
Public Works and Infrastructure Committee

Meeting No. 2 **Contact** Rosalind Dyers,
Committee Administrator
Meeting Date Wednesday, January 17, 2007 **Phone** 416-392-8018
Start Time 9:30 AM **E-mail** rdyers@toronto.ca
Location Committee Room No. 1, City Hall

PW2.2	NO AMENDMENT		Transactional	Wards: All
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Settlement Proposal for the Contractual Issues with the Eucan Litter/Recycling Bin Contract

Confidential - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board (Attachment 1)

City Council Decision

City Council on February 5, 6, 7 and 8, 2007, adopted the following motions:

1. The City accept the litter/recycling bin contract settlement proposal from Eucan and that Council adopt the terms of the confidential settlement as described in the Attachment 1 - Confidential Information.
2. The City amend the recycling/litter bin contract to reflect the settlement terms.
3. Council authorize the public release of the recommendations in Attachment 1 once the settlement and appropriate documentation are finalized to the satisfaction of the City Solicitor.

Confidential Attachment 1 to the report (January 3, 2007) from the Acting General Manager, Solid Waste Management Services remains confidential in its entirety at this time, in accordance with the provisions of the City of Toronto Act, 2006, as it contains information that is subject to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board. Once the conditions in Part 3 above have been satisfied, the confidential recommendations in Attachment 1 will be released.

(January 3, 2007) report from the Acting General Manager, Solid Waste Management Services.

Committee Recommendations

The Public Works and Infrastructure Committee recommends that:

1. the City accept the litter/recycling bin contract settlement proposal from Eucan and that Council adopt the terms of the confidential settlement as described in the Attachment 1 - Confidential Information;
2. the City amend the recycling/litter bin contract to reflect the settlement terms; and
3. Council authorize the public release of the recommendations in Attachment 1 once the settlement and appropriate documentation are finalized to the satisfaction of the City Solicitor.

Financial Impact

The proposed settlement from Eucan will have a financial impact on the Solid Waste Management 2006 Operating Budget and on future Operating Budgets through to the end of its term in October 2009. Attachment 1 - Confidential Information outlines the financial implications of the proposal from Eucan.

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 provide an update on the negotiations with Eucan Urban Equipment of Canada Inc. (Eucan) regarding the contractual issues with the litter/recycling bin contract and to disclose the recent settlement offer by Eucan; and to inform the Committee and Council of the change in control of this contract. At the direction of Council, Solid Waste Management Services (SWMS) has been negotiating with Eucan to resolve the outstanding contractual issues. These negotiations have resulted in Eucan recently proposing a settlement offer. Upon careful review of this settlement offer from Eucan and taking into consideration the implications of not accepting this proposal, SWMS is of the opinion that this proposal is in the best interest of the City and recommends acceptance.

Background Information

2007-pw2-2

<http://www.toronto.ca/legdocs/mmis/2007/pw/bgrrd/backgroundfile-611.pdf>

Communications

(January 17, 2007) letter from Craig Marwood, President, EcoMedia Direct

Speakers

Craig Marwood, President, EcoMedia Direct

Erich Genseberger, CEO, EcoMedia Direct

Councillor Denzil Minnan-Wong, Ward 34, Don Valley East

PW2.3	NO AMENDMENT		Transactional	Wards: All
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CEAT Update Report for January 17, 2007 Public Works and Infrastructure Committee Meeting

City Council Decision

City Council on February 5, 6, 7 and 8, 2007, adopted the following motions:

1. The Corporate Access and Privacy Office, in consultation with CEAT and the General Manager of Solid Waste Management Services (SWMS) oversee and develop a Privacy Impact Assessment (PIA). The PIA should be undertaken on the public consultations to be held both inside and outside of Toronto by CEAT and SWMS to facilitate input and feedback from stakeholders in jurisdictions potentially affected by the siting of a facility to manage residual waste from Toronto.
 - a. CEAT public consultation activities input sessions should commence with the conclusion of the PIA completion and acceptance;
 - b. upon review and acceptance of the PIA recommendations, the Chairs of the Public Works and Infrastructure Committee and CEAT and the General Manager, SWMS will sign the PIA. The resulting report to be used in the development of the Terms of Reference for the undertaking; and
 - c. the PIA will be conducted under the direction and oversight of the Corporate Access and Privacy Office;
2. The Toronto Medical Officer of Health:
 - a. in consultation with CEAT and the General Manager of SWMS, oversee the development of a Health Impact Assessment (HIA) framework to be used in evaluating potential technologies and sites for managing Toronto's solid waste; and
 - b. the Toronto Medical Officer of Health report to the Public Works and Infrastructure Committee, SWMS and CEAT on the HIA framework, and identify proposed next steps in HIA implementation, including scope, timeframe and budget. The resulting report to be used in the development of the Terms of Reference for the undertaking.
3. City Council pre-approve funds in the amount of \$106,000, inclusive of all taxes, in the Solid Waste Management Services 2007 capital budget for the development of the Privacy Impact Assessment and Health Impact Assessment framework.

(January 3, 2007) letter from the Community Environmental Assessment Team.

Committee Recommendations

The Public Works and Infrastructure Committee recommends that:

1. the Corporate Access and Privacy Office, in consultation with CEAT and the General Manager of Solid Waste Management Services (SWMS) oversee and develop a Privacy Impact Assessment (PIA). The PIA should be undertaken on the public consultations to be held both inside and outside of Toronto by CEAT and SWMS to facilitate input and feedback from stakeholders in jurisdictions potentially affected by the siting of a facility to manage residual waste from Toronto.
 - a. CEAT public consultation activities input sessions should commence with the conclusion of the PIA completion and acceptance.
 - b. Upon review and acceptance of the PIA recommendations, the Chairs of the Public Works and Infrastructure Committee and CEAT and the General Manager, SWMS will sign the PIA. The resulting report to be used in the development of the Terms of Reference for the undertaking.
 - c. The PIA will be conducted under the direction and oversight of the Corporate Access and Privacy Office; and
2. the Toronto Medical Officer of Health;
 - a. in consultation with CEAT and the General Manager of SWMS, oversee the development of a Health Impact Assessment (HIA) framework to be used in evaluating potential technologies and sites for managing Toronto's solid waste; and
 - b. the Toronto Medical Officer of Health report to the Public Works and Infrastructure Committee, SWMS and CEAT on the HIA framework, and identify proposed next steps in HIA implementation, including scope, timeframe and budget. The resulting report to be used in the development of the Terms of Reference for the undertaking; and
3. City Council pre-approve funds in the amount of \$106,000, inclusive of all taxes, in the Solid Waste Management Services 2007 capital budget for the development of the Privacy Impact Assessment and Health Impact Assessment framework.

Financial Impact

A budget of up to \$53,000, inclusive of all taxes, has been identified for the PIA. The 2007 recommended Capital Budget for Solid Waste Management Services has identified \$1.135 million cash flow in 2007 for the Environmental Assessment, which includes operating costs for CEAT (CSW004-16-01).

CEAT supports the expenditure of up to \$53,000 for the PIA from the recommended Capital Budget.

A budget of up to \$53,000, inclusive of all taxes has been identified for the HIA "Framework development". The 2007 recommended Capital Budget for Solid Waste Management Services has identified \$1.135 million cash flow in 2007 for the Environmental Assessment, which includes operating costs for CEAT (CSW004-16-01). Upon completion of the HIA "Framework development", the Medical Officer of Health will advise CEAT and the General Manager of Solid Waste Management Services on the proposed budget for the total HIA implementation during the environmental assessment.

CEAT supports the expenditure of funds for the HIA from the recommended Capital Budget.

Summary

The Community Environmental Assessment Team (CEAT) was created by Toronto City Council in February 2006 to guide the City's environmental assessment for the management of residual solid waste under the Ontario Environmental Assessment Act. As part of the development of the terms of reference and the undertaking of the environmental assessment for the management of residual solid waste, CEAT recommends that the following two impact assessments be conducted on: a. Privacy, for the design of public consultations used to gather the public's views on solid waste management options; and b. Health, to ensure that the evaluation of waste management technologies and sites identifies potential cumulative effects on the health of affected populations, and the distribution of those effects among populations, especially those identified as being vulnerable.

Background Information

2007-pw2-3a-2

(<http://www.toronto.ca/legdocs/mmis/2007/pw/bgrd/backgroundfile-609.pdf>)

2007-pw2-3a-1

(<http://www.toronto.ca/legdocs/mmis/2007/pw/bgrd/backgroundfile-610.pdf>)

Speakers

Philip Knox, Community Environmental Assessment Team

3a Status Report Regarding the City of Toronto's Environmental Assessment of a Long-Term Post-Diversion Solid Waste Management System and the Community Environmental Assessment Team

(January 3, 2007) report from the Acting General Manager, Solid Waste Management Services.

Summary

The purpose of this report is to provide the Public Works and Infrastructure Committee with a status report on the City of Toronto's Environmental Assessment of a long-term post-diversion solid waste management system and high-light the work of the Community Environmental Assessment Team (CEAT).

Background Information

2007-pw2-3

(<http://www.toronto.ca/legdocs/mmis/2007/pw/bgrd/backgroundfile-608.pdf>)

Submitted Wednesday, January 17, 2007

Councillor Glenn De Baeremaeker, Chair, Public Works and Infrastructure Committee