

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

**WEDNESDAY, MARCH 28, 2007**

**S5.1 CALL TO ORDER - 9:43 a.m.**

Speaker Bussin took the Chair and called the Members to order.

The meeting opened with *O Canada*.

**S5.2 MOMENT OF SILENCE**

Members of Council observed a moment of silence.

**S5.3 NOTICE OF SPECIAL MEETING**

Speaker Bussin advised the Council that this special meeting is called for the following purposes:

1. to consider a report (March 26, 2007) from the Acting General Manager, Solid Waste Management Services, the Deputy City Manager and Chief Financial Officer and the City Solicitor, headed “Conformity with the Conditions of Closing for the Purchase of the Green Lane Landfill”;
2. to introduce and enact General Bills; and
3. to introduce and enact a confirming by-law for this special meeting.

**S5.4 INTRODUCTION OF ITEM BY THE MAYOR**

Mayor Miller presented Item CC5.1 from the Acting General Manager, Solid Waste Management Services, the Deputy City Manager and Chief Financial Officer and the City Solicitor, headed “Conformity with the Conditions of Closing for the Purchase of the Green Lane Landfill” for consideration.

*Vote:*

The introduction of Item CC5.1 carried.

**S5.5 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**S5.6 REVIEW OF THE ORDER PAPER**

Speaker Bussin in the Chair.

*Procedural Motion to Confirm the March 28, 2007 Order Paper:*

Speaker Bussin proposed that Council confirm the Order Paper.

*Vote:*

Council adopted the Order Paper.

**S5.7 CLOSED MEETING SESSION OF THE COMMITTEE OF THE WHOLE****Closed Session 1**

Speaker Bussin in the Chair.

*Procedural Motion:*

Councillor Lindsay Luby, at 9:56 a.m., moved that Council recess its public session to meet as Committee of the Whole in closed session to consider the following confidential matter on the Order Paper, in accordance with the provisions of the City of Toronto Act, 2006:

CC5.1            Conformity with the Conditions of Closing for the Purchase of the Green Lane Landfill (as it pertains to litigation as it relates to the settlement of a Judicial Review for the Green Lane Landfill Certificate of Approval; security of the

property of the municipality as it relates to closing of the purchase of the Green Lane Landfill; and the receiving of advice that is subject to solicitor-client privilege).

*Vote:*

The motion by Councillor Lindsay Luby carried.

Council recessed its public session at 9:56 a.m. to meet as Committee of the Whole in the Council Chamber to consider the above matter, in accordance with the provisions of the City of Toronto Act, 2006.

Committee of the Whole rose, reconvened as Council at 12:30 p.m., and met in public session in the Council Chamber.

Speaker Bussin took the Chair and called the Members to order.

In accordance with the provisions of the City of Toronto Act, 2006, and Chapter 27, Council Procedures, Speaker Bussin reported that Committee of the Whole had not concluded its consideration of Item CC5.1.

**Closed Session 2**

Speaker Bussin in the Chair.

*Procedural Motion:*

Councillor Feldman, at 2:16 p.m., moved that Council recess its public session to meet as Committee of the Whole in closed session to continue its consideration of Item CC5.1, in accordance with the provisions of the City of Toronto Act, 2006.

*Vote:*

The motion by Councillor Feldman carried.

Council recessed its public session at 2:17 p.m. to reconvene as Committee of the Whole in the Council Chamber to consider the above matter, in accordance with the provisions of the City of Toronto Act, 2006.

Committee of the Whole rose, reconvened as Council at 3:18 p.m., and met in public session in the Council Chamber.

Speaker Bussin took the Chair and called the Members to order.

In accordance with the provisions of the City of Toronto Act, 2006, and Chapter 27, Council Procedures, Speaker Bussin reported that Committee of the Whole had concluded its consideration of Item CC5.1.

S5.8 **Conformity with the Conditions of Closing for the Purchase of the Green Lane Landfill**

CC5.1	AMENDED			
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Speaker Bussin in the Chair.

*Report of Committee of the Whole:*

Speaker Bussin, in accordance with the provisions of the City of Toronto Act, 2006, and Chapter 27, Council Procedures, reported that no motions had been moved in Committee of the Whole for consideration by Council with the Item.

*Motions moved in public session:*

1. Councillor Saundercook moved that the Item be amended by adding the following:
  - a. The Corporation of the City of Toronto assure to all host communities surrounding the Green Lane Landfill that the City will use its best efforts not to impact negatively on the water table or any surface waters.
  - b. All users (customers) private and public, of the new City of Toronto landfill called Green Lane, be provided with advance notice that at the expiry of their current contracts the City will require that they meet the same goals of waste diversion that the City of Toronto has recently adopted, where possible.

2. Councillor Holyday moved that the Item be amended by adding the following:

The provincial government be requested to give consideration to establishing a Greater Toronto Waste Management Authority.

*Ruling by Speaker:*

Speaker Bussin ruled motion 2 by Councillor Holyday out of order as it does not relate to the Item under consideration.

Councillor Holyday challenged the ruling of the Speaker.

*Vote to Uphold the Ruling of the Speaker:*

Yes - 30	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Feldman, Fletcher, Giambrone, Grimes, Hall, Heaps, Kelly, Lee, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Parker, Perks, Perruzza, Rae, Shiner, Stintz, Vaughan
No - 11	
Councillors:	Del Grande, Di Giorgio, Ford, Holyday, Jenkins, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Walker

Carried by a majority of 19.

*Votes:*

Motion 1a by Councillor Saundercook carried.

Motion 1b by Councillor Saundercook carried.

Adoption of the Item, as amended:

Yes - 36	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Heaps, Holyday, Jenkins, Kelly, Lee, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Parker, Perks, Perruzza, Rae, Saundercook, Stintz, Vaughan, Walker
No - 5	
Councillors:	Ford, Minnan-Wong, Nunziata, Ootes, Shiner

Carried by a majority of 31.

**City Council Decision**

City Council adopted the following motions:

1. Council adopt the confidential instructions to staff in Attachment 1.

2. The sole source limit for the legal services of Stikeman Elliott LLP be set at a maximum of \$1,200,000, including disbursements and excluding GST, funded from the Solid Waste Management Reserve for the provision of legal services and due diligence related to the Green Lane Landfill purchase.
3. The sole source limit for the professional services of Gartner Lee Ltd. and Jason Price Chartered Accountants be set at a maximum of \$345,000, including disbursements and excluding GST, funded from the Solid Waste Management Reserve for the provision of environmental and financial due diligence of the Green Lane Landfill.
4. Council authorize the public release of the confidential recommendations and related information provided in Attachment 1 (except those that are to remain confidential as described in Attachment 1) once the purchase of the Green Lane Landfill has been completed.
5. The Corporation of the City of Toronto assure to all host communities surrounding the Green Lane Landfill that the City will use its best efforts not to impact negatively on the water table or any surface waters.
6. All users (customers) private and public, of the new City of Toronto landfill called Green Lane, be provided with advance notice that at the expiry of their current contracts the City will require that they meet the same goals of waste diversion that the City of Toronto has recently adopted, where possible.

Confidential Attachment 1 to the report (March 26, 2007) from the Acting General Manager, Solid Waste Management Services, the Deputy City Manager and Chief Financial Officer and the City Solicitor, remains confidential, in its entirety at this time, in accordance with the provisions of the City of Toronto Act, 2006, as it contains information related to the security of the property of the municipality, litigation or potential litigation and is otherwise subject to solicitor-client privilege. The confidential recommendations and related information provided in Attachment 1 (except those that are to remain confidential as described in Attachment 1) will be made public once the purchase of the Green Lane Landfill has been completed.

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### **Background Information (City Council)**

- Report (March 26, 2007) from the Acting General Manager, Solid Waste Management Services, the Deputy City Manager and Chief Financial Officer and the City Solicitor. (Communication CC5.1)
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The following confidential information remains confidential, in its entirety, in accordance with the provisions of the City of Toronto Act, 2006, as it contains information related to the security of the property of the municipality, litigation or potential litigation and is otherwise subject to solicitor-client privilege:

- Presentation material submitted by the Acting General Manager, Solid Waste Management Services (Confidential Communication CC5.1a).
- Agreement related to the purchase of the Green Lane Landfill (Confidential Communication CC5.1b).
- Communication (March 23, 2007) from Jeffrey Gracer, Sive Paget & Riesel, P.C. (Confidential Communication CC5.1c).

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The following confidential material which was considered by City Council at its special meeting on September 19, 2006, remains confidential, in accordance with the provisions of the City of Toronto Act, 2006, and the Municipal Freedom of Information and Protection of Privacy Act, as it contains information related to the security of the property of the municipality and is otherwise subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act, with the exception of those portions noted below:

- Confidential Report (September 18, 2006) from the General Manager, Solid Waste Management Services, and the Deputy City Manager and Chief Financial Officer. [Confidential Communication C.1(a)]. Staff Recommendations (1), (2), (5) to (8), (10) to (15), (16), as amended, and (18) are public.
- Confidential Appendix "A", being the Term Sheet for the purchase of Green Lane Landfill and all related waste disposal assets, to the Confidential Report (September 18, 2006) from the General Manager, Solid Waste Management Services, and the Deputy City Manager and Chief Financial Officer. [Confidential Communication C.1(b)].
- Letter of Intent (September 15, 2006) for the purchase of the Green Lane Landfill [Confidential Communication C.1(c)].

(Confidential Minute S5.2)

## **BILL AND BY-LAW**

Speaker Bussin in the Chair.

S5.9 Deputy Mayor Pantalone, at 4:50 p.m., moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 305	By-law No. 314-2007	To confirm the proceedings of City Council at its Special meeting held on the 28th day of March, 2007,
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the vote on which was taken as follows:

Yes - 36	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Heaps, Holyday, Jenkins, Kelly, Lee, Lindsay Luby, McConnell, Mihevc, Milczyn, Moeser, Moscoe, Palacio, Pantalone, Parker, Perks, Perruzza, Rae, Saundercook, Vaughan, Walker
No - 6	
Councillors:	Ford, Minnan-Wong, Nunziata, Ootes, Shiner, Stintz

Carried by a majority of 30.

## S5.10 ATTENDANCE

Councillor De Baeremaeker moved that the absence of Councillors Filion and Thompson from this special meeting of City Council be excused, which carried.

March 28, 2007	9:45 a.m. to 9:56 a.m. *	Council in closed session 10:00 a.m.	2:15 p.m. to 2:17 p.m.*	2:21 p.m. to 3:15 p.m.*	3:18 p.m. to 4:51 p.m.*
Miller	x	x	-	-	x
Ainslie	x	x	x	x	x
Ashton	-	x	x	x	x
Augimeri	x	x	x	x	x
Bussin	x	x	x	x	x
Carroll	-	x	x	x	x
Cho	x	x	-	x	x
Davis	x	x	x	x	x
De Baeremaeker	x	x	x	x	x



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Del Grande	x	x	x	x	x
Di Giorgio	x	x	x	x	x
Feldman	x	x	x	x	x
Filion	-	-	-	-	-
Fletcher	x	x	x	x	x
Ford	x	x	-	x	x
Giambrone	x	x	-	x	x
Grimes	x	x	x	x	x
Hall	x	x	-	x	x
Heaps	x	x	x	x	x
Holyday	x	x	x	x	x
Jenkins	x	x	x	x	x
Kelly	x	x	x	x	x
Lee	x	x	-	x	x
Lindsay Luby	x	x	x	x	x
Mammoliti	x	x	-	-	-
McConnell	-	x	-	-	x
Mihevc	-	x	-	x	x
Milczyn	-	x	x	x	x
Minnan-Wong	x	x	x	x	x
Moeser	x	x	x	x	x
Moscoe	x	x	x	x	x
Nunziata	x	x	x	x	x
Ootes	x	x	x	x	x
Palacio	x	x	-	x	x
Pantalone	x	x	x	x	x
Parker	-	x	-	x	x
Perks	x	x	x	x	x
Perruzza	-	x	x	x	x
Rae	x	x	x	x	x

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Saunders	x	x	x	x	x
Shiner	x	x	x	x	x
Stintz	x	x	x	x	x
Thompson	-	-	-	-	-
Vaughan	x	x	x	x	x
Walker	x	x	-	x	x
Total	36	43	31	40	42

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

**The Special meeting of Council adjourned on March 28, 2007, at 4:51 p.m.**

**DAVID R. MILLER,  
Mayor**

**ULLI S. WATKISS,  
City Clerk**

Confidential Attachment: Minutes of Closed Session