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## Government Management Committee

<b>Meeting No.</b>	3	<b>Contact</b>	Yvonne Davies, Committee Administrator
<b>Meeting Date</b>	Thursday, April 12, 2007	<b>Phone</b>	416-392-7443
<b>Start Time</b>	9:30 AM	<b>E-mail</b>	ydavies@toronto.ca
<b>Location</b>	Committee Room 1, City Hall		

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Government Management Committee		
Councillor Gloria Lindsay Luby, Chair Councillor Bill Saundercook, Vice-Chair	Councillor Paul Ainslie Councillor Doug Holyday	Councillor Clifford Jenkins Councillor Cesar Palacio

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### Declarations of Interest under the *Municipal Conflict of Interest Act*

**Speakers/Presentations – A complete list will be distributed at the meeting**

**Schedule of Timed Items –**  
10:00 a.m. Item GM3.1  
10:00 a.m. Item GM3.2  
10:00 a.m. Item GM3.3  
1:30p.m. Item GM3.17  
1:30p.m. Item GM3.18

**Confirmation of Minutes - February 15, 2007****Communications/Reports**

<b>GM3.1</b>	<b>ACTION</b>	<b>10:00 AM</b>	<b>Policy</b>	<b>Ward: All</b>
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## **Review of Implementation/Administration of Fair Wage Policy Presentation**

**Presentation**

(March 22, 2007) report from City Manager

**Recommendations**

It is recommended by the Director, Internal Audit that the Manager, Fair Wage Office:

1. In consultation with the Director, Purchasing and Materials Management Division ensure that each call document issued by the City, clearly indicates the appropriate fair wage schedule(s) that apply to the specific contract.
2. Develop internal guidelines and criteria to identify cases in which a fair wage violation may not warrant a recommendation of disqualification of a contractor.
3. In consultation with the City Solicitor, review the Policy and report back to the Government Management Committee by the third quarter of 2007 on proposed amendments to the Policy, including the disqualification provisions contained in the current Policy.

**Financial Impact**

There are no financial implications resulting from this report.

**Summary**

This report examines the implementation and administration of the Fair Wage Policy (the Policy) by the Fair Wage Office.

The review conducted by Internal Audit found that the Fair Wage requirements are being applied in accordance with the Council approved Policy. The review did however note a lack of clarity in certain areas of the Policy, which may create the perception that the Policy is not being applied appropriately.

This report has identified areas where the City's Policy and related procedures can be further enhanced with respect to their clarity, consistency, transparency and fairness so as to minimize potential disputes.

**Background Information**

Review of Implementation/Administration of Fair Wage Policy

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2652.pdf>

GM3.2	ACTION	10:00 AM	Transactional	Ward: All
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**Fair Wage Policy Disqualification: OJCR Construction Ltd.****Speakers****Deferred from the January 25, 2007 meeting**

(January 8, 2007) report from Manager, Fair Wage Office

**Recommendations**

It is recommended by the Manager, Fair Wage Office that:

1. City Council disqualify OJCR Construction Ltd. from conducting business with the City for a period of two (2) years inclusive for violating the Fair Wage Policy in two separate instances in 2004 and 2006.
2. The disqualification period start on the day of Council's decision and run for two years inclusive.
3. After the disqualification period is over OJCR Construction Ltd. be placed on probation for one (1) year.
4. The disqualification of OJCR Construction Ltd. apply to any related companies owned, operated or controlled by the same or related company officials for a period of two years inclusive from Council's adoption of their recommendation.
5. The Manager, Fair Wage Office add OJCR Construction Ltd. to the disqualified firm list on the City's website.
6. City Council authorize and direct the appropriate City officials to take the necessary action(s) to implement these recommendations.

**Financial Impact**

There are no financial implications resulting from this report.

**Summary**

The Fair Wage Policy (the "Policy") requires the Manager, Fair Wage Office to report on companies that have violated the Policy twice within a three year period and recommend either to disqualify the firm or not. The purpose of this report is to recommend disqualification of OJCR Construction Ltd. from working on City contracts for a period of two years.

In 2004, OJCR violated the Policy when it was determined that \$25,287.94 was owed to

OJCR's workforce. In 2006, OJCR again violated the Policy, owing its workforce approximately \$143,000. Restitution has been arranged to pay workers back wages in full.

Accordingly, City Council should disqualify OJCR from working on any City contracts for a period of two years, followed by a probationary period of one year.

### **Background Information**

Report-Fair Wage Policy Disqualification-OJCR Construction Ltd.

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2653.pdf>)

Extract from the Decision Document meeting of January 25, 2007 of the General Go

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2664.pdf>)

## **2a Fair Wage Policy Compliance Review: OJCR Construction Ltd. Contract Numbers 07TE-301WS, 07EY-302WS And 07NY-303WS**

(March 26, 2007) report from Manager, Fair Wage Office

### **Summary**

Compliance review of OJCR Construction Ltd.'s (OJCR) payroll records, field interviews with workers, investigation of the Toronto Water Division's Contract Service records and wages paid to OJCR's employees were consistent with the Fair Wage Policy Sewer and Watermain Schedules for the three 2007 contracts reviewed.

### **Financial Impact**

There are no financial implications resulting from this report.

### **Background Information**

Fair Wage Policy Compliance Review

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2532.pdf>)

### **Communications**

(November 22, 2006) letter from Brett. D. Moldaver, Davis Moldaver LLP, Barristers - GMMain3-2.1

(January 24, 2007) e-mail from Frank J.E. Zechner, Executive Director, GTSWCA - GMMain3-2.2

<b>GM3.3</b>	ACTION	10:00 AM	Transactional	Ward: All
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## **Amending the Fair Wage Schedules**

### **Speakers**

(January 11, 2007) report from Manager, Fair Wage Office

## Recommendations

It is recommended by the Manager, Fair Wage Office that:

1. City Council delete Schedule C of the Municipal Code Chapter 67 and adopt the Fair Wage Schedules, attached to this report in Attachment “A”, as the new Schedule C of the Municipal Code Chapter 67.
2. The Fair Wage Schedules, attached as Attachment “A”, become effective March 1, 2007, (the “effective date”) for new Tenders, Requests for Quotation, Requests for Proposals, Purchase Orders, and Divisional Purchase Orders issued by the City.
3. The deleted Fair Wage Schedules remain on file and in force and effect for those contracts issued before the effective date of the new Fair Wage Schedules.
4. City Council amend Chapter 67 Schedule “A” - “Fair Wage Policy” to include the provision as set out in the draft Bylaw as Attachment “B”.
5. City Council authorize and direct the appropriate City officials to take the necessary action(s) to implement these recommendations.

## Financial Impact

There are no financial implications resulting from this report.

## Summary

The purpose of this report is to update the Fair Wage Schedules as required by the Fair Wage Policy. The intent of the Fair Wage Policy in part is to maintain a level playing field between unionized and non unionized labour wage rates when bidding on City of Toronto work. Developed in consultation with industry stakeholders, the Fair Wage Schedules reflect wage increases recognized by the construction labour markets.

The proposed Fair Wage Schedules will be in place for all new City procurement documents effective March 1, 2007. All City contracts or procurement documents issued before March 1, 2007 will follow the former Fair Wage Schedules. An amendment to the Fair Wage Policy will clarify this for all bidders.

## Background Information

Report-Amending the Fair Wage Schedules

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2534.pdf>)

Attachment A-Fair Wage Schedule 2007 General Classifications

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2539.pdf>)

Attachment A-Fair Wage 2007 ICI Work

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2542.pdf>)

Attachment A-Fair Wage 2007 Heavy Construction Work

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2540.pdf>)

Attachment A-Fair Wage Road Building Work

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2541.pdf>)

Attachment A-Fair Wage Sewer & Watermain Construction

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2564.pdf>)

Attachment A-Fair Wage Utility Work

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2565.pdf>)

Attachment B-Fair Wage Schedules Draft By-law

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2566.pdf>)

Attachment C-Fair Wage Various Letters

Attachment D-Fair Wage Industry Conference, List of Representatives

### 3a

#### Fair Wage Policy Comparison in GTA Municipalities and Other Orders of Government

(February 1, 2007) report from Manager, Fair Wage Office

#### Recommendation

It is recommended by the Manager, Fair Wage Office that this report be considered by the Government Management Committee with his report dated January 5, 2007, (GM3.3)

#### Financial Impact

There are no financial implications resulting from this report.

#### Summary

This report responds to the request of the General Government Committee at its January 25, 2007 meeting that the Manager, Fair Wage Office provide a further report including a comparison of the City of Toronto's Fair Wage Policy to other GTA municipalities and other levels of government.

#### Background Information

Report-Fair Wage Policy Comparison in GTA Municipalities & Other Orders of Govt.  
(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2535.pdf>)

### 3b

#### GTA Fair Wage Rates and Other Orders of Government

(March 23, 2007) report from Manager, Fair Wage Office

#### Summary

This report is in response to a request of the Government Management Committee at its February 15, 2007 meeting. The request is for the Manager, Fair Wage Office to provide a further report on the Fair Wage rates that: • would be arrived at by averaging all cities in the GTA with a population of over 100,000 • equal the rates set by the Federal and Provincial Governments plus a ten percent premium to the overall average. As well as a breakdown of the percentage of construction work done by Federal and Provincial Governments that is union versus non-union.

**Financial Impact**

There are no financial implications resulting from this report. Financial Impact There are no financial implications resulting from this report.

**Background Information**

Report-GTA Fair Wage Rates and Other Orders of Government  
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2536.pdf>

**Communications**

(February 13, 2007) letter from M.J. Deeley, Metropolitan Industrial & Commercial Masonry Contractors, Inc. - GMMaingm3.3.1

GM3.4	Information		Transactional	Ward: All
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**Services provided by all City Departments, Agencies and Boards to Ontario Place**

(March 20, 2007) report from Deputy City Manager and Chief Financial Officer

**Summary**

The purpose of this report is to advise the Committee about any City services provided to Ontario Place, as requested by the Policy and Finance Committee.

**Financial Impact**

There are no financial implications to the City of Toronto as a result of this report.

**Background Information**

Report-Services Provided By All City Depts, Agencies & Boards to Ontario Place  
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2668.pdf>

GM3.5	ACTION		Transactional	Ward: 2, 3, 5, 11, 13, 35, 36, 37, 38, 39, 41, 42, 44
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**Proposed Renewal of the Agreement for the Operation of Concession Services with Ephiley Foodservices Inc. and Eastwood/Le Jardin Food Services Inc. in the Parks, Forestry and Recreation Division**

(March 5, 2007) report from General Manager, Parks, Forestry and Recreation

**Recommendations**

The General Manager of Parks, Forestry and Recreation recommends that:

1. The City of Toronto exercise its option for the renewal of the concession services with

Ephiley Foodservices Inc. and Eastwood/Le Jardin Food Services Inc., for the operation of concessions services in the Parks, Forestry and Recreation Division for a further five years on the same terms and conditions, save and except a further right of renewal.

2. Staff be authorized to enter into an agreement with Ephiley Foodservice Inc. and Eastwood/Le Jardin Food Services Inc. for a further five year period ending April 30, 2012, in a form satisfactory to the City Solicitor.

### **Financial Impact**

The City has received a combined annual total of \$70,000.00 in net revenues for 2006 of the existing term from Ephiley Food Service Inc., and Eastwood/Le Jardin Food Services Inc. The projected net revenues over the next five-year period from May 1, 2007 to April 30, 2012 will continue to be \$70,000.00 annually with marginal increases to the revenue based on anticipated increases to activities in the facilities. Even with modest increases through the term of this agreement, these concessions are not likely to be able to meet the 2002 forecasted revenue expectations of approximately double the current revenue, which did not take service interruptions due to capital projects and changes of facility usage into account. The estimated net revenue to the City for the five-year renewal period is \$350,000.00. In addition, the operators have agreed to commit further capital investments of approximately \$500,000.00 over the next five-year period to the concession facilities.

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

### **Summary**

The purpose of this report is to authorize the approval for the City to exercise the renewal option and enter into an agreement with Ephiley Foodservices Inc., and Eastwood/Le Jardin Food Services Inc., for the right to operate concession services in the Parks, Forestry and Recreation Division for a further five-year period commencing May 1, 2007 and expiring on April 30, 2012.

This report requests authority to enter into an agreement with Ephiley Foodservices Inc., and Eastwood/Le Jardin Food Services Inc., for a further five-year period. Staff are confident that the renewal of these contracts with these small entrepreneurs which have a track record of expertise to improve customer service, make capital investments, and operate a financially viable operation will provide the City and the public with a continued high level of service at the facilities.

### **Background Information**

Report-Proposed Renewal of the Agreement-Operation of Concession Services  
(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2553.pdf>)



GM3.6	ACTION		Transactional	Ward: 28
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### **Request for Proposal (RFP) 0901-07-0031 Bicycle Rental Concession at Toronto Island Park Forestry and Recreation Division**

(March 23, 2007) report from General Manager, Parks, Forestry and Recreation and the Director, Purchasing and Materials Management Division

#### **Recommendations**

The General Manager of Parks, Forestry and Recreation, and the Director of Purchasing and Materials Management recommends that:

1. Authority to be granted to enter into a five (5) year agreement with Toronto Island Bicycle Rental Ltd., being the highest overall scoring proponent meeting the requirements, for the Bicycle Rental Concession at Toronto Island Park, for the period of May 1, 2007 to September 30, 2011, with guaranteed rent to the City in the amount of \$335,000.00 for the five (5) year term.
2. Should the option to renew be exercised, then the General Manager of Parks, Forestry and Recreation is to instruct the Chief Purchasing Official to process the necessary contract renewals under the same terms and conditions to exercise the five (5) year renewal option License Agreement with the proponent under the same terms and conditions, save and except a further right of renewal and the renewal license fee, which shall be negotiated at the time of renewal, provided that the operation of the Bicycle Rental Concession was performed at a level satisfactory to the General Manager of Parks, Forestry and Recreation and in the form and content, consistent with the RFP and acceptable to the City Solicitor for the period from May 1, 2012 to September 30, 2016.

#### **Financial Impact**

Entering into a five (5) year License Agreement with a further five (5) year renewal option with the Toronto Island Bicycle Rental Ltd., for the Bicycle Rental Concession at Toronto Island Park. The guaranteed net revenues over the initial five (5) year term is \$335,000.00. The RFP terms included improved service levels, capital investment and improved financial return in improvements in net revenue to the City.

	2007	2008	2009	2010	2011	TOTAL
Proposed Rent to the City (Guaranteed)	\$ 65,000	\$ 65,000	\$ 65,000	\$ 70,000	\$ 70,000	\$ 335,000

OPTION RENEWAL	2012	2013	2014	2015	2016	TOTAL
Proposed Rent to the City (Guaranteed)	\$ 70,000	\$ 70,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 365,000

There are no anticipated future costs with the implementation of the proposed License Agreement. Toronto Island Bicycle Rental Ltd. shall be responsible for all operating costs, property taxes, capital costs and other related costs for the operation of the Bicycle Rental Concession at Toronto Island Park.

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

### Summary

The purpose of this report is to advise on the results of RFP 0901-07-0031, for the Bicycle Rental Concession at Toronto Island Park within the Parks, Forestry and Recreation Division, and to request authority to negotiate and enter into a five (5) year License Agreement with Toronto Island Bicycle Rental Ltd. for the period from May 1, 2007 to September 30, 2011 with the option to renew for a further five (5) year renewal option for the period from May 1, 2012 to September 30, 2016. The decision to exercise the option to renew the agreement will be at the sole discretion of the Parks, Forestry and Recreation Division's General Manager.

### Background Information

RFP 0901-07-0031 Bicycle Rental Concession at Toronto Island Park For. & Rec. Di  
(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2555.pdf>)

GM3.7	ACTION		Transactional	Ward: 20
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### Acquisition of 129 Peter Street

(March 26, 2007) report from Chief Corporate Officer, and General Manager, Shelter, Support and Housing Administration

### Recommendations

The Chief Corporate Officer and the General Manager, Shelter, Support and Housing Administration recommend that:

1. The Purchase Option be exercised and the Offer to Sell from the Owner of the property municipally known as 129 Peter Street having a net cost to the City of \$4,708,275.00 be accepted substantially on the terms outlined in Appendix "A" to this report and that each of the Chief Corporate Officer and the Director of Real Estate Services be authorized severally to accept the Offer on behalf of the City.
2. The City Solicitor be authorized to complete these transactions on behalf of the City including making payment of any necessary expenses and amending the closing date and other dates to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable.

### Financial Impact

This acquisition will have no financial impact beyond what has already been approved in the 2007 Capital Budget. Funding of \$5,500,000.00 is available in the 2007 Approved Capital Budget for Shelter, Support and Housing Administration, Capital Account CHS030-01-4995 for the replacement of 110 Edward Street Shelter and Referral Centre Project. Total cost of this acquisition is \$4,708,275.00.

Source funding for this acquisition is the Federal Government’s Supporting Communities Partnership Initiative (SCPI). Commitment of the funding, which was originally confirmed until March 31, 2007, has since been extended until December 31, 2007, if Council authorizes the acquisition of this property.

Payments to Vendor:		
	Purchase Price	\$4,640,000.00

City’s Closing Costs:		
	Land Transfer Tax and Registration costs	\$68,175.00
	GST on Purchase Price	\$278,400.00
	Registration Costs	\$100.00
	Total Costs	\$346,675.00
Cost to City Net of GST		\$4,708,275.00

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

### Summary

The 110 Edward Street Assessment and Referral Centre is scheduled for redevelopment for 300 units of affordable housing in the spring of 2007. This will result in closure of the Referral Centre and 80 shelter beds on the site. Shelter, Support and Housing Administration (SSHA) has identified 129 Peter Street as a suitable replacement site for the 110 Edward Street facility.

Negotiations with the owner of this property have been on-going since February 2007. The Owner and the City have signed a purchase option agreement (the “Purchase Option”). If the City exercises the Purchase Option, the acquisition will be completed in accordance with an offer to sell (“Offer to Sell”) to the City. Attachment 1 to this report describes the salient terms of this proposed acquisition, which is considered fair and reasonable.

### Background Information

Report-Acquisition of 129 Peter Street

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2556.pdf>)

Appendix A-Terms and Conditions

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2557.pdf>)

Appendix B-Location Map

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2558.pdf>)

GM3.8	ACTION		Transactional	Ward: All
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### 2006 Accounts Receivable Write-off Report

**Confidential - Personal matters about an identifiable individual, including municipal or local board employees (Appendix B)**

(March 23, 2007) report from Deputy City Manager and Chief Financial Officer

### Recommendations

It is recommended by the Deputy City Manager and Chief Financial Officer that:

1. City Council approve the write-off of uncollectible accounts of \$619,303.28 as detailed in Appendix A to this report.
2. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

### Financial Impact

The write-offs recommended in this report amount to \$619,303.28 and, when combined with those under \$10,000 approved by the Deputy City Manager and Chief Financial Officer of \$469,895.26, total \$1,089,198.54.

There are no financial implications as a result of this report as all accounts being recommended for write-off have been provided for and expensed previously. The actions being recommended by staff have been reviewed with appropriate Division Heads and Legal Services who concur with the recommendations.

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

### Summary

The purpose of this report is to recommend the write-off of uncollectible miscellaneous receivable accounts in the amount of \$619,303.28 in accordance with the provisions of the Financial Control By-law.

### Background Information

Report-2006 Accounts Receivable Write-Off Report  
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2559.pdf>  
 Appendix A-City of Toronto Request for Write-off Amounts  
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2560.pdf>  
 Confidential Appendix B-2006 Accounts Receivable Write-off Report

GM3.9	Information		Transactional	Ward: All
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### Quarterly Treasurer's Report on Activities of the Accounting Services and the Purchasing and Materials Management Divisions – December 31, 2006

(March 21, 2007) report from Treasurer

### Summary

The purpose of this report is to inform the Committee and Council on activities of the

Accounting Services and the Purchasing and Materials Management Divisions.

This report provides a brief analysis of the performance indicators for Accounting Services and the Purchasing and Materials Management Divisions for the year ended December 31, 2006. Staff will continue to monitor these indicators in assessing the success of the improvement initiatives that are currently underway.

### **Financial Impact**

There are no financial implications to the City of Toronto as a result of this report.

### **Background Information**

Report-Quarterly Treasurer's Report-Activities of the Acctg Services & the PMMD  
(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2561.pdf>)

GM3.10	Information		Transactional	Ward: All
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### **2006 Annual Report on Sole Source Purchasing Activity**

(March 14, 2007) report from Treasurer

### **Summary**

This report informs the Government Management Committee on the purchasing activities of City divisions in the area of sole source purchasing exceeding the Divisional Purchase Order (DPO) limit of \$7,500.00 for the year 2006 and to provide an analysis of the Sole Source purchases for City divisions. Staff will continue to monitor these purchases with divisions to keep them to a minimum and where possible use the formal competitive process to avoid purchasing through Sole Source.

This report also addresses the checks and balances in place to ensure fairness in awarding Sole Source contracts and ensure the City obtains the best possible price for goods/services purchased on a Sole Source basis.

### **Financial Impact**

There are no financial implications to the City of Toronto as a result of this report.

### **Background Information**

Report-2006 Annual Report on Sole Source Purchasing Activity  
(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2570.pdf>)

GM3.11	Information		Transactional	Ward: All
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### **Contracts Awarded by the Bid Committee between July 1, 2006 and December 31, 2006**

(March 14, 2007) report from Director, Purchasing and Materials Management

### Summary

The purpose of this report is to advise the Government Management Committee of contracts awarded by the Bid Committee during July 1, 2006 to December 31, 2006 and those awarded during the 2006 Summer Recess Period and the 2006 Election Period in accordance with the requirements of the City of Toronto Municipal Code, Purchasing, Chapter 195, Sections 195-14 and 195-17.

### Financial Impact

There are no financial implications included in this report.

### Background Information

Report-Contracts Awarded by the Bid Committee

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2685.pdf>)

Appendix A - Awards Made by the Bid Committee

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2572.pdf>)

GM3.12	ACTION		Policy	Ward: All
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### Criteria for Procurement Awards made by the Standing Committee and/or Council

(March 16, 2007) report from Treasurer

### Recommendation

The Treasurer recommends that Section 195-13, 195-14 and 195-15 of the Municipal code, be revised to read as per the attached Appendix A, as explained in this report.

### Financial Impact

No financial impact.

### Summary

This report is in response to a request from the February 15th meeting of the General Government Committee on the criteria for Procurement awards made by Standing Committee and/or Council.

Absent any determination by staff or direction from Council that a particular contract award requires Council approval, the Bid Committee should be authorized to approve the award of all contracts where the lowest bidder meeting specifications or highest scoring proponent is being recommended, funding approval is in place and there are no material written objections to the award. For awards where these conditions are not satisfied or where staff have determined or Council has directed that Council approval is required, the award must be approved by Council, regardless of dollar value.

### Background Information

Report-Criteria for Procurement Awards

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2684.pdf>)

Appendix A-Proposed Revisions to Municipal Code, Chapter 195

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2574.pdf>)

<b>GM3.13</b>	ACTION		Transactional	Ward: 3, 12, 20, 29, 38
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### **To Request Authority, to Enter into Lease Agreements for the Operation of Various City Cafes and Cafeterias-RFP 0613-06-7016**

**Confidential - A proposed or pending acquisition or sale of land for municipal or local board purposes (Attachment 1)**

(March 21, 2007) report from Chief Corporate Officer, and Director, Purchasing and Materials Management

#### **Recommendations**

The Chief Corporate Officer and the Director of Purchasing and Materials Management recommend that:

1. Council authorize the public release of the confidential information in Attachment 1, if and when the recommended lease agreements are finalized and signed.
2. Council authorize the City to enter into a lease agreement with Canada Catering Co. Limited (“Canada Catering”), for a 10 year term, for the operation of the cafeteria at Metro Hall, on the key terms set out in Schedule “A” to Attachment 1 – Confidential Information and the additional terms and conditions set out in the RFP, in a form satisfactory to the City Solicitor; this proponent having achieved the highest overall evaluated score to operate this location.
3. Council authorize the City to enter into lease agreements with 1355565 Ontario Inc. o/a Delimark Cafés (“Delimark”), for a 10 year term, for the operation of the cafeterias at Etobicoke Civic Centre, 2700 Eglinton Avenue West and East York Civic Centre, on the key terms set out in Schedule “B” to Attachment 1 – Confidential Information and the additional terms and conditions set out in the RFP, in a form satisfactory to the City Solicitor; this proponent having achieved the highest overall evaluated scores to operate these locations.
4. Council authorize the Director, Real Estate Services to negotiate with the next highest scoring proponent(s), if any, should lease negotiations fail with either of the recommended proponents for any of the locations and to report back to City Council on the outcome of such negotiations.
5. As no proposals were received for the cafeteria at Scarborough Civic Centre, Council authorize the Director, Real Estate Services to explore with the co-owner of the Scarborough Civic Centre, the Toronto District School Board (“TDSB”), the possibility

of reducing the size of this cafeteria to make it more economically viable and to report back to City Council on the outcome of those discussions, if necessary.

6. Council authorize the Chief Corporate Officer, his successor or designate, to administer and manage the lease agreements, including providing any consents, approvals, notices and notices of termination, provided that the Chief Corporate Officer may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction.
7. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

### **Implementation Points**

The RFP has a binding irrevocable date of May 5, 2007. To conclude the RFP process, the City must inform recommended proponents of the award before this date.

If this report is approved, notice of termination will be given to the existing overholding cafeteria operators at the Etobicoke Civic Centre and the East York Civic Centre, to permit occupancy of these premises by Delimark once the lease agreements for these locations are signed. The cafeteria at 2700 Eglinton Avenue West is currently vacant and will be occupied by Delimark once the lease agreement for this location is signed. The cafeteria at Metro Hall is currently occupied by Canada Catering and will continue to be occupied by Canada Catering under the terms of the new lease agreement to be entered into with Canada Catering.

### **Financial Impact**

As part of the internal RFP review process, the Financial Policy and Research Unit of Corporate Finance Division conducted a review and analysis of the financial aspects of the proposals for Cafe and Cafeteria Services received under the RFP. The results of the analysis were used in the financial criteria portion of the proposal evaluations, with higher ranking and points given to those proposals yielding the greater financial return to the City. Other non-financial criteria were also scored by the evaluation team, to determine the recommended proponent for each location. An external Food Services Consultant retained by the City has reviewed and participated in the process and evaluation, and concurs with the staff recommendations.

In the past, agreements between café and cafeteria operators and the former municipalities were structured in different forms of arrangements which appeared to have emphasis on the provision of food services to staff and the public over the costs of operating the facilities. This resulted in net loss from operations of the subject facilities to the City, except for Metro Hall and 2700 Eglinton Avenue West (closed). The purpose of this RFP was to select one or more qualified and experienced operators in a way that would maximize the financial return for each location. Therefore, the RFP was structured to reflect these requirements and, as a result, all recommended proposals will have positive net financial impact in a form of additional revenue to the City.

If negotiations with recommended RFP proponents are successful, the City will receive estimated net revenue, as per the key lease terms outlined in Attachment 1 - Confidential Information. Should negotiations with either of recommended proponents fail, lease



negotiations will be undertaken with the next highest proponents(s) and the outcome of such negotiations will be reported back to City Council.

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

### Summary

The purpose of this report is to report on the results of Request for Proposal No. 0613-06-7016 for the Operation of Cafés and Cafeterias and to recommend that lease agreements be entered into with the recommended proponents.

### Background Information

Report-Operation of Various City Cafes and Cafeterias

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2683.pdf>)

Confidential Attachment 1-Operation of Various City Cafes & Cafeterias

In-Camera Presentation-Operation of Various City Cafes & Cafeterias

GM3.14	ACTION		Transactional	Ward: 37, 38, 39, 40, 41
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### **Assignment for Completion of Contract No. 02D4-143TW, Tender Call No. 357-2002: 2004/2005, 2005/2006, 2006/2007, 2007/2008 Winter Seasons (5 years.)**

#### **Deferred from February 15, 2007 meeting to allow for notice and debate**

(January 19, 2007) report from General Manager, Transportation Services, and Director, Purchasing and Materials Management

### Summary

This report advises the General Government Committee of a change in the company that will perform and complete the remaining work for the referenced contract which had previously been awarded to Metropolitan Paving and Concrete Ltd. (“Metropolitan”).

The report also advises the General Government Committee of the Division Head’s use of Emergency Sole Source Purchasing pursuant to 195-9C of the Municipal Code, Purchasing, “where the dollar amount of any commitment entered into under 195-9B is not within the maximum dollar amount of any commitment authority delegated to staff under the provisions of the Financial Control By-law, the Chief Purchasing Official and the Chief Administrative Officer or department head shall report jointly to Council through the General Government Committee at the earliest opportunity after entering into the commitment.”

The unexpected default of the winter maintenance contract by “Metropolitan” a few days after the start date on December 1, 2006 required immediate action by City staff to ensure that an alternate contractor was in place to supply labour and equipment for winter operations. The remaining years of work in the existing winter maintenance contract have been assigned to a qualified company, IPURC Investments Inc. (“IPURC”). Transportation Services is satisfied

that the company, “IPURC” is familiar with the scope of work and is capable of supplying the required experience, labour and equipment for winter maintenance on City of Toronto roads in the Scarborough District.

### Financial Impact

At its meeting of June 24, 25 and 26, 2003, City Council approved Contract No. 02D4-143TW. All funds required for the completion of this multi-year contract covering the 2003/2004, 2004/2005, 2005/2006, 2006/2007, 2007/2008 Winter Seasons were approved and there is no financial impact to complete the remaining two (2) years for the above contract.

“Metropolitan” had completed three years of the five-year winter maintenance contract. The remaining two years of the contract (beginning January 1, 2007) has a completion value of \$1,501,560.56 which includes all taxes, charges and estimated Adjusting Index escalation.

Year Index Increase Year Total (Adjusted) 6% GST Total Value January 1, 2007 - March 31, 2007 1.14858 \$ 641,460.34 \$ 38,487.62 \$ 679,947.96 December 1, 2007 - March 31, 2008 \*1.186807 \$ 775,106.23 \$ 46,506.37 \$ 821,612.60 Estimated Escalated Price (2-Year Total) \$ 1,527,835.27 \$ 91,670.11 \$1,501,560.56 \* Estimated Adjusting Index

### Background Information

Report-Assignment for Completion of a Contract-Winter Maintenance  
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2681.pdf>

GM3.15	ACTION		Transactional	Ward: 30
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### 54 Commissioners Street - Tax Sale Extension Agreement

(March 21, 2007) report from Treasurer

### Recommendations

The Treasurer recommends that:

1. Authority be granted to enter into an extension agreement with 1160623 Ontario Inc., the owner of the land municipally described as 54 Commissioners Street and legally described by PIN 21385 - 0067(LT) Part Block A, Plan 520E, designated as Part 1 on 66R2156 in the Land Titles Division of the Toronto Registry Office (No. 66) (the “Property”), to extend the redemption date for payment of tax arrears owing on the Property from May 29, 2007 to October 1, 2007.
2. Authority be granted for the introduction of the necessary Bill to authorize the execution of the extension agreement.
3. The appropriate City officials be authorized and directed to take the necessary steps to give effect to the foregoing.

### Financial Impact

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

### Summary

To request authority to enter into an extension agreement pursuant to the tax sale provisions of the City of Toronto Act, 2006, and to introduce the necessary Bill to authorize execution of the extension agreement.

### Background Information

Report-54 Commissioners Street - Tax Sale Extension Agreement  
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2554.pdf>

GM3.16	ACTION		Transactional	Ward: All
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### Accounts Receivables – Largest Debtors with Tax Arrears Greater than \$500,000 as at December 31, 2006

**Confidential - Personal matters about an identifiable individual, including municipal or local board employees (Attachment 2)**

(March 21, 2007) report from Treasurer

### Recommendations

The Treasurer recommends that:

1. This report, together with the information contained in Attachment 1, and the confidential information contained in Attachment 2, be received for information.
2. The confidential information contained in Attachment 2 remain confidential, as it relates to personal information about identifiable individual(s), and as such may not be disclosed under the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.
3. The practice of reporting semi-annually to Committee and Council on tax accounts with receivables of \$500,000 or more be discontinued.
4. In future, the semi-annual reporting of tax accounts with receivables of greater than \$500,000 be provided to the Mayor and members of Council in the form of a briefing note.
5. The appropriate City staff be authorized and directed to take the necessary action to give effect thereto.

### Financial Impact

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

## Summary

To provide information on property tax accounts with outstanding receivables of \$500,000 or more as at December 31, 2006, and to provide information on the total taxes outstanding as at December 31, 2006. This report also recommends that the practice of reporting twice annually to Council on property tax accounts with outstanding receivables of \$500,000 or more be discontinued, but that the information continue to be provided twice annually to the Mayor and members of Council in the form of a briefing note.

This report contains two attachments. Attachment 1 is public information, and lists properties with tax arrears totalling more than \$500,000 that are owned by a corporation. Attachment 2 is confidential, and lists properties with total tax arrears of \$500,000 or more where the property is owned by an individual. The Municipal Freedom of Information and Protection of Privacy Act prevents the public disclosure of the information contained in Attachment 2.

## Background Information

Report-Accounts Receivable-Largest Debtors with Tax Arrears  
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2677.pdf>  
 Attachment 1-Owned by a Corporation  
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2679.pdf>  
 Confidential Attachment 2-Page 1-Owned by an Individual  
 Confidential Attachment 2-Page 2-Owned by an Individual  
 Attachment 3-Summary of Receivables as at December 31, 2006

GM3.17	ACTION	1:30 PM	Transactional	Ward: All
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## Apportionment of Property Taxes

### *Statutory Hearing - City of Toronto Act, 2006*

(March 22, 2007) report from Treasurer

## Recommendations

The Treasurer recommends that:

1. Apportionment of property tax in the amounts identified in Appendix A and Appendix B, under the columns entitled “Apportioned Tax” and “Apportioned Phase In/Capping”, be approved.
2. Authority be delegated to the Director of Revenue Services to write-off as uncollectible, as of the date of apportionment, the interest and penalty charges that have accrued on, and form part of, any unpaid taxes which are apportioned by Council on or after March 8, 2007.
3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

**Financial Impact**

Appendices A and B identify that approximately \$73,805.99(as at March 13, 2007) in penalty/interest charges have accrued on the tax accounts to be apportioned pending Council's approval of the apportioned taxes. This amount, and any other interest that will accrue on the accounts pending the actual processing of the apportioned tax bills, will be Written off, consistent with the recommendations contained in this report. Funding for the write-off of the interest/penalty amount is provided for in the 2007 Tax Penalty Account (Non-Program Budget).

With the exception of the penalty/interest amounts to be written off, the apportionment of property taxes has no financial impact on the City of Toronto. The apportionment process merely secures the City's revenue by reallocating taxes from an account(s) that has ceased to exist, to the accounts that have resulted from a severance or redevelopment.

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

**Summary**

Section 322 of the City of Toronto Act, 2006 (COTA) permits the apportionment of property taxes when one parcel of land is split into two or more parcels, and the division of land has not yet been captured on the assessment roll for the year. The COTA allows the Treasurer or an owner of the land to initiate the apportionment of any unpaid taxes for the year in which the application is made, and any previous years for which taxes remain unpaid. The apportionment process does not change the total amount of taxes levied, but rather splits the taxes between the newly created parcels of land.

The COTA requires that upon receipt of an application to apportion taxes, Council must hold a public meeting at which the applicants and owners of any part of the land may make representation. Authority to hold such public meetings has been delegated to the Government Management Committee.

This report recommends approval of 62 tax apportionment applications initiated by both the Treasurer and taxpayers for the properties listed in Appendices A and B (attached). This report also recommends a change to the City's current treatment of outstanding penalty/interest that has accrued on unpaid taxes pending the apportionment of those unpaid taxes. As legislative authority now exists, it is recommended that authority be delegated to the Director, Revenue Services, to write off such penalty/interest amounts.

**Background Information**

Report-Apportionment of Property Taxes

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2675.pdf>)

Appendix A-Apportionment Report-Treasurer Initiated Tax Appointments

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2674.pdf>)

Appendix B-Apportionment Report - Taxpayer Initiated Tax Appointments

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2550.pdf>)

<b>GM3.18</b>	ACTION	1:30 PM	Transactional	Ward: All
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## **Cancellation, Reduction or Refund of Property Taxes**

### *Statutory Hearing - City of Toronto Act, 2006*

(March 21, 2007) report from Treasurer

### **Recommendations**

The Treasurer recommends that:

1. The individual tax appeal applications made pursuant to Section 357 of the *Municipal Act, 2001* (as continued under Section 323 of the *City of Toronto Act, 2006*), resulting in tax adjustments totalling \$2,330,062.12, excluding phase-in/capping adjustments, as identified in the Detailed Hearing Report attached as Appendix A, be approved.
2. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

### **Financial Impact**

This report recommends the cancellation, reduction or refund of taxes in the amount of \$2,330,062.12, excluding phase-in/capping adjustments. The City's share of the taxes which is approximately \$1,202,415.55 will be funded from the 2007 Tax Deficiency Account (Non-Program Budget). The education portion of the taxes totalling \$1,127,646.57 will be recovered from the Province/school boards.

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

### **Summary**

Section 323 of the *City of Toronto Act, 2006* (and previously Section 357 of the *Municipal Act, 2001*) allows the Treasurer, or the owner of the land or their representative, to initiate the process to cancel, reduce or refund taxes where a change has occurred within the year that affects the amount of taxes levied. These changes include where a building on a property has been razed by fire or demolished, the property has become vacant or unusable, or exempt from taxation, or the tax classification for the property has changed, clerical errors resulting in overcharges, etc.

The legislation requires that upon receipt of an application to cancel, reduce or refund taxes, Council must hold a public meeting at which the applicants and owners of any part of the land may make representation. Authority to hold such public meetings has been delegated to the Government Management Committee.

This report serves to advise that Notices of Hearing pertaining to the cancellation, reduction or refund of taxes for the properties listed in Appendix A have been sent to affected taxpayers. In addition, the report recommends approval of 20 applications initiated by taxpayers.

## Background Information

Report-Cancellation, Reduction or Refund of Property Taxes

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2673.pdf>)

Appendix A: Detailed Hearing Report - 357, Hearing 2007H2

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2547.pdf>)

GM3.19	ACTION		Transactional	Ward: All
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## Write-off of Unpaid Property Taxes for Apportionment Applications Related to 2002 and Prior Years

**Confidential - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board (Attachment 2)**

(March 21, 2007) report from Treasurer

### Recommendations

The Treasurer recommends that:

1. The Director of Revenue Services be authorized to withdraw outstanding apportionment applications in respect of 116 accounts, identified in Attachment 1 of this report, from the Assessment Review Board (ARB), in accordance with the ARB's Rules of Practice and Procedure.
2. The unpaid taxes levied in all years prior to 2003 (including interest and penalties which have accrued on those unpaid taxes) on the 116 tax roll numbers listed in Attachment 1, be written off as uncollectible and removed from the tax rolls.
3. Council adopt the confidential recommendations contained in Attachment 2 to this report.
4. The confidential recommendations contained in Attachment 2 remain confidential, on the advice of the City Solicitor.
5. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

### Financial Impact

The total estimated amount to be written off with the adoption of the recommendations contained in this report is \$1,042,745, consisting of a municipal portion of levied taxes of \$198,050, a provincial education portion of levied taxes of \$231,907, and an additional \$612,787 in penalty/interest charges as at February 28, 2007. This write-off amount is considered to be an estimate since interest accrues on tax accounts on a monthly basis and as such the amount of interest/penalty to be written off will continue to increase until the date the actual write-off is approved and processed.

Given that Council, in July 2003, has previously approved that properties subject to tax apportionment automatically receive a grant to offset any penalty/interest charges associated with the apportioned taxes, the incremental financial impact of the recommended write-off is limited to the \$429,957 in levied taxes, consisting of the municipal portion of \$198,050, and the provincial education portion of \$231,907. There is no financial impact on current year expenditures and revenues from the recommended write-off of the levied tax amounts or the interest/penalty amounts, as these amounts have been provided for within the 2007 Non-Program Tax Provision Account.

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 applications filed with the Assessment Review Board (ARB) to apportion unpaid property taxes for 292 property tax accounts where severances or redevelopments have occurred.

Given the difficulty inherent in apportioning older unpaid tax accounts, all of which relate to periods before 2002, to current property owners who may not be aware that taxes are owing, this report also identifies an alternative strategy for dealing with the unpaid taxes for 116 of these accounts by recommending that the taxes be written off and that the applications at the ARB be withdrawn. In total, the amount being recommended for write off is \$1,042,745, consisting of a municipal portion of \$198,050 in levied taxes, a provincial education portion of levied taxes of \$231,907, and an additional \$612,788 in penalty/interest charges. The write-off of these amounts will have no impact on the current year’s budget, as these amounts have been provided for in the 2007 Non-Program Tax Provision Account.

In addition to the recommendations below, this report also provides additional confidential recommendations, contained in Attachment 2 to this report.

**Background Information**

- Report-Write-off of Unpaid Property Taxes  
(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2545.pdf>)
- Attachment 1-Listing of Tax Apportionment Accounts  
(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2512.pdf>)
- Confidential Attachment 2-Write-off of Unpaid Property Taxes

GM3.20	ACTION		Transactional	Ward: 16, 21, 23, 32, 44
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**Uncollectible Water Arrears Greater than \$10,000**

**Confidential - Personal matters about an identifiable individual (Attachment 1)**

(March 27, 2007) report from Deputy City Manager and Chief Financial Officer



## Recommendations

The Deputy City Manager and Chief Financial Officer recommends that:

1. The following five (5) water accounts, representing a total value of \$150,472.24, be written off:
  - a. Water Account Number 419462-368842, \$10,422.12.
  - b. Water Account Number 161699-133423, \$52,630.86.
  - c. Water Account Number 161421-126546, \$38,161.94.
  - d. Water Account Number 556540-601771, \$36,081.93.
  - e. Water Account Number 345821-281224, \$13,175.39.
2. The confidential information contained in Attachment 1 remain confidential, as it relates to personal information about an identifiable individual, and as such may not be disclosed under the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.
3. The appropriate City staff be authorized and directed to take the necessary action to give effect thereto.

## Financial Impact

The recommended water write-off of \$150,472.24 is provided for in the water account titled “Allowance for Doubtful Water Accounts”. As such, the write-off of these five (5) water accounts will not have a financial impact on current year expenditures.

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

## Summary

This report recommends the write-off of five (5) water accounts, in relation to water consumed prior to January 1, 2004, each with outstanding receivables of greater than \$10,000 that in the Chief Financial Officer’s opinion are uncollectible.

Staff have taken all necessary steps in attempting to collect the outstanding water arrears, including issuing the account to an external collection agency for “skip trace” and revenue recovery, mailing of “Demand Letters” by Legal Services and filing a claim with the Trustee in the case of a bankruptcy. The outstanding water charges for these five (5) accounts relates to water consumed prior to 2004 by someone other than the current property owner and, as such, the water arrears cannot be added to the property’s tax account.

Given that all collection efforts have been exhausted, and the City has no further recourse or means of collecting these water arrears, it is recommended that Council authorize the write-off of these uncollectible water receivables.

Attachment 1 is confidential, and lists a property with water arrears greater than \$10,000 that is owned by an individual. The Municipal Freedom of Information and Protection of Privacy Act prevents the public disclosure of the information contain in Attachment 1.

## Background Information

Report-Uncollectible Water Arrears Greater than \$10,000

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2543.pdf>)

Confidential Attachment 1-Uncollectible Water Arrears Greater than \$10,000

GM3.21	ACTION		Transactional	Ward: All
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## Additional Funding for the Better Buildings New Construction Program (BBNCP)

(March 19, 2007) report from Chief Corporate Officer

### Recommendations

The Chief Corporate Officer recommends that:

1. Upon completion of negotiations with the OPA for the City's 90 megawatt program, Facilities and Real Estate Division's 2007 Approved Operating Budget be increased by \$250,000.00 gross, zero net (\$250,000.00 in recoveries from the Better Buildings Partnership Loan Repayment Reserve Fund) and that these funds be deposited into FA2462 – BBNCP.
2. Recoveries from the OPA and outstanding recoveries from NRCan and Toronto Hydro be deposited to the Better Buildings Partnership Loan Reserve Repayment Fund when received.

### Financial Impact

Additional funding in the amount of \$250,000.00 will be required to provide grants for the design of energy efficient buildings. Funding is available in the Better Buildings Partnership Loan Repayment Reserve Fund (BBP-LRRF). Once the buildings are completed, the funds will be recovered from the OPA by December 2010 and deposited into the Better Buildings Partnership Loan Reserve Repayment Fund.

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

### Summary

The purpose of this report is to request funding in the amount of \$250,000.00 (net zero) for the Better Buildings New Construction Program (BBNCP) to provide interim financial support for the design of energy efficient buildings.

Existing arrangements with Toronto Hydro and Natural Resources Canada (NRCan) to fund this program will expire shortly. The City has submitted program proposals to the Ontario Power Authority (OPA) to save 90 megawatts of electricity across Toronto. Once agreements currently under negotiation with the OPA are signed, financial incentives will be available to eligible City and community projects. City funds advanced to eligible BBNCP participants for building design will be recovered from the OPA by December, 2010.

## Background Information

Report-Additional Funding for the BBNCP

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2538.pdf>)

GM3.22	ACTION		Transactional	Ward: 23
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## Amendment to Lease Terms – 4804-4812 Yonge Street Necessitated by the Timing of an Ontario Municipal Board Hearing

(March 26, 2007) report from Chief Corporate Officer

### Recommendation

The Chief Corporate Officer recommends the Lease be amended to extend the Tenant's right to terminate from April 30, 2007 to October 15, 2007 to provide for the completion of an OMB hearing and Part 5 be incorporated within the leased premises.

### Financial Impact

The extension of the Tenant's right to terminate to October 15, 2007 will reduce the length of the Tenant's abatement period under the Lease and increase the rent revenue to the City during the fixturing period from \$119,166.67 to \$165,000.00.

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

### Summary

On July 25, 26, and 27 2006 Council approved a land lease (the Lease) for the City-owned property at the northwest corner of Sheppard Avenue West and Yonge Street with HRDOV Yonge Realty Limited (the Tenant). The Tenant has signed the Lease. The Tenant is permitted to terminate the Lease by April 30, 2007 if it has not satisfied itself with respect to certain due diligence matters, including planning approvals. The Committee of Adjustment approved the Tenant's application for the minor variances required for the development of the property in accordance with the Lease, but the decision of the Committee has been appealed to the Ontario Municipal Board (OMB) by an adjoining landowner, and the appeal process will not be completed by April 30, 2007. In order to provide sufficient time for the required OMB hearing, staff recommends that the Lease be amended to extend the Tenant's right to terminate to October 15, 2007. As contemplated by the previous Council authority, subject to the outcome of the Site Plan process, a driveway area, Part 5 on Sketch PS-2005-064, which was to be licensed to the Tenant, could be included in the leased premises. The planning process indicates that it is appropriate to do so.

### Background Information

Report-Amendment to Lease Terms-4804-4812 Yonge Street

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2537.pdf>)

Attachment 1-Sketch PS-2005-064

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2513.pdf>)

GM3.23	ACTION		Transactional	Ward: 38
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## To Declare Surplus the City-owned Parcel of Land adjoining 43 Beachell Street

(March 19, 2007) report from Chief Corporate Officer

### Recommendations

The Chief Corporate Officer recommends that:

1. The parcel of land adjoining 43 Beachell Street, being Part of Lot 77 on Plan 142 (the “Property”), be declared surplus to the City’s requirements.
2. The Chief Corporate Officer be authorized to list the Property for sale on the open market.
3. Staff take all steps necessary to comply with the City’s real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code.
4. City Council approve, as the approving authority under the provisions of the *Expropriations Act*, the disposal of the Property without giving the original owners from whom the Property were expropriated the first chance to repurchase these lands.

### Financial Impact

Revenue will be generated from the eventual sale.

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

### Summary

The purpose of this report is to declare a City-owned parcel of land adjoining 43 Beachell Street surplus to municipal requirements and to authorize the Chief Corporate Officer to list the property for sale on the open market.

### Background Information

Report-To Declare Surplus the City-owned Parcel of Land adjoining 43 Beachell

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2528.pdf>)

Appendix A-Site Map

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2514.pdf>)

GM3.24	Information		Transactional	Ward: All
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### **First Quarter 2007 Report of Property Sales and Acquisitions**

(March 22, 2007) report from Chief Corporate Officer

#### **Summary**

This report provides information regarding property sales and purchases by the City in the first quarter of 2007.

To assist in the management for the sale of surplus properties, a regular quarterly report is prepared establishing targets for the sale of properties in the City portfolio. The quarterly report includes the number of properties proposed for sale in the previous quarter and the current status of such properties. The quarterly report also includes the number, value and type of properties purchased during that quarter by ward.

#### **Background Information**

Report-First Quarter 2007 Report of Property Sales and Acquisitions  
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2671.pdf>  
 Appendix A  
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2670.pdf>  
 Appendices B1 and B2  
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2669.pdf>

GM3.25	ACTION		Transactional	Ward: 6
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### **Part of 70 Birmingham Street – Amendments to the Proposed Long-Term Lease**

(March 26, 2007) report from Chief Corporate Officer

#### **Recommendations**

The Chief Corporate Officer recommends:

1. That Council authorize the proposed long-term lease (the “Lease”) with Her Majesty the Queen in Right of Canada as represented by the Minister of National Defence (“DND”) substantially on the terms and conditions, as set out in Amended Appendix “A” attached, and on such other terms and conditions as may be approved by the Chief Corporate Officer, in consultation with the Chief of Police and in a form acceptable to the City Solicitor.

#### **Financial Impact**

The earlier Council approved terms and conditions of the proposed lease with DND regarding the total payment amount and schedule have not changed.

This lease will generate a revenue in the amount of approximately \$9,831,685.00. The sum will be paid by DND, in three instalments, during the construction of the TPS training facility and will be transferred to the TPS New Training Facility Capital Project Account No. PL-100021-02 to pay for the costs attributable to the additional space required to accommodate DND at the new TPS training facility. During the term of the lease, DND shall be responsible for its proportionate share of taxes and operating costs of the training facility.

The New Training Facility Capital Project at this site has been approved by the Toronto Police Service Board and City Council. The estimated capital expenditure is included in the TPS 2007-2011 Capital Program.

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

### Summary

The purpose of this report is to seek authority to revise certain terms of a proposed lease with Her Majesty the Queen in Right of Canada as represented by the Minister of National Defence (“DND”) which had been approved by Council at its meeting on July 25, 26 and 27, 2006 by its adoption of Clause No. 20 of Report No. 5 of the Administration Committee. This proposed lease is for the purpose of providing DND with an exclusive area together with shared use of the facilities at the Toronto Police Services training facility to be constructed at 70 Birmingham, City of Toronto.

### Background Information

Report-Part of 70 Birmingham Street

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2526.pdf>

GM3.26	ACTION		Transactional	Ward: 42
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### Bringing Village Securities Ltd. Site Under Public Ownership

(March 26, 2007) report from Chief Corporate Officer

### Recommendations

The Chief Corporate Officer recommends that:

1. The 2007 Approved Capital Budget for Facilities and Real Estate be amended by the addition of a project “Village Securities Site Acquisition” for \$15,253,575.00, with funding provided from the Land Acquisition Reserve Fund (XR1012) in the amount of \$15,253,575.00, for a zero net impact.
2. The 2007 Approved Capital Budget for Parks, Forestry and Recreation be amended by the addition of a project “Village Securities Site Acquisition” for \$2,000,000.00, with funding provided from the Parkland Acquisition – City Wide Land Acquisition (XR2210) in the amount of \$2,000,000.00, for a zero net impact.

3. The Offer to Sell from the Owner of the property known as the Village Securities Ltd. site having a net cost to the City of \$17,253,575.00 be accepted substantially on the terms outlined in Appendix “A” to this report, and that each of the Chief Corporate Officer and the Director of Real Estate Services be authorized severally to accept the Offer on behalf of the City.
4. That Deputy City Manager Sue Corke’s Office and the General Manager of Parks, Forestry & Recreation continue to investigate other potential sources of outside funding for cultural, natural heritage and open spaces purposes to offset the funding of this acquisition.
5. The City Solicitor be authorized to complete these transactions on behalf of the City including making payment of any necessary expenses, and amending the closing date and other dates to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable.
6. This report be forwarded to the Budget Committee for consideration.

### Financial Impact

The total cost of this acquisition to the City is estimated at \$17,253,575.00, as outlined in the table below:

Table 1: Estimated Total Closing Costs and Purchase Price

Payments to Vendor:	Purchase Price	\$17,000,000.00
City’s Closing Costs:	Land Transfer Tax	\$253,475.00
	GST on Purchase Price	\$1,020,000.00
	Registration Costs	\$100.00
	Total Costs	\$18,273,575.00
Cost to City Net of GST		\$17,253,575.00

No provision has been made in the Approved 2007 Capital Budget and 2008-2011 Capital Plan for this acquisition. Funds are currently available in the City’s Land Acquisition Reserve Fund (LARF) and in the Parks, Forestry and Recreation’s Reserve Funds.

It is proposed that the 2007 Capital Budget for Facilities and Real Estate be increased by \$15,253,575.00 with offsetting funds from Land Acquisition Reserve Fund (XR1012) in the amount of \$15,253,575.00 and that the 2007 Capital Budget for Parks, Forestry and Recreation be increased by \$2,000,000.00 with offsetting funds from Parkland Acquisition – City Wide Land Acquisition (XR2210) in the amount of \$2,000,000.00.

As per Council’s request to explore possible alternatives to bring the Village Securities Ltd. Site under public ownership, possible financial “offsets” are discussed further in the Issue Background section of this report.

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

## Summary

The Village Securities Ltd. site totals approximately 6.87 hectares (16.97 acres) and is composed of two parcels of lands located in the Morningside Heights area of northeast Scarborough. The site abuts the Rouge River Valley and is considered an important piece of Toronto’s cultural and native history. The two parcels separated by a Hydro Corridor contain 700-year-old artifacts of significant heritage value to the City, and the Iroquois and Mohawk Nations. The lands also act as a significant wildlife corridor in this part of the City.

Village Securities Ltd. and Neamsby Investments Inc. (collectively the “Owner”) are willing to sell the lands in their entirety to the City. However, they have given the City until July 1, 2007 to complete this transaction. Otherwise, they will proceed to develop, as of right, the lands with a residential subdivision.

Negotiations with the Owner have been on-going since January 2007. The Owner has signed an irrevocable offer to sell (“Offer to Sell”) for their property to the City. Appendix “A” to this report describes the salient terms of this proposed acquisition, which is considered fair and reasonable.

## Background Information

Report-Bringing Village Securities Ltd. Site Under Public Ownership  
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2525.pdf>

GM3.27	ACTION		Transactional	Ward: 5
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## To Declare Surplus the City-owned Parcel of Land adjoining 90 Old Mill Road

(March 19, 2007) report from Chief Corporate Officer

## Recommendations

The Chief Corporate Officer recommends that:

1. The parcel of land adjoining 90 Old Mill Road, being Lot 14 on Plan M-1052, subject to the reservation of an easement for TTC purposes over the entire area (the “Property”), be declared surplus to the City’s requirements.
2. The Chief Corporate Officer be authorized to invite an offer to purchase from the owner of 90 Old Mill Road.
3. Staff take all steps necessary to comply with the City’s real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code.
4. City Council approve, as the approving authority under the provisions of the *Expropriations Act*, the disposal of the Property without giving the original owners from whom the Property was expropriated the first chance to repurchase these lands.



**Financial Impact**

Revenue will be generated from the eventual sale.

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

**Summary**

The purpose of this report is to declare a City-owned parcel of land adjoining 90 Old Mill Road surplus to municipal requirements and to authorize the Chief Corporate Officer to invite an offer to purchase from the owner of 90 Old Mill Road.

**Background Information**

Report-Parcel of Land adjoining 90 Old Mill Road

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2672.pdf>)

Appendix A - Site Map

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2517.pdf>)

<b>GM3.28</b>	ACTION		Transactional	Ward: All
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**Toronto Hydro Energy Services Inc. - Contract Amendment**

(March 21, 2007) report from Chief Corporate Officer

**Recommendations**

The Chief Corporate Officer recommends that:

1. City Council extend the current sole source arrangement with Toronto Hydro Energy Services Inc. for an additional five year period.
2. The Chief Corporate Officer review this arrangement at or before the end of five years and report back to the Government Management Committee.

**Financial Impact**

There are no financial impacts arising out of this report.

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

**Summary**

This report provides a status of the sole source arrangements with Toronto Hydro Energy Services Inc. and recommends an extension of the current arrangements. The current policy is to sole source 30% - 40% of the energy retrofit work in City facilities to Toronto Hydro Energy Services Inc.

**Background Information**

Report-Toronto Hydro Energy Services Inc.-Contract Amendment

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2523.pdf>)

GM3.29	ACTION		Transactional	Ward: 5
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### **Update of Proposed Sale of Surplus Property Portions of 3326 Bloor Street West and 1226 Islington Avenue**

(March 26, 2007) report from Chief Corporate Officer

#### **Recommendations**

The Chief Corporate Officer recommends:

1. That if an offer to purchase from SNC that staff can recommend to City Council for adoption is received by the City by March 30, 2007, then staff submit a supplementary report to Government Management Committee. If an offer to purchase that staff can recommend is received at a later date, then staff report directly to City Council at its meeting of April 23 and 24, 2007.

#### **Financial Impact**

There are no financial implications resulting from the adoption of this report. If an offer to purchase from SNC is received by the City, then the financial implications of any transaction will be reported on fully in the transaction report

#### **Summary**

On July 25, 26 and 27, 2006, City Council adopted Clause 25 of Report No. 5 of the Administration Committee declaring surplus approximately 8,526m<sup>2</sup> of land at the Bloor Islington intersection, subject to TTC operational requirements, with the intended method of disposal to be a lease and/or sale transaction with SNC Lavalin Group Inc. (SNC) on a sole-source basis for the development of an office tower. Negotiations with SNC are continuing. If an offer to purchase that staff can recommend to Council is received from SNC by March 30, 2007 staff will report further in a supplementary report to Government Management Committee or, if received subsequently, staff will report directly to Council at its meeting of April 23 and 24, 2007.

#### **Background Information**

Report-Update of Proposed Sale of Surplus Property-3326 Bloor/1226 Islington  
(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2522.pdf>)

GM3.30	ACTION		Transactional	Ward: All
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### **Easement Statute Law Amendment Act, 1990 Annual Report: Year 2006 Notices of Claim (All Wards)**

(March 21, 2007) report from City Solicitor

## Recommendations

The City Solicitor recommends that:

1. Council rescind the requirement set out in Clause No.12 of Report No. 4 of the Administration Committee adopted by Council at its meeting held on February 29<sup>th</sup>, March 1<sup>st</sup>, and 2<sup>nd</sup>, 2000, that the City Solicitor report annually on the number of properties/easements which required the registration of Notices of Claim pursuant to the ESLAA in that year.

## Financial Impact

The recommendations will have no financial impact beyond what has already been approved in the current year's budget.

## Summary

This report constitutes the required annual report for the year 2006 of searches and registrations under the Easement Statute Law Amendment Act, 1990. ("ESLAA").

## Background Information

Report-Easement Statute Law Amendment Act, 1990

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2518.pdf>

GM3.31	ACTION		Policy	Ward: All
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## Standing Authority for City Solicitor to Recover Costs for Clean Up of City-Owned Contaminated Lands

(March 19, 2007) report from City Solicitor

## Recommendations

The City Solicitor recommends that:

1. Standing authority be granted to the City Solicitor, on behalf of the City and in consultation with the General Manager of the appropriate Division, to enter into indemnification agreements with people or companies who:
  - a. own or owned property or substances that may have caused or contributed to harm or contamination of City-owned property.
  - b. have or had charge, management or control of pollutants that are believed to or have harmed or contaminated City-owned property. OR
  - c. are otherwise responsible for remediating, preventing, or mitigating contamination that occurs on City-owned lands.

In order that the City may be indemnified by such parties for costs that have been or may in future be incurred by the City in taking any steps required to deal with the

- contamination found on City-owned property.
2. Standing authority be granted to the City Solicitor, in consultation with the General Manager of the appropriate Division, to commence legal proceedings for the purpose of recovering costs that the City has or expects to incur to deal with harm and/or contamination found on City-owned property against people or Corporations that:
    - a. own or owned property or substances that may have caused or contributed to harm or contamination of City-owned property.
    - b. have or had charge, management or control of pollutants that are believed to or have contaminated City-owned property. OR
    - c. are otherwise responsible for remediating, preventing, or mitigating contamination that occurs on City-owned lands.
  3. The City Solicitor be authorized to take all necessary steps to advance the City's claims, including settling any issue or the claim, where it is concluded that it is reasonable to do so, appealing any interim or final decision where warranted, and executing any documents in furtherance thereto, all in consultation with the General Manager of the appropriate Division.
  4. The City Solicitor be directed to report to Council if and when the City Solicitor, in consultation with the General Manager of the appropriate Division:
    - a. reasonably believes that the cost of the work done by the City or the cost of the work that may or will be done in the future to remediate any contamination on City Lands will be in excess of \$500,000. OR
    - b. recommends that an action be settled for an amount in excess of 500,000.
  5. The appropriate City officials be authorized and directed to take the necessary action to give effect hereto.

### **Financial Impact**

The Recommendations will have no financial impact beyond what has already been approved in the current year's budget

### **Summary**

This report requests standing authority from Council to enable the City Solicitor to:

- a. Enter into indemnity agreements with parties responsible for causing or contributing to contamination of City lands. OR
- b. To commence litigation against parties who have caused or contributed to contamination of City lands.

Standing authority is being sought to permit the City Solicitor to act more quickly in situations

where contamination is discovered on City lands and to avoid the need to seek authority from Council to commence routine litigation to collect costs incurred by the City or enter into indemnity agreements to protect the City's ability to collect costs in the future. If standing authority is granted, the City Solicitor will only be required to report to Council in situations where it is believed the cost of work done or to be done in the future in connection with a specific property or project may exceed \$500,000, or where the City is proposing to settle an action for an amount in excess of \$500,000.

### **Background Information**

Report-Standing Authority for City Solicitor to Recover Costs

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2519.pdf>)

GM3.32	ACTION		Policy	
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### **IBMS System Read-only Access by Council Members**

(February 26, 2007) Member Motion from Councillor Cesar Palacio, Ward 17-Davenport

### **Recommendation**

It is recommended that staff report to the next meeting of the Government Management Committee on the feasibility of allowing Councillors and their staff “read-only” access to the IBMS system.

### **Summary**

The Integrated Business Management System (IBMS) is an online tool used by City staff that tracks a multitude of applications, requests for service and other important matters throughout the City and allows staff to quickly determine the status of a complaint, investigation, or request for service. City Councillors and their office staff currently do not have access to this database, but should.

City Councillors' offices are the primary access point for hundreds of residents per day to ask questions and request assistance from the City of Toronto. As opposed to other levels of government, where residents will call the appropriate Ministry directly, when a resident of Toronto has a City problem the first person they call is often their City Councillor.

It is embarrassing for Councillors and frustrating for residents when Councillors' offices do not have, at their fingertips, basic information such as outstanding MLS Orders on a property, the status of a tree-pruning request, or whether a no-permit file has been started with the buildings division for a property. This consumes thousands of hours of time for Councillors' staff to call and email requesting this information and updates on the status of these files, and for staff from these departments to respond to Councillors' inquiries, which comes at the expense of front-line service to residents. An hour spent updating a Councillors' staff on the status of several investigations is an hour less on the road working.

Many City departments including Buildings, Planning, MLS, Parks, Forestry & Recreation, City Clerks, Fire Services and Economic Development, already have access to this database.

Furthermore, a stated goal of IBMS is “to explore further opportunities to integrate IBMS as a support tool for interdepartmental processes” (Planning and Transportation Committee Report 5, Clause 4, 2004).

As trustees as the City, and as the ones both expected by residents and required by law to ensure that City operations are being carried out well and in a timely manner, it is critical that Councillors and their staff have access to this information, even if only in a “read-only” format.

### **Background Information**

Motion regarding IBMS Systems Access

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2520.pdf>)