advice), provide the following administrative assistance to CEAT and its members:

- (1) Administrative support for the preparation and distribution of agendas, minutes and other information relevant to CEAT.
- (2) Booking of meeting locations.
- (3) Payment of honoraria.

Appendix B

Community Environmental Assessment Team – Member Selection Process

Profile:

The Community Environmental Assessment Team (“CEAT”) has been established to assist with the City of Toronto’s Environmental Assessment of a long-term residual solid waste management system under the Ontario *Environmental Assessment Act*.

This is expected to be a relatively long-term process involving:

- meetings of CEAT;
- public meetings for consultation with the public and the communities that may be affected by the undertaking;
- participation in development of evaluation criteria;
- participation in the analysis and assessment of technologies and other alternatives to the proposed undertaking and alternative methods of carrying out the undertaking, and the effects of alternatives on the environment;
- direct presentations to the Works Committee;

- participation in meetings with Ministry of the Environment officials; and
- attendance, if necessary, at hearings before the Environmental Review Tribunal, and other panels, as required.

Composition:

The EA Team will consist of up to 25 individuals who are not members of Council, employees of the City (including employees of City Agencies, Boards and Commissions), or employees of the Provincial and Federal governments.

Recruitment:

An open call will be made using media advertising, requests to Councillors to contact interested citizens; mailings to people who requested notification of board vacancies and environmental news; and posting on the City's website.

Information Session:

Staff will provide information session(s); attendance is required to apply.

Applications:

Applications and information packages will be provided at the information session and must be submitted by the deadline. Applications will be treated as confidential.

Citizen Eligibility and Qualifications:

Eligibility:

Applicants must:

- (1) be a City of Toronto resident;
- (2) at least 18 years old;
- (3) attend an information session; and
- (4) submit their application by the deadline.

Qualifications:

- (i) expertise or past involvement in environmental/scientific/technology issues, Ontario's environmental assessment process, community engagement, public consultation, consensus building, land development, health or education;
- (ii) ability to organize and analyze information, including technical information;
- (iii) commitment to public service and to a high standard of ethics;
- (iv) good interpersonal skills, including the ability to work in a team;

- (v) excellent listening skills, open-mindedness (no biases with respect to the outcome of the EA process), sound judgement and tact;
- (vi) the ability to work under time pressures; and
- (vii) flexible work schedule.

The Chair and Vice-Chair will be appointed by Council and in addition should have:

- (i) previous experience in a leadership role;
- (ii) administrative skills to organize, schedule and arrange appropriate support for CEAT;
- (iii) excellent communications skills, both oral and written, to articulate issues and decisions to staff, Committees of Council, the press, and the public; and
- (iv) a willingness and ability to represent CEAT before Works Committee, Council, the media and the public.

A fundamental requirement of members and the Chair and Vice-Chair is an open minded and fair approach to decisions to be made with respect to the City's waste management undertaking.

Nomination Process:

Given the level of responsibility CEAT will have and the need for citizen involvement and highly qualified members, the appointment process will be both open and stringent. It is modelled on Council's Policy for Citizen Nominations to Agencies, Boards, Commissions and Corporations.

CEAT members will be recruited using an advertised nomination process administered by the Clerk's Office. A CEAT Nominating Panel will be established, composed of the current Chair and Vice-Chair and incoming Chair and Vice-Chair of the Works Committee, and supported by the Clerk's Office, to shortlist and interview applicants and recommend a slate to City Council. To protect applicants' personal information, the CEAT Nominating Panel will conduct shortlisting and interviews in-camera and will treat applications as confidential material.

Screening:

Clerk's Office staff will screen applications for completeness and basic eligibility, i.e., Toronto residents at least 18 years old, who attended an information session, and applied by the deadline; and will forward eligible applications confidentially to the Nominating Panel.

Shortlisting and Interviews:

The CEAT Nominating Panel, supported by City Clerk's staff, will shortlist applications and conduct interviews. Checklists and notes will be retained for the (confidential) record. Staff of Solid Waste Management Services will draft relevant, open-ended interview questions, which allow the applicants to show they are qualified. The draft questions will be submitted to the Nominating Panel for its consideration. All applicants will be asked the same questions, which will relate to their qualifications.

Members of the Nominating Panel will be present for all interviews.

Recommendations:

The CEAT Nominating Panel will recommend a slate of up to 25 citizen members, including members as Chair and Vice-chair, to City Council for appointment. It may also recommend alternates whose appointment will become effective should vacancies arise during CEAT's term.

Each nominee must agree to have a short biography made public.

Vacancies and Alternates:

A vacancy arises if a member resigns or becomes ineligible. CEAT may also recommend to Works Committee and Council that a member be replaced if they have missed three meetings without being excused by CEAT. Vacancies may be replaced by using any alternates named by Council to be appointed effective on a vacancy; consulting the existing pool of applicants; or if there are no qualified and able alternates or existing applicants, re-advertising and conducting a new appointments process.

Term of Office:

Members of CEAT are appointed at the pleasure of Council for a term to be determined by Council or until the completion of the project, or until a member resigns.

Annual Remuneration:

\$2,500.00 for members and \$5,000.00 for the Chair and Vice-Chair, pro-rated should service be less than a year in any year.

Appendix C

Advice on Development of a Citizen Participation Model for Public Consultation Related to Solid Waste: Recommendations contained in memorandum dated October 25, 2004, to the Works Committee from Deputy Mayor Joe Pantalone, Chair, Roundtable on the Environment.

Recommendations:

That the Works Committee approve for Council consideration the following recommendations:

- (1) The Environmental Assessment process must be led by the community. We are proposing that a group of citizens be appointed to ensure that broad consultation takes place. To be effective over a long period of time, the Community Environmental Assessment Team should be reasonably large but not unwieldy. 15-25 members should suffice.
- (2) The role of City staff will be to support the work of the Community Environmental Assessment Team. The Community Environmental Assessment Team must not be viewed as advisors to staff. Staff should provide administrative support and technical assistance when asked. Decisions taken by the Community Environmental Assessment Team should be reported directly to the Works Committee of Council. These reports should be presented by the Community Environmental Assessment Team.
- (3) The Community Environmental Assessment Team should recommend directly to the Works Committee when they believe consultants are needed for the process. The Community Environmental Assessment Team should propose terms of reference for any relevant consulting contracts to the Works Committee. The Community Environmental Assessment Team should score RFP respondents, and recommend a preferred consultant to Works.
- (4) To ensure that the City's internal contracting standards are met, staff should manage the contractors in regards to payments, timely completion of work and other similar matters.
- (5) Selecting members of the Community Environmental Assessment Team will be critical. Environmental assessment is a rigorous legal process. The Community Environmental Assessment Team members must have ample expertise in environmental issues (preferably in waste management) and in community engagement and law (preferably in environmental assessment). These strengths need to be considered in selecting all members. The group must function as a whole not as two camps – amateurs and experts.
- (6) The call for members must be broad and the selection process must be fair. A call for members should be made through paid advertising, lists of interested parties held by Councillors, the Works Department, and other appropriate bodies. Applicants will be asked to show knowledge of Environmental Assessment, Waste Management, or other related areas such as community engagement, or environment. Applicant resumes or application letters should be reviewed by members of the Works Committee. Every effort should be made to have the Community Environmental Assessment Team functioning as soon as possible.
- (7) Potential vendors, i.e., representatives of waste firms and their trade associations, must not be included in the Community Environmental Assessment Team. The process must neither be tainted by commercial interest nor seen to be tainted.

- (8) Members of the Community Environmental Assessment Team must also be residents of Toronto.
- (9) The City should set a budget for the work of the Community Environmental Assessment Team for the first phase of the Environmental Assessment - developing a Terms of Reference Statement, which is a requirement of the Act. The Community Environmental Assessment Team may wish to retain consultants to support their consultation work and funds should be allocated for this.
- (10) The committee must conduct its work in public.
- (11) Build in a process to interface with other communities with whom there may be a conflict.
- (12) That an honorarium be considered for citizen members.
- (13) That the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Appendix D

Roles in EA Process for Residual Solid Waste Management System

Step	Consultants: Technical and Facilitation	Staff	Community EA Team (“CEAT”)	Works Committee/ Council
EA Terms of Reference Stage				
CEAT kick-off meeting	Technical: Attend and answer questions.	Arrange meeting. Present steps to date. Outline City consultant selection process.	Review mandate. Ask process questions. Appoint representatives for facilitator selection.	
Hire Facilitator		Develop scope of work and evaluation criteria with input from CEAT. Submit scope of work and criteria to Works Committee. Issue RFP.	Provide input to scope of work and evaluation criteria. Independent comment to Works Committee.	Approve scope and criteria for facilitator selection.
		Appointed representatives to evaluate proposals in accordance with City policies.		
		Submit recommendation for award in accordance with City policy. Administer contract. and provide direction to consultants.	Independent comment to Works Committee.	Approve selection.

<p>Design EA Terms of Reference Process</p>	<p>Plan and attend joint Staff-CEAT workshop.</p>	<p>Develop, in consultation with CEAT, process for developing Terms of Reference, including Public Consultation Program.</p> <p>Report to Works Committee.</p>	<p>Participate in developing Terms of Reference, including Public Consultation Program.</p> <p>Independent comment to Works Committee.</p>	<p>Approve process steps, including public consultation program.</p>
<p>Public/Stakeholder Consultation (for each of the following three tasks)</p>	<p>Facilitation: Facilitate workshops and other consultation activities Technical: Participate in workshops and other consultation activities.</p>	<p>Arrange and participate in public meetings, record feedback.</p> <p>Attend, present and answer questions.</p>	<p>Participate in and provide advice, input and feedback on workshops and other consultation activities.</p>	
<p>Determine Range of Alternatives</p>	<p>Facilitation: facilitate activities Technical: draft range of alternatives for discussion and provide advice.</p>	<p>Participate in development of alternatives to be considered.</p>	<p>Participate in development of alternatives to be considered.</p>	

Determine Evaluation Methodologies and Criteria	Facilitation: facilitate alternatives discussion. Technical: draft for discussion of evaluation methodologies and criteria and provide advice.	Participate in development of evaluation methodologies and criteria.	Participate in development of evaluation methodologies and criteria.	
Develop Consultation Plan for Environmental Assessment	Facilitation: facilitate activities Technical: draft consultation plan for discussion and provide advice.	Participate in development of consultation plan.	Participate in development of consultation plan.	
Finalize EA Terms of Reference	Draft EA Terms of Reference incorporating comments from prior three tasks.	Provide comments.	Provide comments.	
	Finalize EA Terms of Reference.	Submit EA Terms of Reference to Works Committee.	Independent comment to Works Committee.	Approve.
Submit EA Terms of Reference to Minister of the Environment for Approval	Respond to inquiries/ information requests from Provincial review.	Respond in consultation with CEAT to inquiries/ information requests from Provincial review Report Minister's approval to Works Committee.	Provide input into responses to inquiries/ information requests from Provincial review Provide independent comment to Works Committee.	Receive Minister's Approval.

EA Stage (following Minister's approval of Terms of Reference)				
Hire Consultants		Develop scope of work and evaluation criteria with input from CEAT.	Provide input to scope of work and evaluation criteria.	Approve scope and criteria for facilitator selection.
		Submit scope of work and criteria to Works Committee.	Independent comment to Works Committee.	
		Issue RFP.	Appointed representatives to evaluate proposals in accordance with City policies.	
		Submit recommendation for award to Works Committee. Administer contract and provide direction to consultants.	Independent comment to Works Committee.	Approve selection.
EA (including consultation program as approved by Minister)	Conduct EA studies and draft EA report.	Participate in analysis and assessment of alternatives.		
Public/ Stakeholder Consultation on EA studies and report	Facilitate workshops and other consultation activities. Participate in workshops and other consultation activities.	Arrange and participate in public meetings, record feedback. Attend, present and answer questions.	Participate in and provide advice, input and feedback on workshops and other consultation activities.	

Finalize EA	Draft EA.	Provide comments.	Provide comments.	
	Incorporate staff and CEAT comments.	Submit report to Works Committee recommending submission of EA to the Minister of the Environment.	Independent comment to Works Committee.	Approve.
Submit EA to Minister for Approval	Respond to technical questions.	Submit EA Respond, in consultation with CEAT, to questions Report Minister's approval to Works Committee.	Provide input into responses by staff. Independent comment to Works Committee.	Receive report on Minister's Approval.

Appendix E

EA Terms of Reference: Project Budget Forecast

Activity	SWM Base (\$000)	CEAT Incremental (\$000)	Total (\$000)
<p>Technical Consultant:</p> <p>Includes research, preparation of draft Terms of Reference and engagement in work of Community EA Team and external community consultation</p>	250	50-100	300-350
<p>External Legal Advice:</p> <p>Includes advice on Environmental Assessment Act and regulatory requirements and court decisions interpreting the EAA, Municipal Act authority and general legal issues.</p>	25-50	25-75	50-125
<p>Facilitation Consultant:</p> <p>Includes chairing of Community EA Team meetings, facilitation of external community consultation, and participation in drafting of EA Terms of Reference.</p>	0	125-150	125-150

Activity	SWM Base (\$000)	CEAT Incremental (\$000)	Total (\$000)
Honoraria for Community EA Team Members	0	85-135*	85-135*
Research, Travel, Expenses, etc.	15	35-60	50-75
Meeting Costs	10	15	25
City Clerk**, advertising, communication and publication.	25	50	75
Total	325-350	385-585	710-935
*Variance is due to range in possible number of CEAT members. Roundtable recommended between 15 and 25.			
**Clerk's budget of \$9,160.00 for conducting two information sessions plus two shortlisting and interview meetings.			

Appendix F

Halifax's Public Participation Model

The broad goal of the Roundtable's recommendations is that the EA process be led by the community.

The public engagement process presented to the Roundtable was based on a desire to follow the process used by Halifax for its waste management planning in the mid-1990s. In a memorandum to the Roundtable members dated October 16, 2004, from Councillor Paula Fletcher and Gord Perks of the Toronto Environmental Alliance, the Halifax model is recommended on the grounds that it incorporated a comparison of a variety of waste management options and the communities' concerns and advice were taken into account in the development of the alternative approaches to the undertaking. The memorandum proceeds to then recommend the formation of a steering committee to parallel the planning model in Halifax, which is reflected in the first recommendation from the Roundtable.

While the proposed consultation model from the Roundtable contains elements of Halifax's planning process, the model does not exhibit many of the traits attributed to the "Halifax model", for the reasons described below.

The public engagement process in Halifax was conducted through a "Community Stakeholder Committee", which had responsibility for the planning process leading to the establishment of a new waste/resource management system. Any citizen of the metropolitan Halifax region could join the Community Stakeholder Committee at any time. On average approximately sixty citizens attended each meeting. Fifty meetings were held over a thirteen-month timeframe. Members of the Community Stakeholder Committee appointed themselves and any citizen could become a member if he or she "lived, worked or played" in Halifax. The Roundtable has instead

recommended that a selection process be held for a limited number of positions on the proposed “Community EA Team”, and required that members have specific expertise in environmental issues, community engagement and law, and be residents of Toronto (Roundtable Recommendations (5) and (8).

Halifax’s planning process also differed in several important ways. A particular set of local conditions helped facilitate the success of Halifax’s program including the following key points:

- the Nova Scotia government exempted Halifax from its provincial EA process;
- the Halifax Community Stakeholder Committee was given direction to site a landfill within the municipal boundaries of Halifax County and to do so within a limited timeframe (whereas the City will be required to consider all alternatives); and
- a prior Provincial decision to exclude incineration as a waste management option on the basis that it was not economically feasible.

Due to the extent of Toronto’s urban development and the requirements of the Environmental Assessment Act in Ontario, the conditions under which Halifax conducted its planning process are unlikely to be reflected in Toronto’s planning process.

We observe, therefore, that the model presented to the Roundtable is quite different than the Halifax model.

Appendix G

Chronology of Key Decision Points and Steps

Presented below are the key decision points and steps taken leading to the consideration of the Roundtable on the Environment’s advice to the Works Committee concerning the formation of a Community EA Team.

Waste Diversion Task Force 2010:

At its meeting of June 26, 27 and 28, 2001, Council adopted, as amended, Clause 1 of Report 10 of the Works Committee, titled “Report of the City of Toronto Waste Diversion Task Force 2010.” In Section C of the report the Task Force identified the important role new and emerging technologies will have in assisting the City reach its diversion targets.

Staff Implementation Report:

On October 2, 2001, Council adopted, as amended, the staff report titled “Implementation of a Three-Stream System and Other Recommendations of the Waste [Diversion] Task Force 2010”, which set forth a plan to achieve a diversion rate of 42 percent through the introduction of a source separated organics program in addition to existing diversion programs. To reach City Council’s targets of 60 percent diversion by 2006 and 100 percent by 2010, the report advised that “new and emerging technologies to divert additional municipal solid resources will need to be implemented.”

A follow-up report regarding the potential engagement of new and emerging technologies and, specifically, Advanced Thermal Technologies (“ATT”), was submitted by the Commissioner of Works and Emergency Services to the Works Committee on January 9, 2002. The Works Committee considered the Commissioner’s report at its meeting of January 15 and 22, 2002, and amended the report’s recommendations.

City Council on February 13, 14 and 15, 2002, deferred consideration of the Works Committee’s recommendations. However, at its meeting of April 16, 17 and 18, 2002, City Council adopted without amendment Clause 2 of Report 4 of the Works Committee, titled “New and Emerging Technologies and Three-Stream Separation and Collection in Multi-Residential Buildings”, which stated:

“City Council establish a policy to examine new and emerging technologies, policies and practices to process residuals, subject to the stipulation that the built capacity is to be phased in modules and be limited to no greater than 40 percent of the City’s total municipal solid resource stream collected annually by the City to be diverted away from landfill.

A citizen and expert advisory group be established, including citizens from potential “host” communities and environmental experts, that will guide the review of technologies, policies and practices, and the community consultation process.

The City of Toronto initiate an external Request for Expressions of Interest from the marketplace to provide new and emerging technology capacity.”

Public Consultation:

A public consultation meeting was held on June 22, 2002, to facilitate community input into the formation of a citizen and expert advisory group regarding the potential engagement of new and emerging technologies. A report from the Commissioner of Works and Emergency Services dated June 24, 2002, provides a description of the meeting and an analysis of the feedback received.

The consultation feedback provided on June 22, 2002, was enhanced through a series of regional consultation forums held throughout Toronto. A report from the Commissioner dated September 23, 2002, provides an account of those meeting and the input received.

Formation of Advisory New and Emerging Technologies, Policies and Practices Advisory Group:

On October 1, 2 and 3, 2002, City Council provided direction for the formation of the New and Emerging Technologies, Policies and Practices Advisory Group (the “Advisory Group”) (Clause 1 of Report 10 of the Works Committee, as amended).

The membership of the Advisory Group was adopted by City Council at its regular meeting held on February 4, 5 and 6, 2003 (Clause 2 embodied in Report 2).

Recommendation to Proceed with EA-level Planning:

On June 25, 2003, the Advisory Group held a meeting dedicated to the matter of EA planning. Numerous public deputations were made and all were supportive of the initiation of formal EA-level planning at the earliest possible stage in the planning process. At the conclusion of the meeting the following motions were adopted:

Preamble:

The City of Toronto (the "City") has established a goal of 100 percent diversion from landfill by the year 2010. Current recycling and composting programs, including the Green Bin program to process household organics and other Task Force initiatives, will increase the City's diversion rate from landfill to approximately 43 percent by 2005. As a means to achieve its diversion objectives of 60 percent diversion from landfill by 2006 and the 100 percent objective by 2010, the City is reviewing the potential adoption of new and emerging technologies, policies and practices.

Recommendation (1)

There be an individual EA, as set out under the requirements of the Ontario EA Act, for the management of Toronto's residual solid waste.

Recommendation (2)

The City be the proponent of the EA.

Recommendation (3)

The EA should address all phases of planning and decision-making, including: (i) need; (ii) the choice of policies and practices and technology(ies) (i.e. "alternatives to"); and (iii) the siting of facilities (i.e., "alternative methods").

The City should begin the development of Terms of Reference for the EA as required by the EA Act as soon as possible.

A subsequent staff report dated August 21, 2003, transmitted the Advisory Group's recommendations and recommended that the City proceed with EA-level planning for its residual waste and that a project consultant be hired through a request for proposal process.

On September 22, 23, 24 and 25, 2003, City Council adopted Clause 41 embodied in Report 9 of the Policy and Finance Committee, which committed the City to undertake an EA for the management of its residual solid waste and authorized the Commissioner of Works and Emergency Services, to hire a consultant to undertake the EA.

EA Terms of Reference Project Consultant:

Following Council's direction in 2003 to proceed with an EA, staff issued a Request for Proposal (RFP No. 9121-04-7077) to retain a project consultant. In a report dated April 22, 2004, the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer recommended that MacViro Consultants Inc. be retained to prepare the Terms of Reference of an Environmental Assessment for the management of the City's residual municipal solid waste.

That recommendation was subsequently adopted by City Council at its meeting of May 18, 19 and 20, 2004 (Clause 1 embodied in Report 3 of the Works Committee).

Proposed EA Public Consultation Model:

A report to the Works Committee from the Commissioner of Works and Emergency Services, dated June 23, 2004, carried recommendations for the establishment of two consultation forums: (1) a Solid Waste Diversion Working Group; and (2) an Environmental Assessment Advisory Group. That report was developed with input from an EA Sub-Committee of the New and Emerging Technologies, Policies and Practices Advisory Group.

At its meeting of June 29, 2004, Works Committee referred that staff report to the Roundtable on the Environment to provide advice on the development of a citizen participation model for the two public consultation processes recommended in the Commissioner's report.

The response by the Roundtable on the Environment, dated October 25, 2004 (see Appendix C of this report) and Council's request for a staff report regarding administration, accountability and financial aspects of the "Citizen Participation Model for Public Consultation Related to Solid Waste" as recommended by the Roundtable, is the subject of this staff report.

Halifax Resource Management Model:

Works Committee also requested at its meeting of June 29, 2004, that the Acting Commissioner of Works and Emergency Services report to the Works Committee on the advantages and disadvantages of the City of Halifax's resource management model, and to describe the community development process leading to their current diversion rate and residual resource management system.

In response to that request from the Works Committee a staff report concerning Halifax's resource management model was submitted to the Works Committee on August 25, 2004.

An analysis of the Halifax model is attached as Appendix F to this report.

The following persons appeared before the Works Committee:

- Rod Muir, Waste Diversion Toronto; and
- Karen Buck, Citizens for a Safe Environment, and filed a submission.