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## Executive Committee

**Meeting No.** 6  
**Meeting Date** Monday, March 26, 2007  
**Start Time** 9:30 AM  
**Location** Committee Room 1, City Hall

**Contact** Patsy Morris, Committee Administrator  
**Phone** 416-392-9151  
**E-mail** pmorris@toronto.ca

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## Executive Committee

<b>Meeting No.</b>	6	<b>Contact</b>	Patsy Morris, Committee Administrator
<b>Meeting Date</b>	Monday, March 26, 2007	<b>Phone</b>	416-392-9151
<b>Start Time</b>	9:30 AM	<b>E-mail</b>	pmorris@toronto.ca
<b>Location</b>	Committee Room 1, City Hall		

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EX6.2	AMENDED		Policy	Ward: All
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### Toronto Energy Plan - Update and Related Initiatives

#### City Council Decision

City Council on April 23 and 24, 2007, adopted the following motions:

1. Toronto Water, the Toronto Transit Commission, the Toronto Community Housing Corporation, and other ABCDs as appropriate, work with Facilities and Real Estate to:
  - i. identify approved capital projects and projects proposed in their 2007 Capital Budgets and 2008-2011 Capital Plans with the potential for energy savings in order to determine their eligibility for funding under the 90 MW program;
  - ii. identify and implement potential Demand Response opportunities in cooperation with Toronto Hydro Energy Services Inc. (THESI);
  - iii. identify potential projects for funding under the OPA's upcoming Clean Energy Standard Offer Program.
2. The Chief Planner and Executive Director, City Planning, and the Chief Corporate Officer ensure that applicants for developments over 1,000 square metres of gross floor area are advised of the opportunity to enroll in the Better Buildings New Construction Program, and the Chief Planner note in any report prepared for Council whether the applicant has enrolled in the Program, and the level of energy efficiency that is contemplated for the development.
3. The Chief Corporate Officer communicate to Natural Resources Canada the City's interest in working with them on the EcoEnergy Efficiency Initiative.
4. The Chief Corporate Officer be requested to also work with the Municipal, University, School and Hospital sector to identify and support energy saving opportunities.
5. The City co-ordinate with Toronto Hydro for a combined 180 megawatts in

conservation from the Ontario Power Authority.

6. The Chief Corporate Officer be requested to submit a report to the Executive Committee, as soon as possible, on the third line and whether the electricity requirements could be met through conservation and demand reduction.
7. The Chief Corporate Officer be requested to report to the Executive Committee at its meeting of May 12, 2007, as to the status of the proposed transmission line to run through Scarborough Centre, Ward 37, and the timeframe for any hearings which would occur relating to this project.

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(March 7, 2007) report from the Chief Corporate Officer

### **Committee Recommendations**

The Executive Committee recommends that:

1. Toronto Water, the Toronto Transit Commission, the Toronto Community Housing Corporation, and other ABCDs as appropriate, work with Facilities and Real Estate to:
  - i. identify approved capital projects and projects proposed in their 2007 Capital Budgets and 2008-2011 Capital Plans with the potential for energy savings in order to determine their eligibility for funding under the 90 MW program;
  - ii. identify and implement potential Demand Response opportunities in cooperation with Toronto Hydro Energy Services Inc. (THESI);
  - iii. identify potential projects for funding under the OPA's upcoming Clean Energy Standard Offer Program;
2. the Chief Planner and Executive Director, City Planning, and the Chief Corporate Officer ensure that applicants for developments over 1,000 square metres of gross floor area are advised of the opportunity to enroll in the Better Buildings New Construction Program, and the Chief Planner note in any report prepared for Council whether the applicant has enrolled in the Program, and the level of energy efficiency that is contemplated for the development;
3. the Chief Corporate Officer communicate to Natural Resources Canada the City's interest in working with them on the EcoEnergy Efficiency Initiative;
4. the Chief Corporate Officer be requested to also work with the Municipal, University, School and Hospital sector to identify and support energy saving opportunities;
5. the City co-ordinate with Toronto Hydro for a combined 180 megawatts in conservation from the Ontario Power Authority; and

6. the Chief Corporate Officer be requested to submit a report to the Executive Committee, as soon as possible, on the third line and whether the electricity requirements could be met through conservation and demand reduction.

### **Financial Impact**

The final Energy Plan recommendations, when reported to Council later this year, will have impact on both the capital and operating budgets. Potential financial implications will be reported at that time.

Once the City negotiates an agreement for the 90 MW program, the OPA will provide funding for eligible projects until December 31, 2010. The amount of funding will depend on the details of the contract with the OPA, and will be based on the electricity savings generated. Payments from the OPA may take the form of up-front capital funding, payments for availability of load dispatch, and/or payments for demonstrated kilowatts/kilowatt hours saved. The OPA will also provide funds to cover the City's overhead program costs. Further report on this issue will be provided as part of the final Energy Plan.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### **Summary**

This report provides an update on the preparation of the Toronto Energy Plan, including the development of a program to achieve 90 megawatts (MW) of electricity savings across the city by 2010. Under this program, the Ontario Power Authority (OPA) will provide incentive payments to eligible City and community projects. The report also identifies three other issues:

- the proposed linking of Police Headquarters and City Hall to Enwave's Deep Lake Water Cooling system;
- the proposed construction of a 3rd major electricity transmission line into the downtown; and
- opportunities for cooperation with the federal government on energy efficiency.

In the short term, the recommendations in this report will help the City achieve its target of reducing energy consumption by 15% within its own operations, as well as reducing electricity consumption in the wider community. The recommendations will also assist in developing a longer-term plan for moving Toronto from its current unsustainable state of energy consumption to a state of energy sustainability, through energy conservation and the generation of clean and renewable energy.

### **Background Information**

Toronto Energy Plan - Update and Related Initiatives  
(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-2001.pdf>)

<b>EX6.7</b>	NO AMENDMENT		Transactional	Ward: All
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**North York Symphony Association (operating as The Toronto Philharmonia) Line of Credit Guarantee**

**City Council Decision**

City Council on April 23 and 24, 2007, adopted the following motions:

1. a. Council approve the renewal and increase of the line of credit guarantee on behalf of the North York Symphony Association (NYSA) (operating as The Toronto Philharmonia) to its financial institution in the amount of \$250,000.00 (inclusive of all interest payable by the NYSA), commencing on April 30, 2007 and ending on April 30, 2009;
- b. the City extend the agreement with the NYSA respect to the line of credit guarantee; and
- c. the City extend the tri-party agreement with the NYSA and with its financial institution with respect to the line of credit guarantee.
2. Such guarantee and all related agreements be on terms and conditions satisfactory to the City Solicitor, the Deputy City Manager and Chief Financial Officer and Deputy City Manager Sue Corke, and that the Deputy City Manager and Chief Financial Officer be requested to negotiate appropriate and adequate safeguards, to the satisfaction of the City Solicitor, with the City being promptly advised in the event of default or delay in the payment of interest.
3. The guarantee be deemed to be in the interest of the municipality.
4. The appropriate officials be authorized to take the necessary action to give effect thereto.

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(March 8, 2007) report from the Deputy City Manager and Chief Financial Officer

**Committee Recommendations**

The Executive Committee recommends that:

1. a. Council approve the renewal and increase of the line of credit guarantee on behalf of the North York Symphony Association (NYSA) (operating as The Toronto Philharmonia) to its financial institution in the amount of \$250,000.00 (inclusive of all interest payable by the NYSA), commencing on April 30, 2007 and ending on April 30, 2009;
- b. the City extend the agreement with the NYSA respect to the line of credit

guarantee; and

- c. the City extend the tri-party agreement with the NYSA and with its financial institution with respect to the line of credit guarantee;
2. such guarantee and all related agreements be on terms and conditions satisfactory to the City Solicitor, the Deputy City Manager and Chief Financial Officer and Deputy City Manager Sue Corke, and that the Deputy City Manager and Chief Financial Officer be requested to negotiate appropriate and adequate safeguards, to the satisfaction of the City Solicitor, with the City being promptly advised in the event of default or delay in the payment of interest;
3. the guarantee be deemed to be in the interest of the municipality; and
4. the appropriate officials be authorized to take the necessary action to give effect thereto.

### **Financial Impact**

Issuance of a line of credit guarantee is considered to be a financial commitment of the City. However, there is no direct cost to the City for providing this guarantee unless the organization defaults on its obligation and the City cannot recover the funds.

### **Summary**

This report seeks Council approval to renew the line of credit guarantee for the North York Symphony Association (operating as the The Toronto Philharmonia) and increase the amount from \$200,000.00 to \$250,000.00 until April 30, 2009.

### **Background Information**

North York Symphony Assoc (operating as The Toronto Philharmonia) Line of Credit  
(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-1926.pdf>)

EX6.9	NO AMENDMENT		Transactional	Ward: All
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### **Toronto Film Board - Terms of Reference**

#### **City Council Decision**

City Council on April 23 and 24, 2007, adopted the following motions:

1. Council approve the renaming of the Film, Television and Commercial Production Industry Committee (Film Board) to the Toronto Film Board.
2. Council approve the amended Terms of Reference for the Toronto Film Board as set out in Attachment 1.
3. Council request staff to take the necessary action to implement the Terms of Reference including the recruitment of industry members and scheduling of meetings.

(March 9, 2007) report from the Film Commissioner

### **Committee Recommendations**

The Executive Committee recommends that:

1. Council approve the renaming of the Film, Television and Commercial Production Industry Committee (Film Board) to the Toronto Film Board;
2. Council approve the amended Terms of Reference for the Toronto Film Board as set out in Attachment 1; and
3. Council request staff to take the necessary action to implement the Terms of Reference including the recruitment of industry members and scheduling of meetings.

### **Financial Impact**

There is no financial impact as a result of the recommendations in this report.

### **Summary**

Council recently approved the re-establishment of the Film, Television and Commercial Production Industry Committee (Film Board) and requested staff to report back with any required changes to the Terms of Reference; this report responds to that request for the Toronto Film Board.

The first two years of operation of the Film Board provided an opportunity to refine and clarify both the roles and responsibilities and the composition requirements. In addition, changes in the City's governance structure have necessitated a change in reporting relationship from Policy and Finance Committee to Executive Committee. These modifications are reflected in the new Terms of Reference for the Film Board recommended in this report.

### **Background Information**

Toronto Film Board - Terms of Reference  
(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-2047.pdf>)

Toronto Film Board - Terms of Reference  
(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-2046.pdf>)

EX6.11	NO AMENDMENT		Policy	Ward: All
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### **French Language Services and Translation of By-laws**

#### **City Council Decision**

City Council on April 23 and 24, 2007, adopted the following motions:

1. The City of Toronto translate selected by-laws through the services provided by the Association française des municipalités de l'Ontario /Association of French Municipalities of Ontario (AFMO).
2. The City Manager, in consultation with the City Clerk and the City Solicitor, establish a priority system for translating City by-laws, and that the City's French Committee/Comité français de la ville de Toronto (CFVT) be asked to provide input.
3. The City Manager develop and implement a communications strategy, including exploring the posting of translated materials on the City's website, to inform members of Toronto's Francophone community about the City's French language services.

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(March 9, 2007) report from the City Manager

### **Committee Recommendations**

The Executive Committee recommends that:

1. the City of Toronto translate selected by-laws through the services provided by the Association française des municipalités de l'Ontario /Association of French Municipalities of Ontario (AFMO);
2. the City Manager, in consultation with the City Clerk and the City Solicitor, establish a priority system for translating City by-laws, and that the City's French Committee/Comité français de la ville de Toronto (CFVT) be asked to provide input; and
3. the City Manager develop and implement a communications strategy, including exploring the posting of translated materials on the City's website, to inform members of Toronto's Francophone community about the City's French language services.

### **Financial Impact**

There are no financial implications arising from the recommendations in this report.

### **Summary**

This report provides information on the range of French Language services provided by the City of Toronto, including translation, interpretation and access to services in French. Information on the availability of funding for translation services from the Association française des municipalités de l'Ontario/Association of French Municipalities of Ontario (AFMO) and Canadian Heritage is also provided.

The City of Toronto has mechanisms and procedures to provide French Language translation and interpretation. This service will be enhanced when the 311 service is introduced. To date,



all requests have been accommodated using existing mechanisms.

City of Toronto by-laws have not been translated. Resources are available through the Association française des municipalités de l'Ontario/ Association of French Municipalities of Ontario (AFMO) to translate City by-laws. These services are provided without cost to municipalities.

### **Background Information**

French Language Services and Translation of By-laws  
(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-1998.pdf>)

### **Speaker**

Councillor Adam Giambrone, Ward 18 - Davenport

### **Decision Advice and Other Information**

The Executive Committee referred the following motion by Councillor Ashton to the City Manager with a request that she report back to the Executive Committee by July, 2007:

Moved by Councillor Ashton:

“That:

1. Council request funding from the Provincial Government in order to provide French language service of downloaded programs as required under legislation and to allow adequate bilingual services; and
2. the City Manager be requested to submit a further report to the Executive Committee by the June 25, 2007 meeting of Executive Committee on:
  - a. the current French language service offered by the City;
  - b. how the translation policy in effect since 2002 has been applied; and
  - c. how the implementation of the new 311 service will improve French Language Services.”

EX6.12	NO AMENDMENT		Transactional	Ward: All
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### **Preliminary Capital Variance Report for the Year Ended December 31, 2006**

#### **City Council Decision**

City Council on April 23 and 24, 2007, adopted the following motions:

1. Council approve the Facilities and Real Estate technical budget adjustments detailed in Appendix 2 (Sec. 1.i) attached, to reallocate funds from projects completed under budget to projects that were overspent with no incremental impact on the Council Approved 2006 Capital Budget.
2. Council approve the technical budget adjustments to transfer \$1.100 million in unspent funding from Toronto Police Service 2006 approved capital project funds (Jetforms \$0.500 million and Police Integration Systems \$0.600 million) to the Transportations Services 2006 Capital Budget – Front Street Extension project to cover additional expenditures for the Police Traffic Services and Garage Facility – 9 Hanna subproject Appendix 2 (Sec. 1.ii).
3. Council approve the Toronto Water technical budget adjustments detailed in Appendix 2 (Sec. 1.iii) which reallocate funds between projects with no incremental impact on the 2006 Approved Capital Budget.
4. Council approve the Toronto and Region Conservation Authority technical budget adjustments detailed in Appendix 2 (Sec. 2.i) to adjust during 2006 for \$1.563 million in unspent funding carried forward from 2005 for land acquisition for source water protection.
5. Council authorize and direct the appropriate staff to take the necessary action to give effect thereto.

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(February 23, 2007) report from the Budget Committee

### **Committee Recommendations**

The Executive Committee recommends that:

1. Council approve the Facilities and Real Estate technical budget adjustments detailed in Appendix 2 (Sec. 1.i) attached, to reallocate funds from projects completed under budget to projects that were overspent with no incremental impact on the Council Approved 2006 Capital Budget;
2. Council approve the technical budget adjustments to transfer \$1.100 million in unspent funding from Toronto Police Service 2006 approved capital project funds (Jetforms \$0.500 million and Police Integration Systems \$0.600 million) to the Transportations Services 2006 Capital Budget – Front Street Extension project to cover additional expenditures for the Police Traffic Services and Garage Facility – 9 Hanna subproject Appendix 2 (Sec. 1.ii);
3. Council approve the Toronto Water technical budget adjustments detailed in Appendix 2 (Sec. 1.iii) which reallocate funds between projects with no incremental impact on the 2006 Approved Capital Budget;

4. Council approve the Toronto and Region Conservation Authority technical budget adjustments detailed in Appendix 2 (Sec. 2.i) to adjust during 2006 for \$1.563 million in unspent funding carried forward from 2005 for land acquisition for source water protection; and
5. Council authorize and direct the appropriate staff to take the necessary action to give effect thereto.

**Financial Impact:**

As shown in Table 1 below, Tax Supported Programs spent \$1.069 billion or 69.8 percent of the 2006 approved cash flow of \$1.531 billion during the year ended December 31, 2006. By comparison, spending in 2004 approximated 68.3 percent and in 2005, 68.3 percent of the respective Council approved cash flow. Excluding uncontrollable projects (defined as projects that are subject to conditions that are not within the control of staff, such as unforeseen natural or environmental factors, and dependency on third party performance), the 2006 Tax Supported Programs' spent 72.4 percent of the adjusted cash flow:

Table 1 Corporate Preliminary Capital Variance Summary for the Year Ended December 31, 2006 (\$000s)				
	2006 Approved Budget	January to December 2006		
		Total		% Spent of Controllable Projects
		Actuals	% Spent	
<b>Tax Supported Programs:</b>				
Citizen Centred Services - "A"	184,775	104,447	56.5%	61.5%
Citizen Centred Services - "B"	439,906	240,382	54.6%	55.9%
Internal Services	162,598	83,583	51.4%	52.9%
Other City Programs Agencies, Boards & Commissions	41,800	24,874	59.5%	61.9%
	702,519	616,181	87.7%	89.7%
<b>Total - Tax Supported</b>	<b>1,531,597</b>	<b>1,069,467</b>	<b>69.8%</b>	<b>72.4%</b>
<b>Rate Supported Programs:</b>				
Toronto Parking Authority	39,709	8,040	20.2%	52.9%
Toronto Water	394,468	264,770	67.1%	71.0%

Total Rate Supported	434,177	272,810	62.8%	70.2%
Total	1,965,774	1,342,277	68.3%	72.0%

Rate-Supported Programs spent \$272.810 million or 62.8 percent of the 2006 approved cash flow of \$434.177 million. Excluding uncontrollable projects, the spending rate improves to 70.2 percent.

In accordance with the City’s Carry Forward Policy, the 2007 Budget Committee Recommended Capital Budget will include 2006 unspent funding carried forward to 2007. This will enable staff to complete projects for which capital work was not completed in 2006 as planned. It should be noted that the majority of the reduced spending on capital projects in the fourth quarter are committed and should be spent in early 2007.

It is noted that in compliance with good financial management practices, debt is issued only when needed to finance actual or committed capital expenditures. This strategy minimizes the incurrence of debt service cost and the resultant impact on the Operating Budget. In accordance with the Financial Control By-law, completed projects will be closed and any unspent funds will be returned to the original funding source. A recommended list of project closures will be included in the final 2006 Year-end Capital Variance report.

**Summary**

The purpose of this report is to provide the City of Toronto Preliminary Capital Variance Report for the year ended December 31, 2006, and to request Council’s approval of technical budget adjustments which reallocate funds between projects with no incremental impact on the Council Approved 2006 Capital Budget. A final report will be submitted to Council following the completion of the external audit of the City’s accounts and financial statements.

Capital spending during 2006 totalled \$1.342 billion or 68.3% of the approved cash flow of \$1.965 billion. The under expenditure is primarily attributed to the inability to find or secure suitable sites in accordance with planned timeframes; delays in securing funds from cost-sharing partners; and, significantly higher than expected rainfall which delayed performance of roofing and asphalt projects, exterior site work, park construction projects and playground replacement work. In addition, several projects were completed under-budget. Unspent funds for incomplete projects will be carried forward to 2007 on an as required basis, in accordance with the City’s Carry Forward Policy

**Background Information**

Preliminary Capital Variance Report for the Year Ended December 31, 2006  
<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-1930.pdf>

**Communications**

(February 20, 2007) report from The Budget Committee - EXMain

**Decision Advice and Other Information**

The Executive Committee requested the Deputy City Manager and Chief Financial Officer to submit a report to the Executive Committee on whether the spending rate can be tracked for 2 years.

EX6.13	NO AMENDMENT		Transactional	
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**Occupational Health and Safety Act Charge Against the City of Toronto**

**Confidential - The receiving of advice that is subject to solicitor-client privilege**

**City Council Decision**

City Council on April 23 and 24, 2007, adopted the following motion:

1. City Council adopt the recommendations of the Executive Committee contained in the confidential communication (March 26, 2007) from the Committee, such communication to be considered in-camera as the subject matter relates to the receiving of advice that is subject to solicitor-client privilege.

The confidential communication (March 26, 2007) from the Executive Committee remains confidential in its entirety, at this time, in accordance with the provisions of the City of Toronto Act, 2006, pending the decision of the Ontario Court of Justice, as it contains information related to receiving of advice that is subject to solicitor-client privilege.

Confidential Attachment 1 to the communication (March 26, 2007) from the Executive Committee, remains confidential in its entirety, at this time, in accordance with the provisions of the City of Toronto Act, 2006, pending the decision of the Ontario Court of Justice, as it contains information related to receiving of advice that is subject to solicitor-client privilege.

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(February 26, 2007) report from the Employee and Labour Relations Committee

**Committee Recommendation**

The Executive Committee recommends that City Council adopt the recommendations of the Executive Committee contained in the confidential communication (March 26, 2007) from the Committee, such communication to be considered in-camera as the subject matter relates to the receiving of advice that is subject to solicitor-client privilege.

**Financial Impact**

Funding, as identified in the confidential attachment, for the costs relating to the potential fine against the City are available in the 2006 (Accrued) Toronto Building's Approved Operating Budget.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### Summary

The City Solicitor seeks instructions with respect to an Occupational Health and Safety Act (“OHSA”) charge brought against the City following the fatal fall of a City Building Inspector in September 2003, which will be before the Court on May 17, 2007. Confidential Information and Recommendations are found in Attachment 1.

### Background Information

Occupational Health and Safety Act Charge Against the City of Toronto  
(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-2085.pdf>)

EX6.20	NO AMENDMENT		Policy	Ward: All
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### Designation of City of Toronto Wards

#### City Council Decision

City Council on April 23 and 24, 2007, adopted the following motion:

City Council receive the following recommendations contained in the Member Motion dated February 15, 2007, from Councillor Moscoe, seconded by Councillor De Baeremaeker:

1. that Council formally determine that ward numbers will be replaced with names;
2. that this matter be referred to the Executive Committee with a request that they establish a process for naming each of the wards;
3. that the process include solicitation of potential names for each ward from Councillors and the general public;
4. that at least one public hearing is held at the Community Council level;
5. that a recommended list of names be presented for adoption by Council; and
6. that the final list of names, adopted by Council, replace all ward numbers wherever they are currently used.

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(February 15, 2007) Member Motion from Councillor Moscoe, seconded by Councillor De Baeremaeker

#### Committee Recommendations

The Executive Committee recommends that City Council receive the following recommendations contained in the Member Motion dated February 15, 2007, from Councillor Moscoe, seconded by Councillor De Baeremaeker:

1. that Council formally determine that ward numbers will be replaced with names;
2. that this matter be referred to the Executive Committee with a request that they establish a process for naming each of the wards;
3. that the process include solicitation of potential names for each ward from Councillors and the general public;
4. that at least one public hearing is held at the Community Council level;
5. that a recommended list of names be presented for adoption by Council; and
6. that the final list of names, adopted by Council, replace all ward numbers wherever they are currently used.

### **Summary**

City Council on February 5 to 8, 2007, referred the Motion by Councillor Moscoe, seconded by Councillor De Baeremaeker to the Executive Committee stating that the City of Toronto wards have been designated by numbers, primarily because provincial legislation would not permit the official use of names.

The City of Toronto Act now allows Council the determination of how wards may be designated. This City has grown up around original settlements whose names are woven into the fabric of our urban environment. In the past, Council has expressed a desire to replace ward numbers with names that reflect the settlement and past political history and geography of our neighbourhoods.

### **Background Information**

Designation of City of Toronto Wards

(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-1937.pdf>)

### **Speaker**

Councillor Doug Holyday, Ward 3 – Etobicoke Centre

### **Noted and Filed Item:**

The Executive Committee noted and filed the following agenda item:

#### **EX6.17 Compensation of Elected Officials**

(February 15, 2007) Member Motion from Councillor Walker, seconded by Councillor Jenkins

*Submitted Monday, March 26, 2007  
Mayor David Miller, Chair, Executive Committee*

