

Authority: Executive Committee Item 24.19,
as adopted by City of Toronto Council on November 27, 28 and 29, 2012
Enacted by Council: November 29, 2012

CITY OF TORONTO

BY-LAW No. 1638-2012

To amend City of Toronto Municipal Code Chapter 227, Reserves and Reserve Funds, to create new reserve funds, and to close certain reserves and reserve funds accounts.

WHEREAS City Council has approved the creation of new reserve funds and reserve fund accounts, and the closing of certain reserves, reserve funds, and reserve funds accounts; and

WHEREAS City of Toronto Municipal Code Chapter 227, Reserves and Reserve Funds, requires amendment to reflect these decisions;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. (1) The North Linear Park Retaining Wall Maintenance obligatory reserve fund is hereby established for the purpose of functioning as an endowment to repair and maintain the Capreol Court and Dan Leckie Way retaining walls.
- (2) The Development Application Review Fees discretionary reserve fund is hereby established for the purpose of providing funding for capital projects that support development activity.
- (3) (a) The name of the Vehicle Reserve - Police be changed to Vehicle and Equipment Reserve - Police; and
(b) The purpose of the Vehicle Reserve - Police, as renamed by clause 1(3)(a), be changed to providing funding to purchase or acquire any vehicles or equipment including but not limited to IT hardware and major software, video equipment, furniture and hand held devices for Toronto Police Services. Funding promotes efficiencies and provides budget stabilization by moderating large fluctuations in the annual replacement of vehicles and equipment.
- (4) The purpose of the Police Legal Liabilities Reserve be changed to providing a source of funding for (i) the indemnification of necessary and reasonable legal costs incurred by active and former officers where they have been investigated and charged, but not found guilty; (ii) the indemnification in criminal or statutory offences, civil actions or inquiries under the *Coroners Act*; (iii) funding settlement expenses and legal costs related to any grieved or arbitrated matter experienced by the Service; and (iv) all legal expenses incurred including legal defence other than indemnification, and the hiring of outside prosecutors, as required to alleviate conflict of interest situations, for *Police Services Act* tribunals
- (5) The purpose of the Police Museum Reserve be changed to provides and receives funding to stabilize the operation of the Police Museum.

- (6) The purpose of the Exhibition Place Conference Centre Reserve Fund is changed to provides a source of funding, in the first instance, for any shortfalls in the loan payments to the City from Exhibition Place for the new conference centre, and this being provided for, to support any cash shortfalls with respect to capital funding required to maintain the Direct Energy Centre and the Allstream Centre in a state of good repair.
- (7) The following reserves and reserve fund accounts be closed:
- (a) Development Charges SPUC Water, in the Development Charges Pre-1999 Reserve Fund Group
 - (b) Development Charges 2004 Water, in the Development Charges 2004 Reserve Fund Group
 - (c) Development Charges 2004 Childcare, in the Development Charges 2004 Reserve Fund Group
 - (d) Development Charges 2004 Libraries, in the Development Charges 2004 Reserve Fund Group
 - (e) Development Charges 2004 Urban Development Services, in the Development Charges 2004 Reserve Fund Group
 - (f) Neshama Playground
 - (g) Otter Loop Park Improvements
 - (h) Withrow Park Improvements

2. City of Toronto Municipal Code Chapter 227, Reserves and Reserve Funds, is amended as follows:

- (1) Schedule No. 1 - Corporate Reserve, be amended by:

- (a) Deleting the following:

"Police Legal Liabilities	Police	Provides a source of funding for (i) indemnification of necessary and reasonable legal costs incurred by active and former officers where they have been investigated and charged, but not found guilty, (ii) for the indemnification in criminal or statutory offences, civil actions or inquiries under the <i>Coroners Act</i> , and (iii) funding settlement expenses and legal costs related to any grievous matter experienced by the Service.
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- (b) Deleting the Police Reserve from the Vehicle and Equipment Replacement Group.

(c) Adding the following:

"Police Legal Liabilities	Police	Provides a source of funding for (i) the indemnification of necessary and reasonable legal costs incurred by active and former officers where they have been investigated and charged, but not found guilty; (ii) the indemnification in criminal or statutory offences, civil actions or inquiries under the <i>Coroners Act</i> ; (iii) funding settlement expenses and legal costs related to any grieved or arbitrated matter experienced by the Service, and (iv) all legal expenses incurred including legal defence other than indemnification, and the hiring of outside prosecutors, as required to alleviate conflict of interest situations, for <i>Police Services Act</i> tribunals
Vehicle and Equipment Reserve - Police	Police	Provides funding to purchase or acquire any vehicles or equipment including but not limited to IT hardware and major software, video equipment, furniture and hand held devices for Toronto Police Services. Funding promotes efficiencies and provides budget stabilization by moderating large fluctuations in the annual replacement of vehicles and equipment

(2) Schedule No. 3 - Stabilization Reserves, be amended by adding the following:

"Police Museum	Police	Provides and receives funding to stabilize the operation of the Police Museum."
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(3) Schedule No. 5 - Donations Reserves, be amended by deleting the following:

"Police Museum	Police	Provides funding for the development, construction and operation of the Police Museum.
Neshama Playground	Parks, Forestry & Recreation	Provides funding for the planning, design, and redevelopment of the Neshama Playground at Oriole Park.
Otter Loop Park Improvements	Parks, Forestry & Recreation	Provides funding for park improvements at Otter Loop Park.
Withrow Park Improvements	Parks, Forestry & Recreation	Provides funding for planned park enhancements."

- (4) Schedule No. 8 - State of Good Repair Discretionary Reserve Funds, be amended by adding the following:

"Development Application Review Fees	City Planning	Provides funding for capital projects that support development activity."
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- (5) Schedule No. 11 - Development Charges Obligatory Reserve Funds, be amended by deleting the following from the Development Charges Pre-1999 Reserve Fund Group:

"Development Charges SPUC Water	Toronto Water	Provides funding for designated water services capital projects."
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- (6) Schedule No. 11 - Development Charges Obligatory Reserve Funds, be amended by deleting the following from the Development Charges (2004) Reserve Fund Group:

"Development Charges (2004) Childcare	Children's Services	Provides funding for designated child care capital projects.
Development Charges (2004) Libraries	Toronto Library	Provides funding for designated library services capital projects.
Development Charges (2004) Urban Development Services	City Planning	Provides funding for designated urban development services capital projects.
Development Charges (2004) Water	Toronto Water	Provides funding for designated water services capital projects.

- (7) Schedule No 14 - State of Good Repair Obligatory Reserve Funds, be amended by adding the following:

"North Linear Park Retaining Walls Maintenance	Parks, Forestry & Recreation	Functions as an endowment to repair and maintain the Capreol Court and Dan Leckie Way retaining walls."
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(8) Schedule No. 15 - Third Party Agreement Obligatory Reserve Funds, be amended by:

(a) deleting the following:

"Exhibition Place Conference Centre	Deputy City Manager/CFO	Provides a source of funding for any shortfalls in loan payments to the City from Exhibition Place for the new conference centre or to support Exhibition Place's operating shortfalls between 2010 and 2012, to a maximum of \$0.900 million.."
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(b) adding the following:

"Exhibition Place Conference Centre	Deputy City Manager/CFO	Provides a source of funding, in the first instance, for any shortfalls in the loan payments to the City from Exhibition Place for the new conference centre, and this being provided for, to support any cash shortfalls with respect to capital funding required to maintain the Direct Energy Centre and the Allstream Centre in a state of good repair."
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ENACTED AND PASSED this 29th day of November, A.D. 2012.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)