

Executive Committee

Meeting No.	21	Contact	Patsy Morris, Committee Administrator
Meeting Date	Tuesday, June 3, 2008	Phone	416-392-9151
Start Time	9:30 AM	E-mail	pmorris@toronto.ca
Location	Committee Room 1, City Hall		

Attendance

Members of the Executive Committee were present for some or all of the time periods indicated under the section headed "Meeting Sessions", which appears at the end of the Minutes.

Mayor David R. Miller, Chair	X
Councillor Shelley Carroll	X
Councillor Janet Davis	X
Councillor Glenn De Baeremaeker	X
Councillor Paula Fletcher	X
Councillor Norm Kelly	X
Councillor Gloria Lindsay Luby	R
Councillor Giorgio Mammoliti	X
Councillor Pam McConnell	X
Councillor Joe Mihevc	X
Councillor Howard Moscoe	X
Deputy Mayor Joe Pantalone, Vice-Chair	X
Councillor Kyle Rae	X

Regrets

Councillor Lindsay Luby.

On motion by Councillor Mammoliti, the Executive Committee confirmed the Minutes of the Meeting held on May 5, 2008.

EX21.1	ACTION	Amended		Ward: All
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Toronto Museum Project

(May 20, 2008) Report from Sue Corke, Deputy City Manager

Recommendations

The Deputy City Manager responsible for Economic Development, Culture and Tourism recommends that:

1. Council approve in principle the revised and reduced scale for the Toronto Museum Project as outlined in Attachment #1 and approve the continued development of the Museum Project;
2. Council recognize the Toronto Museum Project Champions, listed in Attachment #2, as primary community stewards to provide advice and advocacy in the development of the Toronto Museum Project;
3. Council authorize the General Manager of Economic Development, Culture and Tourism, with the assistance of the Toronto Museum Project Champions and in consultation with the City Manager, to apply to the Provincial and Federal Governments for developmental funding to support the necessary background studies for the Toronto Museum Project and to negotiate and execute any required agreements in that regard, on such terms and conditions as are satisfactory to the General Manager of Economic Development, Culture and Tourism, and the City Manager, in a form acceptable to the City Solicitor;
4. Council direct the Deputy City Manager and Chief Financial Officer to establish a Toronto Museum Project Reserve Fund to accept donations and other contributions in support of the project;
5. Council authorize the General Manager of Economic Development Culture and Tourism in consultation with the Chief Corporate Officer and other City staff as required, to issue the first stage of a potential two-stage request for proposal to invite interest from private sector developer(s) in a mixed-use redevelopment of the Canada Malting site shown in Attachment #3, to include the Toronto Museum Project, and to prequalify such developer(s) for participation in any further call process, based on the following key elements:
 - a. qualifications, reputation and creativity of the developer;
 - b. qualifications and relative experience of the architect and consultant team being proposed;
 - c. financial ability and stability of the developer;

- d. understanding of and integration of the Toronto Museum Project into the proposed mixed-use redevelopment;
 - e. respect for and preservation of the heritage of the Canada Malting site and understanding of how best to integrate any private mixed-use development into the neighbouring urban fabric; and
 - f. value of financial return to the City.
6. Council direct the General Manager of Economic Development, Culture and Tourism and the Deputy City Manager and Chief Financial Officer to report back on the results of stage one of the Request for Proposals and on the associated impact on the financial viability of the Toronto Museum Project business plan;
 7. Council authorize the General Manager of Economic Development, Culture and Tourism to proceed at the appropriate time with all necessary planning studies required to accommodate the proposed mixed-use redevelopment on the Canada Malting site;
 8. Council direct that any mixed-use redevelopment of the Canada Malting site strive to retain those portions of those structures on this site that the City has determined to be of significant cultural and heritage value, particularly, but not limited to, the 1928 and 1944 silos as iconic, landmark elements;
 9. A further report be submitted by the Chief Corporate Officer identifying the estimated amount to stabilize and make safe the 1928 and 1944 silos in order to provide public access to Ireland Park and with the intention that Facilities and Real Estate's capital budget request for 2009 be increased to include this work;
 10. Council authorize the Chief Corporate Officer in consultation with the General Manager of Economic Development, Culture and Tourism, to enter into negotiations with the Toronto District School Board to amend the lease and licence agreements and any other relevant agreements between the parties on such terms and conditions as are deemed appropriate by the Chief Corporate Officer and the General Manager of Economic Development, Culture and Tourism to facilitate any proposed mixed-use redevelopment of the Canada Malting site, and to report back to the Council on the results of such negotiations;
 11. Council authorize the Chief Corporate Officer in consultation with the General Manager of Economic Development, Culture and Tourism to take the necessary steps to amend or remove the restrictive covenants on title to the Canada Malting site to allow for the proposed mixed-use redevelopment, on such terms and conditions as are deemed appropriate by them, in a form satisfactory to the City Solicitor;
 12. Council authorize the Chief Corporate Officer, in consultation with the General Manager of Economic Development, Culture and Tourism to identify and negotiate appropriate amendments, including termination, to the terms and conditions of any other agreements and instruments which affect title or impact the proposed mixed-use

redevelopment of the Canada Malting site, and to report back to Council on the results of such negotiations.

Financial Impact

The Toronto Museum Project is being planned to have minimal financial impact on the City of Toronto. A mixed-use redevelopment of the City-owned Canada Malting site could generate a significant portion of the required funding to complete the Toronto Museum Project, with the balance being obtained from other sources including from private and corporate donations, and government funding. There is a need for a modest City investment in the developmental stages of the project so that the plans can be articulated in further detail and to allow the Request for Proposal for the Canada Malting site to proceed.

Capital Budget

The Canada Malting site will require substantial investment to stabilize the silo structures, demolish any structures that will not be retained and, if necessary, to remediate the soil. It is intended that the City will stabilize the structures in order to provide public access to Ireland Park, but any other rehabilitation or demolition work that would be undertaken as part of the proposed mixed-use redevelopment would be the responsibility of and at the discretion of the developer(s). Facilities and Real Estate is in the process of having a report completed that will address the immediate repairs to stabilize the silo structures and make it safe for public access along the east and south elevations of the building. Once that report is completed, a further report will be submitted by the Chief Corporate Officer requesting an increase to Facilities and Real Estates' 2009 Capital Budget.

In 2008, Culture requires \$170,000 in debt funding to begin work on the background studies required for any mixed-use redevelopment of the site, prepare the first stage of the recommended Request for Proposals and further develop the content and approach for the Toronto Museum Project. Culture can allocate \$50,000 from the Conservation and Collections Care sub-project and the Fort York Restoration sub-project for this purpose. Before additional funds are expended, the Deputy City Manager responsible for Economic Development, Culture and Tourism will identify a source of funds for \$120,000 for the Toronto Museum Project in the second quarter Capital Variance report.

For 2009, funding of \$650,000 gross/\$350,000 net has been included in the Culture Capital Budget plan to cover the expenses associated with any subsequent stage to the Request for Proposals process that may be authorized by Council following the results of the first stage.

In the 10-year Capital Budget Outlook, the Toronto Museum Project is being planned so that it can be constructed with no debt financing from the City of Toronto. The estimated \$100 million cost of this project is currently forecasted in Culture Capital in 2013 as \$100 million gross/\$0 net (in 2008 dollars). The Toronto Museum Project would be funded by contributions from other levels of government, corporations and individual donors.

Operating Budget

It is proposed that the Toronto Museum Project would be operated by a private non-profit entity with a total budget of approximately \$8 million, (in 2008 dollars) when it opens in 2015.

It would then require funding from the City in keeping with the level of City support for Major Cultural Organizations.

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

Summary

The Toronto Museum Project is dedicated to chronicling the extraordinary story of Toronto as seen through the lens of social, cultural and economic diversity with a strong emphasis on the development of the city after World War II. It will deepen the relationship between Toronto's residents and their aspirations by exploring Toronto's past, present and future.

As Canada's largest urban region, Toronto is uniquely positioned to address contemporary issues of provincial, national and international significance. The Toronto Museum Project will provide a physical presence for global dialogue, and a hub for exploring liveable cities in the complex and challenging global era. It is aligned with the Agenda for Prosperity and promotes a strong tourism sector which will support Toronto's overall success as a globally competitive city.

The Toronto Museum Project, to be a private non-profit entity, is proposed to be built on the Canada Malting site at 5 Eireann Quay as part of a mixed-use redevelopment. A feasibility study has been completed which provides a draft vision, mission, and mandate, a program strategy, space and facility requirements, a business plan with capital costs, marketing strategies, operating revenue/expenses and attendance projections. The concept is based on three themes: gathering place, global village and city soul.

As a defining feature of the inner harbour, the iconic and historic silos at the Canada Malting site would have a powerful impact on the museum's identity and enrich the visitor's overall experience. Although a significant investment is required to stabilize the derelict city-owned site, this is a great opportunity of creative adaptive reuse that would contribute to the synergy of cultural amenities in the area. This report envisions a two-stage selection process to bring a developer into the project. The first stage will pre-qualify a short list of developers to participate in any potential second stage request for proposals. The results of stage one will be reported back to Council along with recommendations on whether to proceed with stage two.

Communications

(May 22, 2008) letter from James M. Russell, Co-Chair, Planning Committee, York Quay Neighbourhood Association (EX.Main.EX21.1.1)

(April 29, 2008) letter from Rosario Marchese, MPP, Trinity-Spadina (EX.Main.EX21.1.2)

(May 29, 2008) fax from Marilyn Roy, Bathurst Quay Community Resident (EX.Main.EX21.1.3)

(May 30, 2008) letter from Olivia Chow, MP, Trinity-Spadina (EX.Main.EX21.1.4)

(June 2, 2008) letter from Boris Broz, Vice-President Toronto Harbourfront Community Association (EX.Main.EX21.1.5)

(June 2, 2008) e-mail from James M. Plaxton and Stephanie Tjelios (EX.Main.EX21.1.6)

(June 2, 2008) letter from Jeanhy Shim, BQNA Member, Tip Top Lofts (EX.Main.EX21.1.7)

(June 1, 2008) letter from John Bessai, Bathurst Quay Resident (EX.Main.EX21.1.8)

(May 30, 2008) letter from Cathy Ord, President, For the Board of Directors, Arcadia Housing Co-operative Inc. (EX.Main.EX21.1.9)

(June 2, 2008) letter from Peter Freed, President, Freed Development Ltd. (EX.Main.EX21.1.10)

(June 1, 2008) letter from Mary Ann Rochon, Chair, Board of Management, Harbourfront Community Centre (EX.Main.EX21.1.11)

(June 2, 2008) e-mail from Michael Jordan, Halsall Associates Ltd (EX.Main.EX21.1.12)

(June 2, 2008) e-mail from Pat Brennan, Patricia Brennan Studio (EX.Main.EX21.1.13)

Speakers

Ms. Joan Prowse, Harbourfront Community Centre

Mr. Tom Bessai, University of Toronto

Mr. James Russell, York Quay Neighbourhood Association

Ms. Jeanhy Shim, Member, Bathurst Quay Neighbourhood Association

Mr. Kevin Currie, Chair, Queen's Quay Harbourfront Business Improvement Area

Councillor Doug Holyday, Ward 3, Etobicoke Centre

Councillor Adam Vaughan, Ward 20, Trinity-Spadina

Committee Recommendations

On motion by Councillor Carroll, the Executive Committee recommended that:

1. Council approve in principle the revised and reduced scale for the Toronto Museum Project as outlined in Attachment #1 and approve the continued development of the Museum Project.
2. Council recognize the Toronto Museum Project Champions, listed in Attachment #2, as primary community stewards to provide advice and advocacy in the development of the Toronto Museum Project.
3. Council authorize the General Manager of Economic Development, Culture and Tourism, with the assistance of the Toronto Museum Project Champions and in consultation with the City Manager, to apply to the Provincial and Federal Governments for developmental funding to support the necessary background studies for the Toronto Museum Project and to negotiate and execute any required agreements in that regard, on such terms and conditions as are satisfactory to the General Manager of Economic Development, Culture and Tourism, and the City Manager, in a form acceptable to the City Solicitor.
4. Council direct the Deputy City Manager and Chief Financial Officer to establish a Toronto Museum Project Reserve Fund to accept donations and other contributions in support of the project.
5. Council authorize the General Manager of Economic Development Culture and Tourism in consultation with the Chief Corporate Officer and other City staff as required, to issue the first stage of a potential two-stage request for proposal to invite interest from private sector developer(s) in a mixed-use redevelopment of the Canada Malting site shown in Attachment #3, to include the Toronto Museum Project, and to prequalify such developer(s) for participation in any further call process, based on the

following key elements:

- a. qualifications, reputation and creativity of the developer;
 - b. qualifications and relative experience of the architect and consultant team being proposed;
 - c. financial ability and stability of the developer;
 - d. understanding of and integration of the Toronto Museum Project into the proposed mixed-use redevelopment;
 - e. respect for and preservation of the heritage of the Canada Malting site and understanding of how best to integrate any private mixed-use development into the neighbouring urban fabric; and
 - f. value of financial return to the City.
6. The Request for Proposal, as outlined in the foregoing Recommendation 5, not be circulated until after the report, which has been requested in Recommendation 10. to be submitted in September 2008, is completed.
 7. Council direct the General Manager of Economic Development, Culture and Tourism and the Deputy City Manager and Chief Financial Officer to report back on the results of stage one of the Request for Proposals and on the associated impact on the financial viability of the Toronto Museum Project business plan.
 8. Council authorize the General Manager of Economic Development, Culture and Tourism to proceed at the appropriate time with all necessary planning studies required to accommodate the proposed mixed-use redevelopment on the Canada Malting site.
 9. Council direct that any mixed-use redevelopment of the Canada Malting site strive to retain those portions of those structures on this site that the City has determined to be of significant cultural and heritage value, particularly, but not limited to, the 1928 and 1944 silos as iconic, landmark elements.
 10. The Chief Corporate Officer be requested to submit a report to the September 2008, Executive Committee identifying the estimated expenditure and funding options to stabilize and/or make safe the 1928 and 1944 silos inclusive of access from the east sides of the silos.
 11. The Executive Director, Facilities and Real Estate, be requested to construct a pathway on the west side of the Canada Malting site to provide access to Ireland Park at a cost not to exceed \$100,000 with funding to be re-assigned from the Facilities and Real Estate 2008 Capital Budget.

12. Council authorize the Chief Corporate Officer in consultation with the General Manager of Economic Development, Culture and Tourism, to enter into negotiations with the Toronto District School Board to amend the lease and licence agreements and any other relevant agreements between the parties on such terms and conditions as are deemed appropriate by the Chief Corporate Officer and the General Manager of Economic Development, Culture and Tourism to facilitate any proposed mixed-use redevelopment of the Canada Malting site, and to report back to the Council on the results of such negotiations.
13. Council authorize the Chief Corporate Officer in consultation with the General Manager of Economic Development, Culture and Tourism to take the necessary steps to amend or remove the restrictive covenants on title to the Canada Malting site to allow for the proposed mixed-use redevelopment, on such terms and conditions as are deemed appropriate by them, in a form satisfactory to the City Solicitor.
14. Council authorize the Chief Corporate Officer, in consultation with the General Manager of Economic Development, Culture and Tourism to identify and negotiate appropriate amendments, including termination, to the terms and conditions of any other agreements and instruments which affect title or impact the proposed mixed-use redevelopment of the Canada Malting site, and to report back to Council on the results of such negotiations.

Decision Advice and Other Information

Ms. Rita Davies, Executive Director, Economic Development, Culture and Tourism, Ms. Sarmite Bulte, Mr. David Crombie and Mr. Pier Giorgio Di Cicco gave a presentation to the Executive Committee regarding the Toronto Museum Project.

Motions

Motions to Amend Item (Additional) moved by Councillor Shelley Carroll: **(Carried)**
Recommendations 6. 10. and 11

Motion to Adopt Item, as Amended, moved by Councillor Shelley Carroll **(Carried)**

Links to Background Information

Toronto Museum Project

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13187.pdf>

Toronto Museum Project - Update to the Business Plan - Attachment 1

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13188.pdf>

Toronto Museum Project Champions - Attachment 2

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13245.pdf>

Proposed Location - Canada Malting Site - Attachment 3

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13246.pdf>

EX21.2	ACTION	Amended		Ward: All
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City-Based Measures to Address Gun Violence

(May 22, 2008) Report from the City Manager

Recommendations

It is recommended that Council:

In keeping with the City's preventative efforts to address gun violence, ensuring that Toronto's public and private spaces do not support gun violence, in action or by appearance, will contribute to making a safe city safer.

Land Use Zoning

1. Direct the Chief Planner and Executive Director, in consultation with the City Solicitor, to prepare a zoning by-law to restrict uses permitting the discharge of guns, including firing ranges and gun clubs, to establishments operated by a police service of the City or the Provincial or Federal Government and establishments operated by the Department of National Defence, and restrict and/or prohibit establishments that manufacture, assemble, warehouse and/or distribute guns and that the by-law be brought forward to a public meeting at the September 10, 2008 meeting of the Planning and Growth Management Committee.
2. Direct staff to give notice for the public meeting under the Planning Act in accordance with the regulations under the Planning Act.

Recreational Use of Firearms on City Property

3. Direct the City of Toronto to cancel the permit to Scarborough Rifle Club with respect to its use of the rifle range at Don Montgomery Community Recreation Centre and the General Manager, Parks Forestry and Recreation or designate be authorized to give notice of such cancellation.
4. Direct the City of Toronto to terminate the lease to the CNRA Gun Club with respect to its use of a firing range at Union Station and the Chief Corporate Officer or designate be authorized to give notice of such termination.
5. Direct the City Manager to add "shooting ranges", "gun clubs" and the promotion of firearms use, in general, to the list of unacceptable uses of City facilities for permit or lease, except for permits or leases for use by a police service of the City, provincial or federal governments or the Chief Firearms Officer.

The City has a mandate to ensure its prevention and enforcement efforts are responsive to the shifting challenges presented by handgun violence, with a particular importance on ensuring efforts address the public health and safety threat faced by Toronto's residents at greatest risk.

Monitoring the Incidents and Impacts of Gun Violence

6. Direct the Deputy City Manager, Cluster A to develop a comprehensive system to track the impacts and incidents of firearm violence and injury in Toronto on an ongoing basis, as part of the City's Community Safety Plan.

In keeping with the City's prevention programming investments through the "Making a Safe City Safer" initiative, the City has a mandate to provide support programs that assist youth engaged in illegal gun activities to break the cycle of violence and serve as positive role models for vulnerable youth.

Providing Social Supports to Break the Cycle of Violence

7. Direct the City Manager, in consultation with the Chief of Police, to seek further funding partnership opportunities through the National Crime Prevention Strategy to benefit community-based safety and crime prevention initiatives.
8. Direct the Deputy City Manager, Cluster A, in consultation with the Toronto Police Service, to work with staff from the National Crime Prevention Centre and other relevant federal and provincial ministries to facilitate approval of the City's application for funding for a 'gang exit' wrap around support initiative, in keeping with the goals of the National Crime Prevention Strategy.

The City has a responsibility to engage with other orders of government, international bodies and non-governmental organizations to ensure legislation, regulations and litigation that advance the City's efforts to reduce handgun violence in Toronto are effectively advanced.

Intergovernmental Advocacy Opportunities

9. Advocate against the repeal of the long gun registry (Bill C-24, the act to amend the Criminal Code and the Firearms Act).
10. Request the Government of Ontario to consider regulations relating to the licensing of restricted firearms (handguns) for target shooting, similar to the legislation enacted by the Government of Quebec.
11. Request the Toronto Police Services Board to consider the proposed Ontario Private Member's Bill 56, which permits the suspension of drivers' licenses and detention of vehicles connected to unlawfully possessed firearms.
12. Urge the federal government to implement the Firearms Marking Regulations, recently deferred to December 2009, which will permit the Government of Canada to ratify the OAS Convention, and the UN Firearms Protocol.
13. Request the federal government to address the international impacts of U.S. gun control laws.

Financial Impact

Approval of this report will result in the loss of \$3,655 in 2008 and \$4,898 in 2009 in Parks, Forestry and Recreation permit fees and Facilities and Real Estate lease payments from the cancellation recreational permit fees from the Don Montgomery CRC shooting range, and from the cancellation of the lease agreement with the CNRA Gun Club.

Rec'd	Shooting Range Facility	Recommended City Action	June –Dec 2008	2009 (incremental)
3	Scarborough Rifle Club – Don Montgomery C.R.C.	Cancel recreation permit	\$ 3,155	\$4,398
4	CNRA Gun Club – Union Station	Cancel lease agreement	\$500	\$ 500

The Deputy City Manager will report back on the budget implications of developing and implementing a system to track the impacts and incidents of firearm violence through the 2009 Operating Budget process.

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

Summary

Toronto is a remarkably safe city compared to other large urban centres in North America. The combined prevention and enforcement efforts of the Government of Canada, the Government of Ontario, and the City of Toronto work to uphold this high degree of safety. In accordance with the balanced approach to gun violence equally employing prevention and enforcement established through the City's 2004 Community Safety Plan, the City has undertaken significant investment in prevention programming and enforcement innovations through the "Making a Safe City Safer" initiative.

However, at national, provincial and local levels handguns continue to be a persistent threat to the safety and security of Canadians. Although the City is constrained by federal and provincial law from exercising direct regulatory control over handguns, there are a number of options available to the City to address handgun violence that build upon Toronto's existing approach of balanced preventative programming investment and innovative enforcement techniques.

This report provides an overview of the findings of the "City of Toronto: City-Based Measures to Address Gun Violence" Options Paper prepared by an interdivisional staff team tasked with examining the public health and safety threat of handgun violence and identifying options for further City action. By employing land use zoning bylaws, strengthening the City's ability to support existing innovative prevention programs, establishing clear City directives on appropriate uses of City facilities and engaging in an active national advocacy campaign on firearms issues, the City can maximize the opportunities it has to act within its jurisdictional authority to specifically reduce the availability of handguns. This approach is consistent with the City's balanced prevention and enforcement efforts focusing on making a safe city safer.

Communications

- (June 2, 2008) e-mail from Gary Richardson (EX.Main.EX21.2.1)
- (June 3, 2008) letter from Patrick Haynes (EX.Main.EX21.2.2)
- (June 3, 2008) e-mail from Max Moore (EX.Main.EX21.2.3)
- (June 3, 2008) e-mail from Mike Petrilli (EX.Main.EX21.2.4)

Speakers

- Mr. Geoff Currie (Submission Filed)
- Dr. Alok Mukherjee, Chair, Toronto Police Services Board
- Mr. Michael Bennett, President, Scarborough Rifle Club
- Ms. Maureen Spinney
- Mr. Dan Haggarty
- Mr. Jose Dungo
- Mr. Martin Traub-Werner (Submission Filed)
- Ms. Audette Shephard and Ms. Elaine Lumley, UMOVE
- Ms. Judith Ross
- Mr. Tom Bradbeer, CNRA Handgun Club
- Ms. Shari Akow
- Mr. Mike Prest
- Mr. Des Vamplew, Chair, Ontario Rifle Association
- Mr. Mohamed Gilao, Executive Director, Dejinta Beesha (Submission Filed)
- Mr. Tony Bernardo, Canadian Shooting Sports Assoc. & Canadian Institute for Legislative Action
- Mr. Bernard Becker
- Ms. Aviana Chow, Olympian (Submission Filed)
- Mr. Deva Dondapaty
- Councillor Raymond Cho, Ward 42, Scarborough-Rouge River
- Councillor Mike Del Grande, Ward 39, Scarborough-Agincourt
- Councillor Doug Holyday, Ward 3, Etobicoke Centre
- Councillor Denzil Minnan-Wong, Ward 34, Don Valley East
- Councillor Frances Nunziata, Ward 11, York South-Weston
- Councillor Karen Stintz, Ward 16, Eglinton-Lawrence
- Councillor Michael Walker, Ward 22, St. Paul's

Committee Recommendations

The Executive Committee recommended that Council:

In keeping with the City's preventative efforts to address gun violence, ensuring that Toronto's public and private spaces do not support gun violence, in action or by appearance, will contribute to making a safe city safer:

Land Use Zoning

1. Direct the Chief Planner and Executive Director, in consultation with the City Solicitor, to prepare a zoning by-law to restrict uses permitting the discharge of guns, including firing ranges and gun clubs, to establishments operated by a police service of the City or the Provincial or Federal Government and establishments operated by the Department of National Defence, and restrict and/or prohibit establishments that manufacture,

assemble, warehouse and/or distribute guns and that the by-law be brought forward to a public meeting at the September 10, 2008 meeting of the Planning and Growth Management Committee.

2. Direct staff to give notice for the public meeting under the Planning Act in accordance with the regulations under the Planning Act.

Recreational Use of Firearms on City Property

3. Direct the City of Toronto to cancel the permit to Scarborough Rifle Club with respect to its use of the rifle range at Don Montgomery Community Recreation Centre and the General Manager, Parks Forestry and Recreation or designate be authorized to give notice of such cancellation.
4. Direct the City of Toronto to terminate the lease to the CNRA Gun Club with respect to its use of a firing range at Union Station and the Chief Corporate Officer or designate be authorized to give notice of such termination.
5. Direct the Chief Planner to report to the Planning and Growth Management Committee on possible options for the Scarborough Rifle Club and the CNRA Hand Gun Club to re-establish themselves on private property in the City of Toronto so they are grandparented in the same manner as the other shooting ranges on private property; such report to be brought forward at the time of the report recommending zoning regulations for shooting ranges. **(Motion by Councillor Kelly)**
6. Direct the City Manager to add “shooting ranges”, “gun clubs” and the promotion of firearms use, in general, to the list of unacceptable uses of City facilities for permit or lease, except for permits or leases for use by a police service of the City, provincial or federal governments or the Chief Firearms Officer.

The City has a mandate to ensure its prevention and enforcement efforts are responsive to the shifting challenges presented by handgun violence, with a particular importance on ensuring efforts address the public health and safety threat faced by Toronto’s residents at greatest risk.

Monitoring the Incidents and Impacts of Gun Violence

7. Direct the Deputy City Manager, Cluster A to develop a comprehensive system to track the impacts and incidents of firearm violence and injury in Toronto on an ongoing basis, as part of the City’s Community Safety Plan.

In keeping with the City’s prevention programming investments through the “Making a Safe City Safer” initiative, the City has a mandate to provide support programs that assist youth engaged in illegal gun activities to break the cycle of violence and serve as positive role models for vulnerable youth.

Providing Social Supports to Break the Cycle of Violence

8. Direct the City Manager, in consultation with the Chief of Police, to seek further funding partnership opportunities through the National Crime Prevention Strategy to benefit community-based safety and crime prevention initiatives.
9. Direct the Deputy City Manager, Cluster A, in consultation with the Toronto Police Service, to work with staff from the National Crime Prevention Centre and other relevant federal and provincial ministries to facilitate approval of the City's application for funding for a 'gang exit' wrap around support initiative, in keeping with the goals of the National Crime Prevention Strategy.

The City has a responsibility to engage with other orders of government, international bodies and non-governmental organizations to ensure legislation, regulations and litigation that advance the City's efforts to reduce handgun violence in Toronto are effectively advanced.

Intergovernmental Advocacy Opportunities

10. Advocate against the repeal of the long gun registry (Bill C-24, the act to amend the Criminal Code and the Firearms Act).
11. Request the Government of Ontario to consider regulations relating to the licensing of restricted firearms (handguns) for target shooting, similar to the legislation enacted by the Government of Quebec.
12. Request the Toronto Police Services Board to consider the proposed Ontario Private Member's Bill 56, which permits the suspension of drivers' licenses and detention of vehicles connected to unlawfully possessed firearms.
13. Urge the federal government to implement the Firearms Marking Regulations, recently deferred to December 2009, which will permit the Government of Canada to ratify the OAS Convention, and the UN Firearms Protocol.
14. Request the federal government to address the international impacts of U.S. gun control laws.
15. Request the City Solicitor, in consultation with the City Manager and Chief of Police, to review the powers under the licensing provisions of the City of Toronto Act to regulate/and or limit the sale of ammunition for hand guns and assault weapons similar to the regulations implemented for fireworks. **(Motion by Councillor Moscoe)**
16. Request the City Manager to report to the September, 2008 meeting of the Executive Committee, regarding actions and strategies available to the City of Toronto to control, within its borders, the manufacture, sale and purchase and possession of ammunition for firearms; such report to include comment on the control of the separate components used to assemble ammunition for firearms. **(Motion by Mayor Miller on behalf of Councillor Walker)**

Decision Advice and Other Information

Ms. Shirley Hoy, City Manager and Ms. Nancy Matthews, Executive Director, Social Development, Finance and Administration, provided a presentation to the Executive Committee regarding the City-Based Measures to Address Gun Violence and filed a copy of their presentation material.

Motions

Point of Order by Councillor Giorgio Mammoliti (**Withdrawn**):

That, given the size of the agenda, speakers be limited to 3 minutes instead of 5 minutes.

Motion to Amend Item (Additional) moved by Councillor Norman Kelly (**Carried**):
Recommendation 5.

Motion to Amend Item (Additional) moved by Councillor Howard Moscoe (**Carried**):
Recommendation 15.

Motion to Amend Item (Additional) moved by Mayor David Miller (**Carried**):
Recommendation 16.

Motion to Adopt Item as Amended moved by Councillor Howard Moscoe (**Carried**):

Motion to Extend the Meeting moved by Mayor David Miller (**Carried**):
Morning session.

Links to Background Information

City-Based Measures to Address Gun Violence

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13189.pdf>)

City of Toronto: City-Based Measures to Address Gun Violence

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13190.pdf>)

EX21.3	ACTION	Deferred		Ward: 19, 20, 23, 27, 28
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Toronto Street Food Pilot Implementation

(May 13, 2008) Report from Sue Corke, Deputy City Manager and Victor Tryl, Acting Director Purchasing and Materials Management

Recommendations

The Deputy City Manager and the Acting Director of Purchasing and Material Management recommends that:

1. Council accept the proposal (dated February 29, 2008) from the consortium of JAF Co., Crown Verity and Equilease, submitted in response to the Request for Expressions of Interest No. 0616-08-7021 and authorize agreements with Crown Verity and Equilease Corp on the terms described in the body of this report and Attachment A, and such other

terms as may be satisfactory to the Deputy City Manager and the City Solicitor;

2. The thirteen Pilot food vending cart locations described in the body of this report and in Attachment C be approved and, with consultation with Business Improvement Areas where the proposed location is in a BIA;
3. Staff be authorized to initiate a food vendor selection process substantially as described in the body of this report and select the food vendors;
4. Selected food vendors be assigned one of the locations shown on Attachment C and be subject to the location fees as described in the body of this report;
5. Selected food vendors be subject to the location permit, business licensing, inspection fees and other regulations described in the body of this report;
6. The regulations pertaining to the implementation and operation of the Pilot in the approved locations be approved substantially as described in this report (and including such other terms as may be satisfactory to the Deputy City Manager and the City Solicitor) and the City Solicitor draft and introduce any necessary amendments to City by-laws and the Municipal Code, including Municipal Code Chapter 545, Licensing, as required to implement and regulate the operation of the Pilot at the proposed locations; and,
7. The “Toronto a la cart” logo shown on Attachment F be approved as the mark for the Pilot and any subsequent program and staff be authorized to take the necessary actions to secure the exclusive rights for the City to use this logo and Council express its appreciation to Tourism Toronto and Leo Burnett Company for their generous contribution in developing and designing the logo.

Financial Impact

In 2008 the cost to the City for the Pilot will be approximately \$1,000, resulting from the application for the Official Mark and the words “Toronto a la Cart”. The City has the potential to earn approximately \$60,000 annually, starting in 2009, from the location fees (rents) charged to selected food vendors during the Pilot.

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

Summary

This report is to address the steps taken to implement the Toronto Street Food Pilot (Pilot) project that is intended to introduce the sale of safe, healthy, nutritious and ethnically-diverse foods and to evaluate the commercial viability of an expanded program. The report includes the results of the Request for Expressions of Interest (REOI) directed by Council at its meeting of January 29 and 30, 2008, the investigation of partnership funding, the consultation process, and progress on the application for the official mark and related matters. It further requests authority to conduct the next steps, including conclusion of agreements with the Recommended Respondents, vendor selection, establishing an expert selection panel, approval and allocation of locations, institution of location fees (rents), and a schedule required to implement the Pilot,

which would operate for a five year term. An evaluation of the Pilot would be conducted after a full year of operation.

Communications

(June 2, 2008) letter from James L. Robinson, Executive Director, Downtown Yonge Business Improvement Area (EX.Main.EX21.3.1)

Speakers

Councillor John Filion, Ward 23, Willowdale

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

Decision Advice and Other Information

On motion by Councillor Moscoe, on behalf of Councillor Filion, the Executive Committee:

1. deferred consideration of the report (May 13, 2008) from Sue Corke, Deputy City Manager, and the Acting Director, Purchasing and Materials Management, until its meeting scheduled to be held in November;
2. referred the street food project to the Toronto Board of Health to develop recommendations for the introduction of healthy, ethnically diverse food, and report back to the Executive Committee by November 2008; and
2. requested staff of the various city departments to assist the Medical Officer of Health and the Chair of the Board of Health in the formulation of a street food plan.

Motions

Motion to Defer Item moved by Councillor Howard Moscoe (**Carried**)

Links to Background Information

Toronto Street Food Pilot Implementation

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13199.pdf>

Proposed Vendor Locations - Attachment C

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13557.pdf>

EX21.4	ACTION	Amended		Ward: All
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Management Agreement with Kiwanis Club of Casa Loma

(May 20, 2008) Report from the City Manager

Recommendations

The City Manager recommends that Council:

1. approve the Management Agreement with the Kiwanis Club of Casa Loma, Toronto substantially in the form of Attachment 1 to this report for a term of 20 years and 6 months beginning July 1, 2008 and ending on December 31, 2028; and
2. authorize the Chief Corporate Officer to administer and manage the Management Agreement including the provision of 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.

Financial Impact

The operation of Casa Loma will continue to be self-sustaining. As part of the agreement, the accumulated chattels (valued at over \$1.3 million) currently used at Casa Loma and owned by the Kiwanis will be purchased to form part of the City assets at no direct cost to the City. Payments of \$50 thousand per year for 20 years will be provided from Casa Loma operating revenues over the term of the agreement.

The exterior restoration of Casa Loma and other major capital repairs will continue to be the City’s responsibility and form part of the Economic Development, Culture and Tourism Division’s 5-year capital plan. This agreement provides for revenue of \$800 thousand per year from the operation of Casa Loma to be deposited in the City’s Casa Loma Capital Reserve Fund. These annual payments, indexed to inflation, are payable for 20 years as part of the Management Agreement and will be re-invested in the renewal of the Casa Loma estate. The City’s 5-year capital plan already includes this \$800 thousand per year for 5 years and \$3.7 million in debt funding. It is anticipated that the capital requirements will continue at that level for the following 5 years as well.

Under the current license agreement, the Kiwanis pays approximately \$178 thousand in 2008 property taxes. Under the proposed new relationship, this new agreement is structured as a management agreement where the Kiwanis, through a joint board, will operate the facility on behalf of the City. Accordingly it is anticipated that the assessed values for all or a portion of the estate may be exempted by MPAC from payment of property taxes in future. Any amount exempted up to the equivalent of the 2008 property taxes levied and indexed by inflation will be re-invested under the terms of this agreement in making improvements to the Casa Loma program. If approved, this will result in a small reduction in property taxes to the City.

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

Summary

Casa Loma is a key heritage landmark, premier tourist attraction, and unique special events venue. The property is owned by the City and has been operated through a license agreement by the Kiwanis Club of Casa Loma, Toronto since 1937. In July 2007, Council approved a new Strategic Vision for Casa Loma and authorized staff to negotiate a new agreement between the City and the Kiwanis. This report recommends approval of the new agreement that implements Council's vision, creates a governance structure to provide balanced representation of community and City interests, and restructures the financial arrangements to continue Casa Loma as a self-sustaining operation, while contributing to the City's capital repair obligations including the on-going exterior restoration.

This report, as reflected in the attached Management Agreement, recommends a new relationship where the Kiwanis manages the operation on behalf of the City through a new Casa Loma Board, restructured with equal participation of members appointed by the City and by the Kiwanis. The agreement also preserves some key elements of the earlier arrangement including the Garden Club Agreement, Free Access Days, and the periodic use of the facility by the Kiwanis and the City.

The effort to revitalize Casa Loma through restructuring of the management agreement and ongoing reinvestment is timely as tourism in Ontario faces challenges due to unfavourable economic circumstances.

The current agreement with the Kiwanis expires at the end of 2008 and bookings for events in 2009 and subsequent years are already being requested. It is essential that a new agreement be put in place immediately to ensure continuity of operations and to permit revitalization of Casa Loma in tandem with the City's ongoing restoration efforts.

Communications

(May 17, 2008) letter from Brian McAuliffe (EX.Main.EX21.4.1)

Speakers

Mr. Richard Wozenilek, The Kiwanis Club

Committee Recommendations

On motion by Councillor Mihevc, the Executive Committee recommended that Council:

1. Approve the Management Agreement with the Kiwanis Club of Casa Loma, Toronto substantially in the form of Attachment 1 to this report for a term of 20 years and 6 months beginning July 1, 2008 and ending on December 31, 2028.
2. Authorize the Chief Corporate Officer to administer and manage the Management Agreement including the provision of 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.

Decision Advice and Other Information

On motion by Councillor Mihevc, the Executive Committee requested the City Manager to submit a report directly to Council for its meeting scheduled to be held on June 23, 2008, on the private sector RFP process referred to in the Casa Loma Management Agreement.

Motions

Motion to Defer Item moved by Councillor Norman Kelly (**Lost**):

That the Executive Committee defer consideration of the report (May 20, 2008) from the City Manager until its meeting scheduled to be held on June 26, 2008, in order to allow members to examine this matter more closely.

Motion to Amend Item (Additional) moved by Councillor Joe Mihevc (**Carried**):

Respecting the request for the City Manager to report directly to City Council.

Motion to Adopt Item, as Amended, moved by Councillor Joe Mihevc (**Carried**)

Links to Background Information

Management Agreement with Kiwanis Club of Casa Loma

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13204.pdf>)

Garden Club Agreement - Schedule B

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13205.pdf>)

Kiwanis Club of Casa Loma - Executive Summary - Schedule C

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13206.pdf>)

Casa Loma Strategic Plan 2009 - 2013 - Schedule D

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13207.pdf>)

Heritage Designation By-Law - Schedule E

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13208.pdf>)

EX21.5	ACTION	Adopted		Ward: All
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Enwave Energy Corporation Annual Shareholders Meeting

Confidential Attachment - The security of the property of the municipality or local board

(May 15, 2008) Report from the City Manager

Recommendations

The City Manager recommends that City Council:

1. appoint the City Manager or her designate as the City's proxy holder to attend and vote the common shares of Enwave Energy Corporation owned by the City at the annual meeting of the shareholders of Enwave to be held on July 7, 2008 or any adjournment of that meeting;

2. direct the proxy holder to vote as follows at the Annual Shareholders' Meeting:
 - a. approve the minutes of the previous Annual Meeting of Shareholders held on May 30, 2007;
 - b. receive the annual financial statements of the Corporation for the period ended October 31, 2007 together with the auditor's report thereon;
 - c. receive the un-audited financial statements for the first quarter ended January 31, 2008;
 - d. reappoint the auditors, Ernst & Young LLP, Chartered Accountants, and authorize the directors to fix their remuneration; and
 - e. transact such other business as may properly come before the Meeting or any adjournment or adjournments thereof;
3. authorize and direct the Deputy City Manager and Chief Financial Officer and the City Clerk to execute on behalf of the City the common share proxy substantially in the form of Attachment 2 to this report; and
4. keep the contents of Confidential Attachment 4 to this report in their entirety confidential after the consideration of this report by Council except as routinely disclosed in the "Government Business Enterprises" section of the City's Consolidated Financial Statements.

Financial Impact

The recommendations in this report have no financial impact.

Summary

This report recommends that the City Manager or her designate be appointed the proxy holder for the City at the Annual Shareholders' Meeting of Enwave Energy Corporation ("Enwave") to be held on July 7, 2008 or any adjournment thereof, and to obtain instructions as to how the proxy holder is to vote at the Meeting.

Committee Recommendations

On motion by Councillor Moscoe, the Executive Committee recommended that City Council:

1. Appoint the City Manager or her designate as the City's proxy holder to attend and vote the common shares of Enwave Energy Corporation owned by the City at the annual meeting of the shareholders of Enwave to be held on July 7, 2008 or any adjournment of that meeting.
2. Direct the proxy holder to vote as follows at the Annual Shareholders' Meeting:
 - a. approve the minutes of the previous Annual Meeting of Shareholders held on May 30, 2007;

- b. receive the annual financial statements of the Corporation for the period ended October 31, 2007 together with the auditor’s report thereon;
 - c. receive the un-audited financial statements for the first quarter ended January 31, 2008;
 - d. reappoint the auditors, Ernst & Young LLP, Chartered Accountants, and authorize the directors to fix their remuneration; and
 - e. transact such other business as may properly come before the Meeting or any adjournment or adjournments thereof;
3. Authorize and direct the Deputy City Manager and Chief Financial Officer and the City Clerk to execute on behalf of the City the common share proxy substantially in the form of Attachment 2 to this report.
 4. Keep the contents of Confidential Attachment 4 to this report in their entirety confidential after the consideration of this report by Council except as routinely disclosed in the “Government Business Enterprises” section of the City’s Consolidated Financial Statements.

Motions

Motion to Adopt Item moved by Councillor Howard Moscoe (**Carried**)

Links to Background Information

Enwave Energy Corporation Annual Shareholders Meeting
<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13209.pdf>

EX21.6	ACTION	Adopted		Ward: All
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Toronto Hydro Corporation - Annual General Meeting, Audited Annual Financial Statements and Unaudited 1st Quarter 2008 Financial Results

(May 14, 2008) Report from the City Manager

Recommendations

The City Manager recommends that City Council:

1. consider the Council meeting to be the Annual General Meeting of the Shareholder for Toronto Hydro Corporation by:
 - a. adopting the recommendations embodied in the Toronto Hydro Corporation report, dated April 30, 2008, forming Attachment 1 to this report, that appoints

Ernst and Young as the auditor for Toronto Hydro Corporation and receives the report from the Chair of the Board of Directors; and

- b. receiving the information report of the Deputy City Manager and Chief Financial Officer, dated May 1, 2008, “Toronto Hydro Corporation – Financial Statements”, forming Attachment 2 to this report and receiving the financial statements forming Appendix A to that report; and
2. refer Toronto Hydro Corporation’s Consolidated 2007 Annual Financial Statements in Attachment 2 to the Audit Committee for review.

Financial Impact

There are no financial implications that would result from the adoption of this report.

Summary

This report recommends the actions necessary to comply with the requirements of the Business Corporations Act (Ontario) for holding an annual general meeting of the shareholder of Toronto Hydro Corporation including receipt of the audited financial statements and appointment of the auditor.

Speakers

Councillor Denzil Minnan-Wong, Ward 34, Don Valley East
Councillor Karen Stintz, Ward 16, Eglinton-Lawrence
Councillor Michael Walker, Ward 22, St. Paul’s

Committee Recommendations

On motion by Mayor Miller, the Executive Committee recommended that City Council:

1. Consider the Council meeting to be the Annual General Meeting of the Shareholder for Toronto Hydro Corporation by:
 - a. adopting the recommendations embodied in the Toronto Hydro Corporation report, dated April 30, 2008, forming Attachment 1 to this report, that appoints Ernst and Young as the auditor for Toronto Hydro Corporation and receives the report from the Chair of the Board of Directors; and
 - b. receiving the information report of the Deputy City Manager and Chief Financial Officer, dated May 1, 2008, “Toronto Hydro Corporation – Financial Statements”, forming Attachment 2 to this report and receiving the financial statements forming Appendix A to that report.
2. Refer Toronto Hydro Corporation’s Consolidated 2007 Annual Financial Statements in Attachment 2 to the Audit Committee for review.
3. Receive Toronto Hydro Corporation’s unaudited Financial Statements for the period ended March 31, 2008.

Motions

Motion to Adopt Item moved by Mayor David Miller (**Carried**)

Motion by Mayor David Miller, on behalf of Councillor Stintz, ruled Out of Order:

“That the Executive Committee recommend that City Council request the Board of Toronto Hydro to submit a report to the Executive Committee on the benefits of selling some or all of Toronto Hydro.”

Links to Background Information

Toronto Hydro Corporation - Annual General Meeting and Audited Annual Financial Statements

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13210.pdf>)

Toronto Hydro Corporation Consolidated Financial Statement - Appendix A

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13211.pdf>)

6a Toronto Hydro Corporation – Unaudited 1st Quarter 2008 Financial Results

(May 22, 2008) Report from the Deputy City Manager and Chief Financial Officer

Recommendations

The Deputy City Manager and Chief Financial Officer recommends receipt of Toronto Hydro Corporation’s unaudited Financial Statements for the period ended March 31, 2008.

Financial Impact

There are no financial implications from this report.

Summary

This report summarizes unaudited financial results for Toronto Hydro Corporation for the period ended March 31, 2008 and recommends receipt of the Financial Statements, released May 21, 2008. These documents are filed with the City Clerk’s office and are posted on the internet on the Toronto Hydro Corporation website (www.torontohydro.com) and via the SEDAR website (www.sedar.com) for Canadian public securities documents.

Links to Background Information

Toronto Hydro Corporation - Unaudited 1st Quarter 2008 Financial Results

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13212.pdf>)

EX21.7	Information	Received		Ward: All
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Transmittal of Toronto Hydro Corporation’s Public Consultation Strategy

(May 16, 2008) Report from the City Manager

Financial Impact

This report has no financial impact.

Summary

This report transmits the response of the Toronto Hydro Corporation Board of Directors to City Council’s request for a report on any new public input process it develops.

Decision Advice and Other Information

On motion by Councillor Moscoe, the Executive Committee received, for information, the report (May 16, 2008) from the City Manager, entitled “Transmittal of Toronto Hydro Corporation’s Public Consultation Strategy”.

Motions

Motion to Receive Item, for information, moved by Councillor Howard Moscoe (**Carried**)

Links to Background Information

Transmittal of Toronto Hydro Corporation’s Public Consultation Strategy

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13213.pdf>)

Toronto Hydro Corporation Letter - Attachment 1

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13214.pdf>)

EX21.8	ACTION	Adopted		Ward: All
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Toronto-York Spadina Subway Extension - Capital Funding Update

(May 20, 2008) Report from the City Manager; Deputy City Manager and Chief Financial Officer, and the Chief General Manager, Toronto Transit Commission

Recommendations

The City Manager, Deputy City Manager and Chief Financial Officer, and the Chief General Manager of the Toronto Transit Commission recommend that:

1. Council authorize the City Manager, and the Deputy City Manager and Chief Financial Officer, in consultation with the Chief General Manager, Toronto Transit Commission and the City Solicitor, to negotiate on behalf of the City, a Building Canada Fund

Contribution Agreement relating to the Toronto-York Spadina Subway Extension with the Federal Government of Canada and the Regional Municipality of York (“York Region”), in a form satisfactory to the City Solicitor, on terms and conditions as outlined in Appendix A to this report, and authorize execution of the Contribution Agreement by any of the City Clerk, Deputy City Manager and Chief Financial Officer, City Manager or Mayor, as appropriate.

2. In accordance with the terms of the proposed federal Contribution Agreement, Council direct the Deputy City Manager & Chief Financial Officer to apply the City’s share of investment income, earned as of January 1, 2008, from the Move Ontario Trust towards Project capital costs.
3. Council direct the Deputy City Manager & Chief Financial Officer, to establish an obligatory reserve fund entitled “Toronto-York Spadina Subway Extension Working Capital Reserve Fund”, to be used for Project working capital purposes (as set out in more detail in Appendix B):
 - a. which reserve fund will be a repository for funds received from the Project’s funding partners on an ongoing basis and release payments to the TTC in order to facilitate the timely payment of invoices, with the funds to be held and invested in a manner consistent with Council policy, and all investment income to be applied to the Project;
 - b. which reserve fund would be administered by the Deputy City Manager and Chief Financial Officer; and
 - c. Municipal Code Chapter 227 (Reserves and Reserve Funds) be amended by adding the “Toronto-York Spadina Subway Extension Working Capital Reserve Fund” to schedule “15- Third Party Agreements Reserve Fund”.
4. Council direct the Deputy City Manager and Chief Financial Officer, and City Solicitor, in consultation with the Chief General Manager of the Toronto Transit Commission, to complete negotiations and finalize for execution by the City, a Project capital cost allocation agreement on behalf of the City with the Region of York, as previously directed, with amended terms and conditions in respect of the allocation of capital costs associated with the acquisition of aggregate property for the Spadina Subway Extension Project (“the Project”) as follows:
 - a. property acquisition shall be included as a Project component, forming part of the previously agreed-upon capital cost allocation structure of 59.96% City/40.04% York Region; and
 - b. any property acquired for the purposes of the Project which is subsequently declared to be surplus to the requirements of the Project shall be disposed of by the municipality which acquired it at no less than fair market value and the proceeds applied to Project capital costs or, if the books of the Project are closed, shared by the City and York Region according to the above-noted formula.

5. The appropriate City staff be authorized and directed to take all necessary actions, and that leave be granted for the introduction of any necessary bills in Council, to give effect thereto.

Financial Impact

This report recommends that the City enter into a tri-partite contribution agreement with the Federal Government and with York Region for the purposes of securing up to \$622 million in federal funding for the Project (the “Contribution Agreement”). It is important to note that costs become eligible for federal reimbursement only after the Contribution Agreement is signed.

The total Project capital cost was originally estimated at \$2.1 billion (expressed in 2006 dollars). However, including inflationary impacts, the capital cost is now estimated at \$2.6 billion (nominal dollars). The Province has recently provided an additional \$200 million towards Project capital costs, thereby increasing the total Provincial capital funding to \$870 million, held in the Move Ontario Trust (the “Trust”). With the addition of Trust investment income as recommended in this report and upon the signing of the federal Contribution Agreement the Project is now considered to be fully funded by the City, York Region, and the federal and provincial governments. The resultant funding, by partner, may be summarized as follows:

Funding Partner:	\$ millions	% of funding
Federal	\$697	26.5%
Provincial	\$1,059*	40.2%
Municipal	\$878	33.3%
Total	\$2,634	100.0%

*including investment income

Summary

This report provides a capital funding update, and seeks authority to enter into a contribution agreement with the Federal Government, in relation to the Toronto Transit Commission (“TTC”): Toronto-York Spadina Subway Extension Project (“the Project”).

Speakers

Councillor Karen Stintz, Ward 16, Eglinton-Lawrence

Councillor Michael Walker, Ward 22, St. Paul’s

Committee Recommendations

On motion by Councillor Mihevc, the Executive Committee recommended that:

1. Council authorize the City Manager, and the Deputy City Manager and Chief Financial Officer, in consultation with the Chief General Manager, Toronto Transit Commission and the City Solicitor, to negotiate on behalf of the City, a Building Canada Fund Contribution Agreement relating to the Toronto-York Spadina Subway Extension with the Federal Government of Canada and the Regional Municipality of York (“York

Region”), in a form satisfactory to the City Solicitor, on terms and conditions as outlined in Appendix A to this report, and authorize execution of the Contribution Agreement by any of the City Clerk, Deputy City Manager and Chief Financial Officer, City Manager or Mayor, as appropriate.

2. In accordance with the terms of the proposed federal Contribution Agreement, Council direct the Deputy City Manager & Chief Financial Officer to apply the City’s share of investment income, earned as of January 1, 2008, from the Move Ontario Trust towards Project capital costs.
3. Council direct the Deputy City Manager & Chief Financial Officer, to establish an obligatory reserve fund entitled “Toronto-York Spadina Subway Extension Working Capital Reserve Fund”, to be used for Project working capital purposes (as set out in more detail in Appendix B):
 - a. which reserve fund will be a repository for funds received from the Project’s funding partners on an ongoing basis and release payments to the TTC in order to facilitate the timely payment of invoices, with the funds to be held and invested in a manner consistent with Council policy, and all investment income to be applied to the Project;
 - b. which reserve fund would be administered by the Deputy City Manager and Chief Financial Officer; and
 - c. Municipal Code Chapter 227 (Reserves and Reserve Funds) be amended by adding the “Toronto-York Spadina Subway Extension Working Capital Reserve Fund” to schedule “15- Third Party Agreements Reserve Fund”.
4. Council direct the Deputy City Manager and Chief Financial Officer, and City Solicitor, in consultation with the Chief General Manager of the Toronto Transit Commission, to complete negotiations and finalize for execution by the City, a Project capital cost allocation agreement on behalf of the City with the Region of York, as previously directed, with amended terms and conditions in respect of the allocation of capital costs associated with the acquisition of aggregate property for the Spadina Subway Extension Project (“the Project”) as follows:
 - a. property acquisition shall be included as a Project component, forming part of the previously agreed-upon capital cost allocation structure of 59.96%City/40.04% York Region; and
 - b. any property acquired for the purposes of the Project which is subsequently declared to be surplus to the requirements of the Project shall be disposed of by the municipality which acquired it at no less than fair market value and the proceeds applied to Project capital costs or, if the books of the Project are closed, shared by the City and York Region according to the above-noted formula.

5. The appropriate City staff be authorized and directed to take all necessary actions, and that leave be granted for the introduction of any necessary bills in Council, to give effect thereto.

Motions

Motion to Adopt Item moved by Councillor Joe Mihevc (**Carried**)

Links to Background Information

Toronto-York Spadina Subway Extension y Capital Funding Update
<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13215.pdf>

EX21.9	ACTION	Deferred		Ward: 41
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Complaint Pursuant to Section 20 of the Development Charges Act, 1997 - 3700 Midland Avenue

(May 16, 2008) Report from the Deputy City Manager and Chief Financial Officer and Deputy City Manager Richard Butts

Recommendations

The Deputy City Manager and Chief Financial Officer, and Deputy City Manager Richard Butts recommend that:

1. Council dismiss the complaint filed pursuant to Section 20 of the Development Charges Act, 1997 and deny the request for a development charge refund in the amount of \$386,986.01.

Financial Impact

This report recommends that the complaint be dismissed and the requested development charge refund be denied.

The complainant is seeking a development charge credit (refund) in the amount of \$386,986.01, as well as development charges credits for future development on the Kreadar Lands. Should Council agree that the complainant is entitled to a credit, the development charge by-law provides that the credit be the lesser of the cost of the works constructed or the development charge component related to these works. Accordingly, the applicant would only be entitled to a potential credit (refund) of \$68,870.40, being the lesser of the pro rated cost of construction of Silver Star Blvd. road and sewer works (estimated by Kreadar to cost \$955,336.17) and the road and sewer component of the development charges paid. In addition, a decision in favour of the complaint would result in further credits, estimated at potentially \$724,000, for the balance of the undeveloped Kreadar Lands.

Summary

The purpose of this report is to provide staff recommendations in response to a complaint filed pursuant to Section 20 of the Development Charges Act, 1997 (the "Act"). The complainant,

Kreadar Enterprises Ltd. (Kreadar), claims that it is entitled to development charge credits for the cost of constructing a portion of Silver Star Boulevard and related sanitary sewer works.

Staff have reviewed the complaint and recommend that the complaint be dismissed. The Act provides that a development charge credit can only be granted where there is an agreement between the municipality and the developer providing that a credit will be given in return for the construction of a development charge service. Since there is no such agreement between Kreadar and the City, Kreadar has no legal entitlement to a development charge credit.

Communications

(May 30, 2008) fax from Stanley Makuch, Cassels Brock & Blackwell LLP (EX.Main.EX21.9.1)

Decision Advice and Other Information

On motion by Mayor Miller, the Executive Committee deferred consideration of the report (May 16, 2008) from the Deputy City Manager and Chief Financial Officer and Deputy City Manager Richard Butts, entitled “Complaint Pursuant to Section 20 of the Development Charges Act, 1997, 3700 Midland Avenue”, until its meeting scheduled to be held on September 2, 2008, in order to afford the complainant an opportunity to engage in further discussions with staff, including City legal.

Motions

Motion to Defer Item moved by Mayor David Miller (**Carried**)

Links to Background Information

Complaint Pursuant to Section 20 of the Development Charges Act, 1997 ý 3700 Midland Ave. (<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13217.pdf>)

Development Charges Complaint Letter - Cassels Brock & Blackwell LLP (<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13218.pdf>)

EX21.10	ACTION	Withdrawn		Ward: 28
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Complaint Pursuant to Section 20 of the Development Charges Act, 1997 - 15 York Street

(May 14, 2008) Report from Deputy City Manager and Chief Financial Officer, and Deputy City Manager Richard Butts

Recommendations

The Deputy City Manager and Chief Financial Officer, and Deputy City Manager Richard Butts recommend that:

1. Council dismiss the complaint filed pursuant to Section 20 of the Development Charges Act, 1997, and the request for a refund of development charges in the amount of \$481,247.32 not be approved.

Financial Impact

Staff recommends that the complaint be dismissed for the reasons contained in this report. A decision to recognize the complaint would have negative precedent-setting implications. The matters of rezoning and the calculation of development charges for increased density will be applicable in the case of the proposed development at 16 York Street as well. While the increased density in the present case amounts to 19,023 sq. m. of residential gross floor area, it is estimated to be in excess of 45,000 sq. m. of residential gross floor area for the proposed development at 16 York Street.

Summary

The purpose of this report is to provide staff recommendations in response to a complaint filed pursuant to Section 20 of the Development Charges Act, 1997. The complainant has proposed an approach different from the one used by staff to account for available development charges credits, pursuant to the Development Charges Credit Transfer Agreement, and the calculation of the development charges payable for the development. Staff has reviewed the provisions of the Development Charges Credit Transfer Agreement, as applicable in this case, and concluded that development charges credits have been accounted for correctly, and that the development charges by-law was properly applied to this development. Accordingly, it is recommended that the complaint be dismissed.

Communications

(May 28, 2008) letter from Mark Mandelbaum, York Bremner Developments Limited (EX.Main.EX21.10.1)

Decision Advice and Other Information

On motion by Mayor Miller, the Executive Committee withdraw from the agenda, the report dated May 14, 2008, from the Deputy City Manager and Chief Financial Officer, and Deputy City Manager Richard Butts, entitled “Complaint Pursuant to Section 20 of the Development Charges Act, 1997 - 15 York Street”, given that the complainant has decided not to pursue the complaint.

Motions

Motion to Withdraw Item moved by Mayor David Miller (**Carried**)

Links to Background Information

Complaint Pursuant to Section 20 of the Development Charges Act, 1997 - 15 York Street
(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13220.pdf>)

DC Complaint Letter from Strikeman Elliott LLP - Attachment 1
(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13221.pdf>)

Attachment 2 - Staff's Development Charges Calculations 15 York Street (Maple Leaf Square)
(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13265.pdf>)

EX21.11	ACTION	Adopted		Ward: 23
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Toronto Centre for the Arts – Property Tax Status

(May 20, 2008) Report from the Deputy City Manager and Chief Financial Officer

Recommendations

The Deputy City Manager and Chief Financial Officer recommends that:

1. Council enact a by-law, as provided for within Section 27.1 (3) of the Assessment Act that would allow the Toronto Centre for the Arts to reduce any property tax liability arising from commercial use of the facility by deducting amounts of City funding for not-for-profit or charitable uses at the facility.

Financial Impact

The Toronto Centre for the Arts currently is not liable for property taxes, as commercial operations at the theatre do not exceed one-half of the calendar year (183 days), in accordance with provisions in the Assessment Act.

If, as likely to occur starting in 2009, commercial operations exceed 183 days per year, property taxes would become liable based on the fraction of the year whereupon commercial for-profit productions will have occurred.

Since the exact number of days of commercial activity cannot be precisely predicted, the following chart illustrates the tax liability impact for various durations beyond 183 days per year.

Chart 1 – Potential Property Taxes for TCA
at Various Commercial Usage Levels

Commercial Usage	Days	Fraction Of Year	Tax Liability *	Tax reduction	Net Impact**
Threshold	183	--	\$0	\$0	\$0
Threshold plus 1 day	184	0.50	\$171,500	(\$171,500)	\$0
8 months	243	0.67	\$226,500	(\$226,500)	\$0
10 months	304	0.83	\$283,400	(\$283,400)	\$0
12 months	365	1.00	\$340,200	(\$340,200)	\$0

* Based on TCA Current Value Assessment of \$15.8 million and tax rate of 2.151% (2008 rates) for the Large Theatre property tax class.

Note there is no provincial education tax raised for the Large Theatre tax class

** Assuming current level of operating subsidy.

Although revenues at the theatre are proposed to increase under the rental agreement with the commercial production company, the additional costs arising from the imposition of property taxes, at various levels outline above, would have a negative effect on the net gains from those new revenues.

The TCA has been reducing its annual funding requirements under the City's Operating Budget over the past several years, and the desired outcome of the recently executed rental agreement with the production company is to further reduce City funding in the future.

Provisions within the Assessment Act would allow the Centre to reduce the property tax liability, at levels noted in Chart 1, by the amount representing all or a portion of City funding used to support not-for-profit or charitable activities at the Centre.

The current level of City funding would exceed any amounts of property taxes liable at the Centre. Consequently, the Centre would be able to reduce any property tax liability to nil, by deducting the amount of City funding from the tax liability. The proposed by-law would provide for this effect. Since the Centre currently does not pay taxes, there are no financial implications arising from pursuing this course of action, and no budget offset is required. Conversely, if the by-law was not adopted, and property taxes for the TCA became payable, then additional pressures on the TCA operating budget would occur.

Summary

In seeking to minimize its funding request to the City in 2009 and 2010, Toronto Centre for the Arts has executed a multi-year rental agreement with a production company. Under this agreement, the use of the main stage theatre for commercial productions will likely exceed 183 days per year, with continued access for non-profit and community groups on days not used by the production company and in other parts of the Centre.

The implication of having commercial operations on the main stage theatre in excess of 183 days per year would be the trigger of a property tax liability under provisions of the Assessment Act, which would negatively impact the positive gains in revenues arising from the rental agreement.

Additional provisions within the Assessment Act, however, allow municipalities to pass a by-law to enable the Centre to deduct the City funding used to support not-for profit or charitable programming in the Centre from the property taxes due to the City.

This report recommends the enacting of a by-law to reduce any tax liability incurred by commercial operations at the Centre, by the amount equivalent to City funding of not-for-profit, charitable operations at the Centre, resulting in no net impact from the current property tax burden at the Toronto Centre for the Arts.

Committee Recommendations

On motion by Councillor Moscoe, the Executive Committee recommended that:

1. Council enact a by-law, as provided for within Section 27.1 (3) of the Assessment Act that would allow the Toronto Centre for the Arts to reduce any property tax liability arising from commercial use of the facility by deducting amounts of City funding for not-for-profit or charitable uses at the facility.

Motions

Motion to Adopt Item moved by Councillor Howard Moscoe (**Carried**)

Links to Background Information

Toronto Centre for the Arts - Property Tax Status

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13222.pdf>

EX21.12	ACTION	Adopted		Ward: 19
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Fort York Pedestrian Bridge

(May 20, 2008) Report from Richard Butts, Deputy City Manager

Recommendations

The Deputy City Manager responsible for Waterfront Revitalization and the Waterfront Project Director recommend that:

1. The 2008 Capital Budget for Waterfront Revitalization as approved by Council in December 2007 be amended to reflect an increase of \$140,000 to the “Transportation Initiatives” sub-project, and a decrease of \$140,000.00 to the “Urban Planning Resources” sub-project, with no net impact on the overall total for the Program.
2. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

The recommendations in this report will permit an environmental assessment process for the Fort York Pedestrian Bridge to be undertaken in 2008.

Funds from within the Waterfront Capital Program as approved by Council in December 2008 will be adjusted by reallocating \$140,000.00 from the “Urban Planning Resources” sub-project to the “Transportation Initiatives” sub-project, with no net impact on the overall total for the 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 Council’s authority to reallocate funds within the 2008 Capital Budget for the Waterfront Revitalization Initiative to cover the increased cost of undertaking the environmental assessment (EA) for the Fort York Pedestrian Bridge project.

The 2008 Capital Budget for Waterfront Revitalization as approved by Council in December, 2007 included a total of \$300,000 in 2008 under the “Transportation Initiatives” sub-project to fund the EA. Staff undertook a formal procurement process and determined that the original allocation for this purpose was insufficient, and that an increase of \$140,000 to \$440,000 would be required. This will be accomplished by a reallocation of \$140,000 from the “Urban Planning Resources” sub-project to the “Transportation Initiatives” sub-project, with no net impact on the overall 2008 budget total for the Program of \$58,049,856.00. Sufficient funds will remain in the “Urban Planning Resources” sub-project to provide for two dedicated City Planning staff as of June 1, 2008 in response to the expedited time frames and additional workloads generated by the Waterfront Renewal.

The Fort York pedestrian bridge would provide an important new north-south pedestrian and cycling link from communities north of the Lakeshore rail corridor to Fort York and the Waterfront. The Fort York pedestrian bridge is targeted for completion in time for the bi-centennial commemoration of the War of 1812

Committee Recommendations

On motion by Mayor Miller, the Executive Committee recommended to City Council that:

1. The 2008 Capital Budget for Waterfront Revitalization as approved by Council in December 2007 be amended to reflect an increase of \$140,000 to the “Transportation Initiatives” sub-project, and a decrease of \$140,000.00 to the “Urban Planning Resources” sub-project, with no net impact on the overall total for the Program.
2. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Motions

Motion to Adopt Item moved by Mayor David Miller (**Carried**)

Links to Background Information

Fort York Pedestrian Bridge

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13224.pdf>

EX21.13	ACTION	Amended		Ward: All
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2008 Heads and Beds Levy on Institutions

(May 16, 2008) Report from the City Solicitor and Treasurer

Recommendations

1. Council authorize the levy and collection of payment in lieu amounts for the 2008 taxation year on hospitals, colleges and universities and correctional facilities as authorized by Section 285 of the City of Toronto Act, 2006.

2. The maximum prescribed amount of \$75 be applied per provincially rated hospital bed, full time student, or resident place.
3. Authority be granted for the introduction of the necessary bills in Council to levy payment in lieu amounts for the 2008 taxation year on hospitals, colleges and universities and correctional facilities; and,
4. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

Revenue of approximately \$14.1 million will be raised through the 2008 levy on the institutions outlined in this report as outlined in Table 1, below.

Table 1: 2008 Payments in Lieu on Institutions

Institutions	Capacity Figures	Prescribed Amount	2008 Amount
Universities and Colleges	171,594	\$75	\$12,869,550
Public Hospitals	14,835	\$75	\$ 1,112,625
Correctional Facilities	1,752	\$75	\$ 131,400
Total	188,181		\$14,113,575

The revenue from 2008 levy on institutions has been budgeted for in the non-program payment in lieu (PIL) account. The 2008 levy amount of \$14,113,575 exceeds the amount budgeted for 2008 of \$13,956,150, as the 2008 budget estimate was based on the amount actually levied in 2007, and capacity figures have increased since that time. The budgeted revenue for the heads and beds levy on institutions of \$13,956,150 represents 16.9% of the total 2008 revenue budgeted for payments in lieu of \$82,536,500.

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

Summary

This report requests authority to adopt by-laws to levy payment in lieu amounts for the 2008 taxation year for public hospitals, universities and colleges, and correctional facilities (the “institutions”), totalling approximately \$14.1 million (annual “heads and beds” levy), and responds to a previous Council request that the City Solicitor report on the applicability of recent federal court decisions on the “heads and beds” levy on institutions.

Committee Recommendations

On motion by Councillor Moscoe, the Executive Committee recommended to City Council that:

1. Council authorize the levy and collection of payment in lieu amounts for the 2008 taxation year on hospitals, colleges and universities and correctional facilities as authorized by Section 285 of the City of Toronto Act, 2006.
2. The maximum prescribed amount of \$75 be applied per provincially rated hospital bed, full time student, or resident place.
3. Authority be granted for the introduction of the necessary bills in Council to levy payment in lieu amounts for the 2008 taxation year on hospitals, colleges and universities and correctional facilities.
4. The City Solicitor and the Treasurer be requested to undertake a review of the legal and the legislative base for the taxing relationship between the City and the Province of Ontario and submit a report to the Executive Committee by December 2008.
5. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Motions

Motion to Amend Item (Additional) moved by Councillor Howard Moscoe (**Carried**) Recommendation 4.

Motion to Adopt Item, as Amended, moved by Councillor Howard Moscoe (**Carried**)

Links to Background Information

2008 Heads and Beds Levy on Institutions

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13225.pdf>

EX21.14	ACTION	Amended		Ward: All
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2008 Levy on Railway Roadways and Rights of Way and on Power Utility Transmission and Distribution Corridors

(May 16, 2008) Report from the Treasurer

Recommendations

The Treasurer recommends that:

1. Council authorize the levy and collection of taxes for the 2008 taxation year on railway roadways and rights of way and on land used as transmission or distribution corridors owned by power utilities, in accordance with subsection 280 (1) of the City of Toronto

Act, 2006 and subsection 257.7(1) of the Education Act.

2. Authority be granted for the introduction of the necessary bill to give effect thereto; and
3. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

The 2008 levy of taxes on railway roadways and rights of way and on power utility transmission or distribution corridors will raise approximately \$7.8 million in taxation revenue, of which the municipal share is \$6.6 million and the provincial education share is \$1.2 million.

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

Summary

This report requests Council authority for the introduction of the by-law necessary to levy and collect taxes for the 2008 taxation year on railway roadways and rights of way and on land used as transmission or distribution corridors owned by power utilities.

Committee Recommendations

On motion by Councillor Moscoe, the Executive Committee recommended that:

1. Council authorize the levy and collection of taxes for the 2008 taxation year on railway roadways and rights of way and on land used as transmission or distribution corridors owned by power utilities, in accordance with subsection 280 (1) of the *City of Toronto Act, 2006* and subsection 257.7(1) of the *Education Act*.
2. Council re-iterate its 2007 request that the City re-iterate its July 2007 recommendations and that the Mayor's Office enter into discussions with the Province to advance the City's submissions respecting:
 - i. Regulations 387/98 and 392/98 be amended to require an annual inflationary adjustment in the "mature rate"; and
 - ii. The "mature rate" prescribed by Regulation so as to phase in rate changes that more properly reflect the market value of the land over a period of time, be reviewed.
3. Council direct the Treasurer to levy full commercial taxes against all railway properties that are leased to third parties.
4. Authority be granted for the introduction of the necessary bill to give effect thereto; and
5. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Motions

Motion to Amend Item (Additional) moved by Councillor Howard Moscoe (**Carried**)
Recommendations 2. and 3.

Motion to Adopt Item, as Amended, moved by Councillor Howard Moscoe (**Carried**)

Links to Background Information

2008 Levy on Railway Roadways and Rights of Way and on Power Utility Transmission and Distribution Corridors

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13226.pdf>

EX21.15	ACTION	Amended		
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Adjustments to the 2008 Parks, Forestry and Recreation Division's Capital Budget

(May 16, 2008) Letter from the Budget Committee

Recommendations

The Budget Committee recommended to the Executive Committee that:

1. City Council approve amending the 2008 Parks, Forestry and Recreation Capital Budget to change the scope of the project known as South Etobicoke Community Centre Construction (Ward 6) approved December 12, 2005, to increase the project cost by \$900,000 from \$1,900,000 to \$2,800,000 with funding from Parkland Acquisition reserve funds – Etobicoke Local Development for \$35,000 (XR2038), Etobicoke City Wide Development for \$157,000 (XR2036), West District Local Development for \$420,000 (XR2203), and City Wide Development for \$288,000 (XR2211) and that the additional cash flow be scheduled for 2009.
2. City Council approve amending the 2008 Parks, Forestry and Recreation Capital Budget to add a new Ourland Park Improvements (Ward 6) project with revenues and expenses of \$125,000 with cash flow over two years – \$30,000 in 2008 and \$95,000 in 2009, funded from a Section 37 Agreement from the development at 829 Oxford Street/156 Evans Avenue.
3. City Council approve amending the 2008 Parks, Forestry and Recreation Capital Budget to add a new Ward 10 Park Improvements project with revenues and expenses of \$130,000 with cash flow over two years – \$30,000 in 2008 and \$100,000 in 2009, funded from a Section 37 Agreement from the development at 500 Sheppard Avenue West.

4. City Council approve amending the Parks, Forestry and Recreation 2008 Capital Budget to add a new project known as Oriole Park (Ward 22) with revenues and expenses of \$150,000 with cash flow for planning over two years – \$50,000 in 2008 and \$100,000 in 2009, funded from a donation, and that construction of the park improvements be subject to the receipt of additional donated funds.
5. City Council approve amending the 2008 Parks, Forestry and Recreation Capital Budget to change the scope of the project known as Edithvale Community Centre Construction (Ward 23) (CC #223), approved December 11, 2007 to increase the project cost by \$4,200,000 from \$10,800,000 to \$15,000,000 with the additional cash flow allocated over two years –\$1,200,000 in 2009 and \$3,000,000 in 2010, funded by \$1,200,000 from a local development agreement (Deferred Revenue Account #220096) and \$3,000,000 from the Development Charges Reserve Fund for Parks and Recreation (XR2028).
6. City Council approve amending the Parks, Forestry and Recreation 2008 Capital Budget to add a new Trail Improvements in Wynford Park (Ward 26) project with revenues and expenses of \$500,000 with cash flow over two years – \$60,000 in 2008 and \$440,000 in 2009, funded from a Section 37 Agreement from the development at 1250 Eglinton Avenue East with cash flow of \$60,000 in 2008 for design and cash flow of \$440,000 in 2009 for construction.
7. City Council approve amending the Parks, Forestry and Recreation 2008 Capital Budget to add a new Ward 27 Park Improvements 2008 project with revenues and expenses of \$200,000 with cash flow over two years – \$30,000 in 2008 and \$170,000 in 2009, funded from a Section 45 Agreement from the development at 33 Charles Street East.
8. City Council approve amending the Parks, Forestry and Recreation 2008 Capital Budget to change the scope of the project known as Lee Centre Park Improvements (Ward 38), approved in the Parks, Forestry and Recreation 2006 Capital Budget to increase 2008 cash flow by \$200,000 from \$625,000 to \$825,000 funded from a Section 37 Agreement (Subdividers Deposit Reserve Fund XR2014).
9. City Council approve amending the Parks, Forestry and Recreation 2008 Capital Budget to add a new McAsphalt Park (Ward 42) project with revenue and expenses of \$50,000, funded a part of a Subdivision Agreement between the City of Toronto and Mattamy Homes.
10. City Council approve amending the Parks, Forestry and Recreation 2008 Capital Budget to add a new Bedford-Bloor Parkette subproject within the Playground Development project, with expenditures of \$60,000 funded from a Section 37 Agreement arising from the development at 204 Bloor Street West, and that this funding of \$60,000 be directed to the University of Toronto to execute the work on this leased property on behalf of the City as specified by the General Manager of Parks, Forestry and Recreation.

Financial Impact

Approval of this report will amend the Parks Forestry and Recreation 2008 Council approved Capital Budget and future year commitments as follows (in \$000s):

	2008	2009	2010	Total Approved Capital budget and commitments
2008 Council Approved Cash Flow	100,418	23,968	1,712	126,098
In year adjustments to date	9,527			9527
Amendments recommended in this report	450	3,005	3,000	6,455
Adjusted Cash Flow	110,395	26,973	4,712	142,080

There are no increases in debt funding arising from these amendments, as funding is entirely from development related funds held by the City or third party sources.

There is no change to the Capital Plan for 2009 through 2012.

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

Summary

The purpose of this report is to provide adjustments to the Council adopted 2008 Parks, Forestry and Recreation Capital Budget to include additional financial resources and the creation of new sub-projects.

By approving this report, staff will have the authority to proceed with projects arising from various agreements that Council has approved through the planning process.

Communications

(May 16, 2008) letter from the Budget Committee, entitled “Adjustments to the 2008 Parks, Forestry and Recreation Division’s Capital Budget” (EX.Main)

(<http://www.toronto.ca/legdocs/mmis/2008/ex/comm/communicationfile-7339.pdf>)

(June 1, 2008) e-mail from Ruth Grier (EX.Main.EX21.15.1)

Committee Recommendations

On motion by Councillor Carroll, the Executive Committee recommended that:

1. City Council approve amending the 2008 Parks, Forestry and Recreation Capital Budget to add a new Ourland Park Improvements (Ward 6) project with revenues and expenses of \$125,000 with cash flow over two years – \$30,000 in 2008 and \$95,000 in 2009, funded from a Section 37 Agreement from the development at 829 Oxford Street/156 Evans Avenue.

2. City Council approve amending the 2008 Parks, Forestry and Recreation Capital Budget to add a new Ward 10 Park Improvements project with revenues and expenses of \$130,000 with cash flow over two years – \$30,000 in 2008 and \$100,000 in 2009, funded from a Section 37 Agreement from the development at 500 Sheppard Avenue West.
3. City Council approve amending the Parks, Forestry and Recreation 2008 Capital Budget to add a new project known as Oriole Park (Ward 22) with revenues and expenses of \$150,000 with cash flow for planning over two years – \$50,000 in 2008 and \$100,000 in 2009, funded from a donation, and that construction of the park improvements be subject to the receipt of additional donated funds.
4. City Council approve amending the 2008 Parks, Forestry and Recreation Capital Budget to change the scope of the project known as Edithvale Community Centre Construction (Ward 23) (CC #223), approved December 11, 2007 to increase the project cost by \$4,200,000 from \$10,800,000 to \$15,000,000 with the additional cash flow allocated over two years –\$1,200,000 in 2009 and \$3,000,000 in 2010, funded by \$1,200,000 from a local development agreement (Deferred Revenue Account #220096) and \$3,000,000 from the Development Charges Reserve Fund for Parks and Recreation (XR2028).
5. City Council approve amending the Parks, Forestry and Recreation 2008 Capital Budget to add a new Trail Improvements in Wynford Park (Ward 26) project with revenues and expenses of \$500,000 with cash flow over two years – \$60,000 in 2008 and \$440,000 in 2009, funded from a Section 37 Agreement from the development at 1250 Eglinton Avenue East with cash flow of \$60,000 in 2008 for design and cash flow of \$440,000 in 2009 for construction.
6. City Council approve amending the Parks, Forestry and Recreation 2008 Capital Budget to add a new Ward 27 Park Improvements 2008 project with revenues and expenses of \$200,000 with cash flow over two years – \$30,000 in 2008 and \$170,000 in 2009, funded from a Section 45 Agreement from the development at 33 Charles Street East.
7. City Council approve amending the Parks, Forestry and Recreation 2008 Capital Budget to change the scope of the project known as Lee Centre Park Improvements (Ward 38), approved in the Parks, Forestry and Recreation 2006 Capital Budget to increase 2008 cash flow by \$200,000 from \$625,000 to \$825,000 funded from a Section 37 Agreement (Subdividers Deposit Reserve Fund XR2014).
8. City Council approve amending the Parks, Forestry and Recreation 2008 Capital Budget to add a new McAsphalt Park (Ward 42) project with revenue and expenses of \$50,000, funded a part of a Subdivision Agreement between the City of Toronto and Mattamy Homes.
9. City Council approve amending the Parks, Forestry and Recreation 2008 Capital Budget to add a new Bedford-Bloor Parkette subproject within the Playground Development project, with expenditures of \$60,000 funded from a Section 37

Agreement arising from the development at 204 Bloor Street West, and that this funding of \$60,000 be directed to the University of Toronto to execute the work on this leased property on behalf of the City as specified by the General Manager of Parks, Forestry and Recreation.

Decision Advice and Other Information

On motion by Councillor Carroll, the Executive Committee deferred consideration of the following recommendation 1. contained in the letter (May 16, 2008) from the Budget Committee, to the next meeting of the Executive Committee scheduled to be held on June 26, 2008, to allow City staff to consult with members of the local community with respect thereto:

- “1. City Council approve amending the 2008 Parks, Forestry and Recreation Capital Budget to change the scope of the project known as South Etobicoke Community Centre Construction (Ward 6) approved December 12, 2005, to increase the project cost by \$900,000 from \$1,900,000 to \$2,800,000 with funding from Parkland Acquisition reserve funds – Etobicoke Local Development for \$35,000 (XR2038), Etobicoke City Wide Development for \$157,000 (XR2036), West District Local Development for \$420,000 (XR2203), and City Wide Development for \$288,000 (XR2211) and that the additional cash flow be scheduled for 2009.”

Motions

Motion to Defer item (Recommendation 1.) moved by Councillor Shelley Carroll (**Carried**) That the Executive Committee deferred consideration of the following recommendation 1. contained in the letter (May 16, 2008) from the Budget Committee, to the next meeting of the Executive Committee scheduled to be held on June 26, 2008, to allow City staff to consult with members of the local community with respect thereto:

- “1. City Council approve amending the 2008 Parks, Forestry and Recreation Capital Budget to change the scope of the project known as South Etobicoke Community Centre Construction (Ward 6) approved December 12, 2005, to increase the project cost by \$900,000 from \$1,900,000 to \$2,800,000 with funding from Parkland Acquisition reserve funds – Etobicoke Local Development for \$35,000 (XR2038), Etobicoke City Wide Development for \$157,000 (XR2036), West District Local Development for \$420,000 (XR2203), and City Wide Development for \$288,000 (XR2211) and that the additional cash flow be scheduled for 2009.”

Motion to Adopt Item, as Amended, moved by Councillor Shelley Carroll (**Carried**)

Links to Background Information

Adjustments to the 2008 Parks, Forestry and Recreation Division's Capital Budget (<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13349.pdf>)

EX21.16	ACTION	Adopted		
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Budget Adjustments to Toronto Public Health 2008 Approved Operating Budget

(May 16, 2008) Letter from the Budget Committee

Recommendations

The Budget Committee recommended to the Executive Committee that:

1. City Council approve the following adjustments to Toronto Public Health's 2008 Approved Operating Budget:
 - a. an increase of \$964.1 thousand gross and \$0.0 net, and an increase of 8.0 temporary positions, to reflect confirmed funding from various Provincial ministries and external sources (Attachment 1, Table 1); and
 - b. an increase of \$154.2 thousand gross and \$0.0 net to reflect unspent 2007 funds from various Provincial ministries and external sources required in 2008 (Attachment 1, Table 2).

Financial Impact

The table below summarizes the required budget adjustments to Toronto Public Health's 2008 Approved Operating Budget. Details are in Attachment 1 of this report.

Budget Adjustments to the 2008 Approved Operating Budget				
	No. of Positions	Gross \$000s	Revenue \$000s	Net \$000s
2008 Confirmed Funding from Provincial Ministries and External Sources	8	964.1	964.1	-
2007 Unspent funds from various Provincial Ministries and External Sources carried forward into 2008		154.2	154.2	-
2008 Total Budget Adjustment	8	1,118.3	1,118.3	-

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 budget adjustments to Toronto Public Health's (TPH) 2008 Approved Operating Budget due to the following: a. Confirmation of funding from various Provincial ministries and external sources received after the submission of the 2008 Operating Budget request in September 2007; and b. pent 2007 funds for 100% externally funded programs required in 2008.

Communications

(May 16, 2008) letter from the Budget Committee, entitled “Budget Adjustments to Toronto Public Health 2008 Approved Operating Budget” (EX.Main)
<http://www.toronto.ca/legdocs/mmis/2008/ex/comm/communicationfile-7340.pdf>

Committee Recommendations

On motion by Mayor Miller, the Executive Committee recommended that:

1. City Council approve the following adjustments to Toronto Public Health’s 2008 Approved Operating Budget:
 - a. an increase of \$964.1 thousand gross and \$0.0 net, and an increase of 8.0 temporary positions, to reflect confirmed funding from various Provincial ministries and external sources (Attachment 1, Table 1); and
 - b. an increase of \$154.2 thousand gross and \$0.0 net to reflect unspent 2007 funds from various Provincial ministries and external sources required in 2008 (Attachment 1, Table 2).

Motions

Motion to Adopt Item moved by Mayor David Miller (**Carried**)

Links to Background Information

Budget Adjustments to Toronto Public Health 2008 Approved Operating Budget - Report
<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13235.pdf>

EX21.17	ACTION	Adopted		
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Extension of the Public Appointments Policy to Advisory Bodies

(April 24, 2008) Letter from the Civic Appointments Committee

Recommendations

The Civic Appointments Committee recommended to the Executive Committee that:

1. Council amend the Public Appointments Policy by adopting Attachment 1 to this report, amended as follows,

The definition of Advisory Bodies include the words “the Mayor” and “Council”, so the definition now reads: “Bodies or committees that advise City staff, the Mayor, a Committee of Council or Council”

as the policy for appointment of advisory bodies;

2. Council authorize staff to make any further necessary changes to the Public Appointments Policy to incorporate this policy;
3. Council require that the terms of reference for advisory bodies that meet the policy criteria address diversity objectives; and
4. Council direct staff supporting each advisory body to review the composition at the beginning of each term of Council to ensure that the City's diversity objectives can be achieved.

Financial Impact

There are no immediate financial impacts arising from this policy. For the next cycle of recruitment, it is anticipated that divisional staff who support advisory bodies will need to ensure that there is a budget to conduct adequate outreach and advertising activities, which are central to an open and accessible recruitment process.

This will not incur a significant net increase in expenditures. Divisional staff supporting the existing advisory bodies are already engaged in some form of outreach and/or advertising for vacancies, and there may also be opportunities in future to collaborate in joint advertising and more extensive use of the City website to advertise such opportunities. It is therefore anticipated that costs can be contained.

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

Summary

This report responds to a November 2007 Council request to provide a list of the City-established advisory bodies (Attachment 2) to which the Public Appointments Policy objectives will apply in order to achieve enhanced diversity objectives. It also recommends an amendment to the Public Appointments Policy to deal with advisory bodies established in the future and protocols for reporting membership diversity

Communications

(April 24, 2008) letter from the Civic Appointments Committee, entitled "Extension of the Public Appointments Policy to Advisory Bodies" (EX.Main)
(<http://www.toronto.ca/legdocs/mmis/2008/ex/comm/communicationfile-7341.pdf>)

Committee Recommendations

On motion by Councillor Davis, the Executive Committee recommended that:

1. Council amend the Public Appointments Policy by adopting Attachment 1 to this report, amended as follows:

"The definition of Advisory Bodies include the words "the Mayor" and "Council", so the definition now reads: "Bodies or committees that advise City staff, the Mayor, a Committee of Council or Council",

as the policy for appointment of advisory bodies;

2. Council authorize staff to make any further necessary changes to the Public Appointments Policy to incorporate this policy;
3. Council require that the terms of reference for advisory bodies that meet the policy criteria address diversity objectives; and
4. Council direct staff supporting each advisory body to review the composition at the beginning of each term of Council to ensure that the City's diversity objectives can be achieved.

Motions

Motion to Adopt Item moved by Councillor Janet Davis (**Carried**)

Links to Background Information

Extension of the Public Appointments Policy to Advisory Bodies
<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13237.pdf>

EX21.18	ACTION	Amended		
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Human Rights and Anti-Harassment Policy Amendments

(May 21, 2008) Letter from the Employee and Labour Relations Committee

Recommendations

The Employee and Labour Relations Committee recommends that:

1. City Council approve the amended Human Rights and Anti-Harassment Policy attached in Appendix A.
2. City Council delegate authority to staff to adopt complaint procedures for: a) complaints involving employees, b) complaints involving senior management and c) complaints by residents and recipients of municipal services.
3. City Council request the City Manager to report back to the Employee and Labour Relations Committee on the complaint procedures described in the foregoing Recommendation 2 when they have been developed, and to include in the report, comments on the concerns outlined in the communication (May 16, 2008) from the Executive Director, COTAPSAI.
4. City Council advise all Agencies, Boards and Commissions to revise their Human Rights Policy and complaint procedures, consistent with the provisions in this Policy.

5. The City Manager report in one year on the City's experience with the amended Ontario Human Rights Code.

Financial Impact

There are no financial implications from this report beyond what has already been approved in the 2008 budget.

Summary

This report provides the rationale for and an overview of revisions to the City of Toronto Human Rights and Harassment Policy adopted by City Council in 1998.

The report also recommends a Human Rights Policy framework that is reflective of the current organizational structure, emerging human rights issues and amendments to the Ontario Human Rights Code.

Communications

(May 21, 2008) letter from the Employee and Labour Relations Committee, entitled "Human Rights and Anti-Harassment Policy Amendments" (EX.Main)

<http://www.toronto.ca/legdocs/mmis/2008/ex/comm/communicationfile-7342.pdf>

(May 16, 2008) letter from the Executive Director, COTAPSAI (EX.Main.EX21-18.1)

<http://www.toronto.ca/legdocs/mmis/2008/ex/comm/communicationfile-7343.pdf>

Committee Recommendations

On motion by Mayor Miller, the Executive Committee recommended that:

1. City Council approve the amended Human Rights and Anti-Harassment Policy attached in Appendix A.
2. City Council delegate authority to staff to adopt complaint procedures for: (a) complaints involving employees, (b) complaints involving senior management and (c) complaints by residents and recipients of municipal services, for implementation once the revised Human Rights Code Amendment Act, comes into effect.
3. City Council request the City Manager to report back to the Employee and Labour Relations Committee on the complaint procedures described in the foregoing Recommendation 2, and include in the report, comments on the concerns outlined in the communication (May 16, 2008) from the Executive Director, COTAPSAI.
4. City Council advise all Agencies, Boards and Commissions to revise their Human Rights Policy and complaint procedures, consistent with the provisions in this Policy.
5. The City Manager report in one year on the City's experience with the amended Ontario Human Rights Code.

Motions

Motion to Adopt Item as Amended moved by Mayor David Miller (**Carried**):
Recommendations 2. and 3.

Links to Background Information

Human Rights and Anti-Harassment Policy Amendments

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13238.pdf>)

City of Toronto Human Rights and Anti-Harassment Policy - Appendix A

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13239.pdf>)

EX21.19	ACTION	Referred		Ward: All
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Creation of Consulting Functions within City Divisions (Deferred from the May 5, 2008 Meeting)

(April 21, 2008) Letter from Councillor Adrian Heaps

Recommendations

1. The City Manager be requested to report back on the creation of a pilot project to establish a consulting function for specific City divisions, and that each division be requested to submit a plan to externally market specified goods and services to prospective customers in global markets.
2. The report shall include in their respective plans, the cost, including dedicated staff, projected revenue possibilities and target markets for the marketing of their products and services. The divisions shall include:
 - 311 Information
 - Solid Waste
 - Toronto Water

Summary

Presently, the City of Toronto receives visitors from around the world to view and learn from our best practices in a number of City divisions. For example, we have delegations from India to see our Solid Waste Management systems, representatives from the United Arab Emirates to view our activities in accessibility and disability issues, and visitors from various jurisdictions to potentially learn from our 311 model.

The City of Toronto invests millions in personnel and resources to establish world leading practices in many of our City divisions, yet we have never officially consulted to a foreign government utilizing our proven expertise and results. This has resulted in potentially lost revenue using either current staff or even retired staff with their proven knowledge.

This proposal calls for the creation of a consulting group and an aggressive marketing initiative through our Economic Development Division, whereby the City of Toronto can develop new revenue streams, forge stronger ties, and ultimately lever our role as a true leader on the world stage in the creation of best practices.

The creation of these consulting branches is predicated on their success as net revenue producing programs with these revenues flowing back into further investment in City initiatives.

Communications

(April 21, 2008) letter from Councillor Adrian Heaps, entitled “Creation of Consulting Functions within City Divisions” (EX.Main)
<http://www.toronto.ca/legdocs/mmis/2008/ex/comm/communicationfile-7246.pdf>

Decision Advice and Other Information

On motion by Mayor Miller, the Executive Committee referred the letter (April 21, 2008) from Councillor Adrian Heaps respecting the Creation of consulting functions within City Divisions, to the City Manager for report to the Executive Committee when appropriate.

Motions

Motion to Refer Item moved by Mayor David Miller (**Carried**)

EX21.20	ACTION	Referred		
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Request for Closed Session of City Council on a Personnel Matter

(May 5, 2008) Member Motion from Councillor Walker, seconded by Councillor Holyday

Recommendations

1. That City Council meet in closed session to consider this confidential personnel matter and the appropriate City staff be in attendance for this session to answer questions from Members of Council.

Summary

Members of City Council were made aware of the dismissal of a City employee with 28½ years of service on February 4, 2008. Members of City Council were only notified of this personnel matter via the media. As this employee’s primary function was to provide services to all Members of Council and Members have questions about this confidential personnel matter, a closed session (in camera) of City Council is required to discuss this employee’s termination without cause.

City Council on March 4, 2008, referred a similar motion, entitled “Request for a Closed Session of City Council on a Personnel Matter”, to the Executive Committee for action. At its meeting of April 7, 2008, the Mayor/Chair of the Executive Committee ruled that Item EX19.20, entitled “Request for a Closed Session of City Council on a Personnel Matter”, which was referred to it by City Council for action, was redundant because dates contained in that motion had passed. This item was, therefore, not considered by the Executive Committee.

If this motion should be referred to the Executive Committee, the Committee should deal with it and report its actions back to Council.

Communications

(May 5, 2008) Member Motion from Councillor Walker and Councillor Holyday, entitled “Request for Closed Session of City Council on a Personnel Matter” (EX.Main) (<http://www.toronto.ca/legdocs/mmis/2008/ex/comm/communicationfile-7248.pdf>)

Speakers

Councillor Denzil Minnan-Wong, Ward 34, Don Valley East
Councillor Karen Stintz, Ward 16, Eglinton-Lawrence
Councillor Michael Walker, Ward 22, St. Paul’s

Decision Advice and Other Information

On motion by Mayor Miller, the Executive Committee referred the Member Motion by Councillor Walker, seconded by Councillor Holyday respecting a request for a closed session of City Council on a Personnel Matter, to the City Manager for report to the Executive Committee on a policy with regard to Councils’ role in personnel matters, and recommendations regarding the proper method of dealing with this matter in the context of the policy.

Motions

Motion to Refer Item moved by Mayor David Miller (**Carried**)

EX21.21	ACTION	Referred		
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Mayor Miller and Human Rights in China

(May 5, 2008) Member Motion from Councillor Walker, seconded by Councillor Palacio

Recommendations

1. that Council petition the Government of Canada to condemn The People’s Republic of China for their gross violations of the United Nations Declaration of Human Rights and to adhere to a strict international trade policy that precludes trade with countries in violation of the United Nations Declaration of Human Rights; and
2. that Council petition the Government of Canada to consider a formal boycott of the 2008 Olympic Games in Beijing, China, unless China ceases their current, aggressive campaign of cultural genocide against Tibetans.

Summary

The People’s Republic of China (China) is currently engaged in violent retaliation against the people of Tibet and that country’s latest protest against China’s unlawful occupation of Tibet

since 1949. The Dalai Lama, who was forced to flee Tibet in 1959, has condemned China's actions toward Tibet, including China's occupation and regular violation of basic human rights of its citizens.

The 2008 Olympic Games are to be held at Beijing, China, this July. Given China's past record on human rights, it was surprising that it was successful in winning its bid to hold the Olympics. Nonetheless, China has now committed further gross violations of the United Nations Universal Declaration of Human Rights by retaliating against Tibet, carrying-out its latest campaign of cultural genocide against Tibetans. Most hypocritically, China is an original signatory of the U.N. Declaration of Human Rights and a permanent member of the U.N. Security Council.

In the past, countries have boycotted the Olympic Games for violations of human rights and/or sovereignty. In 1980, Canada, the United States, Japan, Israel, West Germany – and The People's Republic of China, all boycotted the Olympics in Moscow to protest the Soviet Union's December 1979 invasion of Afghanistan. In total, 62 countries fully boycotted the 1980 Olympics. Presently, the United Nations Security Council is contemplating recommending a boycott of the 2008 Olympics.

As Canadians and Torontonians, we cannot be complicit in these ongoing and increasing violations of basic human rights in China and Tibet. We need to go on record as standing against these violations. We also need to be careful not to legitimize China's wrongdoing by sending emissaries to negotiate and promote business and trade with China.

Mayor David Miller is leading a team to China to negotiate increased trade. This trip should not be occurring because of China's abysmal record on human rights but especially due to the recent atrocities by China against Tibet and Tibetans. In today's context, any Canadian, most particularly an elected official in a democracy, who continues to encourage trade between Canada and China, proves to be ignorant and insensitive to the issues of basic human rights for the citizens of China and the captive citizens of Tibet. The only way to deal with a country in continuous violation of the U.N. Declaration of Human Rights is to not deal with such a country until it complies. In effect, any further dealings with China, legitimizes their actions when they continue to commit these ongoing atrocities.

Communications

(May 5, 2008) Member Motion from Councillor Walker and Councillor Palacio, entitled "Mayor Miller and Human Rights in China" (EX.Main)
(<http://www.toronto.ca/legdocs/mmis/2008/ex/comm/communicationfile-7247.pdf>)

Speakers

Councillor Michael Walker, Ward 22, St. Paul's

Decision Advice and Other Information

On motion by Deputy Mayor Pantalone, the Executive Committee referred the Member Motion by Councillor Walker, seconded by Councillor Palacio, entitled "Mayor Miller and Human Rights in China", to the Office of the Mayor for appropriate consideration.

Motions

Motion to Refer Item moved by Deputy Mayor Joe Pantalone (**Carried**)

EX21.22	ACTION	Referred		
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Waterfront Toronto - Request for Information

(May 5, 2008) Member Motion from Councillor Minnan-Wong, seconded by Councillor Ootes

Recommendations

1. City Council request Waterfront Toronto to make the financial records of all contracts awarded over \$10,000 since 2001 available for inspection by City Council, such detail to include, at a minimum:
 - the amount of the contract;
 - the award recipient;
 - if the contact was sole-sourced;
 - a description of the contract; and
 - the date of completion of the contract.

Summary

Since its inception, Waterfront Toronto (formerly the Toronto Waterfront Corporation) has commissioned many reports and hired many consultants costing millions of dollars. Their procurement policy flows through the government Contribution Agreement which states that all procurements over \$75,000.00 must be competitively tendered. Their own internal procurement policy requires any sole sourced contracts between \$25,000.00 - \$75,000.00 must be reported to the Board and its Committees.

In a communication Waterfront Toronto has stated:

Information of sole sourced contracts greater than \$75,000.00 are taken to the Board of Directors and Board discussion is reflected in Board minutes accessible through our web site. Our web site also includes our annual report which contains financial statements. Those statements are reviewed and approved by the Audit Committee and Board. Included in the financial statements in Schedule A is a summary of all expenditures directly related to each project approved by the three governments.

Notwithstanding this information, the web site of Waterfront Toronto provides very little information with regard to the description of these contracts, their purpose and cost. Very little information, if any is provided in the Minutes of the Board Meetings which are posted on their web site.

Repeated attempts to obtain this information have been refused.

Residents of the City of Toronto should have easy access to this information. Since its inception, the Waterfront Toronto has increased its staff from 4 to 65. Corporate costs have increased dramatically. Since 2006 funds spent on Communications and Public Consultation have increased over 250 per cent. Corporate costs have increased by 100 per cent since 2005.

Section 9 of the Toronto Waterfront Revitalization Corporation Act, 2002 reads:

“Upon the request of the federal government, the provincial government or city council, the Corporation and its subsidiaries, if any, shall promptly make their financial records available for inspection.”

Communications

(May 5, 2008) Member Motion from Councillor Minnan-Wong and Councillor Ootes, entitled “Waterfront Toronto - Request for Information” (EX.Main)

(<http://www.toronto.ca/legdocs/mmis/2008/ex/comm/communicationfile-7252.pdf>)

(June 2, 2008) letter from John Campbell, President & CEO, WATERFRONToronto (EX.Main.EX21.22.1)

Speakers

Councillor Denzil Minnan-Wong, Ward 34, Don Valley East
Councillor Michael Walker, Ward 22, St. Paul’s

Decision Advice and Other Information

On motion by Mayor Miller, the Executive Committee referred the Member Motion by Councillor Minnan-Wong, seconded by Councillor Ootes, entitled “Waterfront Toronto – Request for Information”, and the letter dated June 2, 2008, from Mr. John Campbell, President and CEO, Waterfront Toronto, to the Waterfront Project Director for a report to the Executive Committee later in 2008 on recommended disclosure requirements for Waterfront Toronto, with such requirements being developed jointly by Waterfront Toronto and its three Government partners.

Motions

Motion to Refer Item moved by Mayor David Miller (**Carried**)

EX21.23	ACTION	Referred		
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City of Toronto Act, 2006 - Enhanced Powers for the Mayor of Toronto

(May 5, 2008) Member Motion from Councillor Del Grande, seconded by Councillor Thompson

Recommendations

The following proposals be forwarded to the Province of Ontario for consideration during its review of the City of Toronto Act, 2006:

1. that, for the upcoming Council Term of 2010 to 2014, the forty-four (44) positions of City Councillor be eliminated altogether;
2. that the 2010 Toronto Municipal Election be conducted only for the position of the Mayor of Toronto;
3. that the Mayor of Toronto be given the authority to unilaterally hire or fire the City Manager, the Deputy City Managers and anybody else he sees fit, starting in the 2010 to 2014 Council Term; and
4. that the Mayor of Toronto for the 2010 to 2014 term be given the authority to appoint or twelve (12) individuals to serve on the Mayor's Executive or Cabinet Committee to handle affairs of the City of Toronto.

Financial Impact

Council also considered a Fiscal Impact Statement (April 28, 2008) from the Deputy City Manager and Chief Financial Officer.

Summary

The City of Toronto Act, 2006, was proclaimed on January 1, 2007, providing the City with broad powers and significant legislative freedoms. Current legislation approved by City Council has been enhanced through this piece of legislation. The Mayor's Mandate for the Implementation of New Revenue Tools, Toronto's Climate Change, Clean Air and Sustainable Energy Action Plan, the Agenda for Prosperity and the Online Petition to Canada-wide Ban on Handguns are measures implemented through the Executive Committee and City Council.

Through the Mayor's Fiscal Review Panel, they have suggested that the Mayor be given additional powers to govern the City. Mayor Miller has acknowledged that he has had discussions with the Province of Ontario, on his own without consulting City Council and the public on increasing his powers.

The Province of Ontario will be reviewing the Act as of January 1, 2009. In the event the Province agrees to make revisions to the City of Toronto Act, 2006, and grants additional powers to the Mayor of Toronto, there needs to be a review of how the City of Toronto governs itself.

Communications

(May 5, 2008) Member Motion from Councillor Del Grande and Councillor Thompson, entitled "City of Toronto Act, 2006 - Enhanced Powers for the Mayor of Toronto" (EX.Main) (<http://www.toronto.ca/legdocs/mmis/2008/ex/comm/communicationfile-7257.pdf>)

Speakers

Councillor Mike Del Grande, Ward 39, Scarborough-Agincourt
Councillor Denzil Minnan-Wong, Ward 34, Don Valley East
Councillor Cesar Palacio, Ward 17, Davenport
Councillor Karen Stintz, Ward 16, Eglinton-Lawrence

Councillor Michael Thompson, Ward 37, Scarborough Centre (Submission Filed)
Councillor Michael Walker, Ward 22, St. Paul's

Decision Advice and Other Information

On motion by Deputy Mayor Pantalone, the Executive Committee referred the Member Motion by Councillor Del Grande, seconded by Councillor Thompson, entitled "City of Toronto Act, 2006 - Enhanced Powers for the Mayor of Toronto"; and the following motion, to the Office of the Mayor for appropriate consideration:

Moved by Councillor DeBaeremaeker on behalf of Councillor Thompson

"That the Executive Committee recommend to Council, that if Council chooses to proceed with requesting Premier Dalton McGuinty to grant "more power to the Mayor", then the following process should be followed:

1. hold public consultation meetings in each Community Council area to explain what additional powers are being requested and how these powers may help run the City efficiently. That the recommendations from the public consultations be forwarded to City Council for its consideration along with the final proposal to be submitted to Premier Dalton McGuinty for provincial consideration.
2. engage the academic community to research various governance options and provide expert advice on the checks and balances that are needed to ensure transparency and accountability within a restructured city power structure.
3. since increased mayoral powers were not brought forward for public discussion and debate during the 2006 Municipal Election, delay instituting any new Mayoral powers until after the next municipal election."

Motions

Motion to Refer Item moved by Deputy Mayor Joe Pantalone (**Carried**)

Carried on the following Recorded Vote:

Yeas: Carroll, De Baeremaeker, Fletcher, Kelly, McConnell, Pantalone, Miller, Mihevc.

Nays: None.

EX21.24	ACTION	Referred		
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City of Toronto Act, 2006 - Need For Council Debate and Discussion

(May 5, 2008) Member Motion from Councillor Del Grande, seconded by Councillor Walker

Recommendations

1. that any suggestions, recommendations and changes to the City of Toronto Act, 2006, proposed by Mayor Miller, be brought to City Council for debate and discussion; and
2. that any decisions passed by City Council on the City of Toronto Act, 2006, be given to Mayor Miller as a Council-approved directive to discuss changes and recommendations with the Premier of Ontario and the Minister of Municipal Affairs and Housing.

Summary

The City of Toronto Act, 2006, was proclaimed on January 1, 2007, providing the City with broad powers and significant legislative freedoms. This piece of legislation gives the City new powers in passing by-laws to promote the economic, social and environmental well-being of the City. Toronto now has the ability to delegate powers and service responsibilities to boards and to establish City Corporations. New Revenue Tools, like the Vehicle Registration Fee and the Municipal Land Transfer Tax, were passed by City Council as a result of the new legislation.

Furthermore, the City of Toronto Act, 2006, also allows Mayor Miller to appoint and dismiss certain Councillors as Chairs of Standing Committees and members of the Executive Committee. At the June 27, 2006 City Council Meeting, there was a debate and vote to implement the new City Governance Model to be put into effect for the 2006-2010 City Council Term.

Through the Mayor's Fiscal Review Panel, they have suggested that the Mayor be given additional powers to govern the City. Mayor Miller has acknowledged that he has had discussions with the Province of Ontario on his own, without consulting City Council and the public, on increasing his powers.

The increased powers of the Mayor include but may not be limited to the hiring or firing of the City Manager and the ability to have closed meetings with certain City Councillors and not the entire Council. The Province of Ontario will be reviewing the City of Toronto Act, 2006, as of January 1, 2009.

Communications

(May 5, 2008) Member Motion from Councillor Del Grande and Councillor Walker, entitled "City of Toronto Act, 2006 - Need for Council Debate and Discussion" (EX.Main)
(<http://www.toronto.ca/legdocs/mmis/2008/ex/comm/communicationfile-7262.pdf>)

Speakers

Councillor Mike Del Grande, Ward 39, Scarborough-Agincourt
Councillor Denzil Minnan-Wong, Ward 34, Don Valley East
Councillor Cesar Palacio, Ward 17, Davenport
Councillor Karen Stintz, Ward 16, Eglinton-Lawrence
Councillor Michael Thompson, Ward 37, Scarborough Centre (Submission Filed)
Councillor Michael Walker, Ward 22, St. Paul's

Decision Advice and Other Information

On motion by Deputy Mayor Pantalone, the Executive Committee referred the Member Motion by Councillor Del Grande, seconded by Councillor Walker, entitled "City of Toronto Act, 2006 - Need for Council Debate and Discussion"; and the following motion, to the Office of the Mayor for appropriate consideration:

Moved by Councillor DeBaeremaeker on behalf of Councillor Thompson:

"That the Executive Committee recommend to Council, that if Council chooses to proceed with requesting Premier Dalton McGuinty to grant "more power to the Mayor", then the following process should be followed:

1. hold public consultation meetings in each Community Council area to explain what additional powers are being requested and how these powers may help run the City efficiently. That the recommendations from the public consultations be forwarded to City Council for its consideration along with the final proposal to be submitted to Premier Dalton McGuinty for provincial consideration.
2. engage the academic community to research various governance options and provide expert advice on the checks and balances that are needed to ensure transparency and accountability within a restructured city power structure.
3. since increased mayoral powers were not brought forward for public discussion and debate during the 2006 Municipal Election, delay instituting any new Mayoral powers until after the next municipal election."

Motions

Motion to Refer Item moved by Deputy Mayor Joe Pantalone (**Carried:**
Carried on the following Recorded Vote:

Yeas: Carroll, De Baeremaeker, Fletcher, Kelly, McConnell, Pantalone, Miller, Mihevc.

Nays: None.

EX21.25	ACTION	Referred		
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City of Toronto Act, 2006 - Need For Community Consultation

(May 5, 2008) Member Motion from Councillor Del Grande, seconded by Councillor Ashton

Recommendations

1. that four public consultation meetings be held on the City of Toronto Act, 2006;
2. that any recommendations to change the City of Toronto Act, 2006, proposed at the public consultation meetings, be brought to City Council for debate and discussion; and
3. that any decisions passed by City Council on the City of Toronto Act, 2006, be given to Mayor Miller as a Council-approved directive to discuss changes and recommendations with the Premier of Ontario and the Minister of Municipal Affairs and Housing.

Financial Impact

Council also considered a Fiscal Impact Statement (April 28, 2008) from the Deputy City Manager and Chief Financial Officer.

Summary

The City of Toronto Act, 2006, was proclaimed on January 1, 2007, providing the City with broad powers and significant legislative freedoms. This piece of legislation gives the City new powers in passing by-laws to promote the economic, social and environmental well-being of the City. Toronto now has the ability to delegate powers and service responsibilities to boards and to establish City Corporations. New revenue tools, like the Vehicle Registration Fee and the Municipal Land Transfer Tax, were passed by City Council as a result of the new legislation.

Mayor Miller and the Minister of Municipal Affairs and Housing at the time attended public consultations held on June 22, 2005, to help draft the new City of Toronto Act. Through the Mayor's Fiscal Review Panel, they have suggested that the Mayor be given additional powers to govern the City. Mayor Miller has acknowledged that he has had discussions with the Province of Ontario on his own, without consulting City Council and the public, on increasing his powers.

The increased powers of the Mayor include but may not be limited to the hiring or firing of the City Manager and the ability to have closed meetings with certain City Councillors rather than the entire Council. The Province of Ontario will be reviewing the City of Toronto Act, 2006, as of January 1, 2009.

Communications

(May 5, 2008) Member Motion from Councillor Del Grande and Councillor Ashton, entitled "City of Toronto Act, 2006 - Need for Community Consultation" (EX.Main)
<http://www.toronto.ca/legdocs/mmis/2008/ex/comm/communicationfile-7263.pdf>

Speakers

Councillor Mike Del Grande, Ward 39, Scarborough-Agincourt
Councillor Denzil Minnan-Wong, Ward 34, Don Valley East
Councillor Cesar Palacio, Ward 17, Davenport
Councillor Karen Stintz, Ward 16, Eglinton-Lawrence
Councillor Michael Thompson, Ward 37, Scarborough Centre (Submission Filed)
Councillor Michael Walker, Ward 22, St. Paul's

Decision Advice and Other Information

On motion by Deputy Mayor Pantalone, the Executive Committee referred the Member Motion by Councillor Del Grande, seconded by Councillor Ashton, entitled "City of Toronto Act, 2006 - Need for Community Consultation"; and the following motion, to the Office of the Mayor for appropriate consideration:

Moved by Councillor DeBaeremaeker on behalf of Councillor Thompson

"That the Executive Committee recommend to Council, that if Council chooses to proceed with requesting Premier Dalton McGuinty to grant "more power to the Mayor", then the following process should be followed:

1. hold public consultation meetings in each Community Council area to explain what additional powers are being requested and how these powers may help run the City efficiently. That the recommendations from the public consultations be forwarded to City Council for its consideration along with the final proposal to be submitted to Premier Dalton McGuinty for provincial consideration.
2. engage the academic community to research various governance options and provide expert advice on the checks and balances that are needed to ensure transparency and accountability within a restructured city power structure.
3. since increased mayoral powers were not brought forward for public discussion and debate during the 2006 Municipal Election, delay instituting any new Mayoral powers until after the next municipal election."

Motions

Motion to Refer Item moved by Deputy Mayor Joe Pantalone (**Carried**)

Carried on the following Recorded Vote:

Yeas: Carroll, De Baeremaeker, Fletcher, Kelly, McConnell, Pantalone, Miller, Mihevc.

Nays: None.

EX21.26	ACTION	Referred		
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Implementation of Fiscal Review Panel Recommendation Regarding the Reform of Governance Structures

(May 5, 2008) Member Motion from Councillor Stintz, seconded by Councillor Shiner

Recommendations

1. That, during the April 2008 session of City Council, Mayor David Miller apprise City Council as to how this recommendation will be implemented.

Summary

In October 2007, as part of the compromise reached for the implementation of the Land Transfer Tax and Vehicle Registration Tax, Mayor David Miller commissioned an independent Fiscal Review Panel to investigate the operations of the City and report back in February 2008.

One of the key recommendations of the Panel is to reform governance structure and processes. More specifically, “The Mayor and Council change the governance structure of the City by adopting the recommendations and principles on governance in the recent Governing Toronto Advisory Panel report, including, but not limited to:

- The Mayor should have the power to direct, appoint, and dismiss the City Manager.
- There should be an assigned professional staff working for the Mayor and Executive Committee.
- Members of the Executive Committee should receive extra remuneration.
- The Mayor and the Executive Committee should set and communicate clear and focused priorities for the term of office.
- The Mayor and the Executive Committee, supported by Council, should set the overarching vision and strategy and hold management responsible and accountable for implementation.” Mayor David Miller has indicated interest in implementing this recommendation.

Communications

(May 5, 2008) Member Motion from Councillor Stintz and Councillor Shiner, entitled “Implementation of Fiscal Review Panel Recommendation Regarding the Reform of Governance Structures” (EX.Main)

<http://www.toronto.ca/legdocs/mmis/2008/ex/comm/communicationfile-7265.pdf>

Speakers

Councillor Mike Del Grande, Ward 39, Scarborough-Agincourt
Councillor Denzil Minnan-Wong, Ward 34, Don Valley East
Councillor Cesar Palacio, Ward 17, Davenport

Councillor Karen Stintz, Ward 16, Eglinton-Lawrence

Councillor Michael Thompson, Ward 37, Scarborough Centre (Submission Filed)

Councillor Michael Walker, Ward 22, St. Paul's

Decision Advice and Other Information

On motion by Deputy Mayor Pantalone, the Executive Committee referred the Member Motion by Councillor Stintz, seconded by Councillor Shiner, entitled "Implementation of Fiscal Review Panel Recommendation Regarding the Reform of Governance Structures", and the following motion, to the Office of the Mayor for appropriate consideration:

Moved by Councillor DeBaeremaeker on behalf of Councillor Thompson

"That the Executive Committee recommend to Council, that if Council chooses to proceed with requesting Premier Dalton McGuinty to grant "more power to the Mayor", then the following process should be followed:

1. hold public consultation meetings in each Community Council area to explain what additional powers are being requested and how these powers may help run the City efficiently. That the recommendations from the public consultations be forwarded to City Council for its consideration along with the final proposal to be submitted to Premier Dalton McGuinty for provincial consideration.
2. engage the academic community to research various governance options and provide expert advice on the checks and balances that are needed to ensure transparency and accountability within a restructured city power structure.
3. since increased mayoral powers were not brought forward for public discussion and debate during the 2006 Municipal Election, delay instituting any new Mayoral powers until after the next municipal election."

Motions

Motion to Refer Item moved by Deputy Mayor Joe Pantalone (**Carried**)

Carried on the following Recorded Vote:

Yeas: Carroll, De Baeremaeker, Fletcher, Kelly, McConnell, Pantalone, Miller, Mihevc.

Nays: None.

EX21.27	ACTION	Referred		
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Protecting Transparency And Accountability To Balance The Concentration of Executive Power

(May 5, 2008) Member Motion from Councillor Thompson and Councillor Del Grande

Recommendations

1. The City institute city-wide public consultations where the nature and scope of the power sought by the Mayor can be openly debated and public feedback obtained. As increasing Mayoral power removes the traditional checks and balances provided by Council, these consultations would examine:
 - a. The powers requested.
 - b. The implications of these powers, including increased secrecy and decreased transparency in the establishment of City policy and strategy.
 - c. The implications of enabling the Mayor unilateral and unchecked authority to hire and fire key City staff.
 - d. The advisability of establishing municipal political parties in the City of Toronto to counterbalance concentrated power.
2. Toronto City Council shall convene a session to debate the further concentration of powers in the Mayor's office and the resulting diminishment of the powers of Council.
3. Consultations and debates will be held and reports completed, published, publicly released and submitted to the Province prior to the review of the City of Toronto Act in January, 2009.
4. As the public has not had an opportunity to vote for a Mayor with such elevated powers, no action should be taken to further increase the concentration of power in the Mayor's office until after the next municipal election in 2010.

Financial Impact

Council also considered a Fiscal Impact Statement (April 28, 2008) from the Deputy City Manager and Chief Financial Officer.

Summary

The City of Toronto Act, 2006 proclaimed on January 1, 2007 gives the City of Toronto broad new powers. Among these powers are the ability to establish new taxes, and the allocation to the Mayor of the authority to concentrate substantial power by establishing an executive committee and appointing its members, along with the Chairs of Standing Committees.

The Mayor's Fiscal Review Panel has suggested that the Mayor be given additional powers to govern the City, and the Mayor has acknowledged that he has had private discussions with the Province of Ontario about increasing his power without consulting City Council and the public.

In his April 26, 2006 "Presentation to the Standing Committee on General Government Bill 53, Stronger City of Toronto for a Stronger Ontario Act" the Mayor said:

"However we need to recognize that important changes inevitably raise concerns, particularly when at this stage we can't definitively say how Council will use its new powers. Toronto's government is the most open, consultative and responsive order of government - with a proud tradition of transparency and accountability. I want to assure this Committee and the people of Toronto that the City will continue to use its careful policy development process to prepare for the new authorities and ensure that new authorities are used wisely."

In the spirit of Mayor Miller's frequently stated commitment to open governance, it is important that certain actions be taken to ensure that the transparency of our democratic system remains in place and checks and balances are not compromised.

Communications

(May 5, 2008) Member Motion from Councillor Thompson and Councillor Del Grande, entitled "Protecting Transparency and Accountability to Balance the Concentration of Executive Power" (EX.Main)
(<http://www.toronto.ca/legdocs/mmis/2008/ex/comm/communicationfile-7266.pdf>)

Speakers

Councillor Mike Del Grande, Ward 39, Scarborough-Agincourt
Councillor Denzil Minnan-Wong, Ward 34, Don Valley East
Councillor Cesar Palacio, Ward 17, Davenport
Councillor Karen Stintz, Ward 16, Eglinton-Lawrence
Councillor Michael Thompson, Ward 37, Scarborough Centre (Submission Filed)
Councillor Michael Walker, Ward 22, St. Paul's

Decision Advice and Other Information

On motion by Deputy Mayor Pantalone, the Executive Committee referred the Member Motion by Councillor Thompson, seconded by Councillor Del Grande, entitled "Protecting Transparency and Accountability to Balance the Concentration of Executive Power", and the following motion, to the Office of the Mayor for appropriate consideration:

Moved by Councillor DeBaeremaeker on behalf of Councillor Thompson

"That the Executive Committee recommend to Council, that if Council chooses to proceed with requesting Premier Dalton McGuinty to grant "more power to the Mayor", then the following process should be followed:

1. hold public consultation meetings in each Community Council area to explain what additional powers are being requested and how these powers may help run the City efficiently. That the recommendations from the public consultations be

forwarded to City Council for its consideration along with the final proposal to be submitted to Premier Dalton McGuinty for provincial consideration.

2. engage the academic community to research various governance options and provide expert advice on the checks and balances that are needed to ensure transparency and accountability within a restructured city power structure.
3. since increased mayoral powers were not brought forward for public discussion and debate during the 2006 Municipal Election, delay instituting any new Mayoral powers until after the next municipal election.”

Motions

Motion to Refer Item moved by Deputy Mayor Joe Pantalone (**Carried**)

Carried on the following Recorded Vote:

Yeas: Carroll, De Baeremaeker, Fletcher, Kelly, McConnell, Pantalone, Miller, Mihevc.

Nays: None.

EX21.28	ACTION	Referred		
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City Request Provincial Government to Confirm the City of Toronto Act, 2006 and Deny Additional Powers to Mayor

(May 5, 2008) Member Motion from Councillor Ootes, seconded by Councillor Vaughan

Recommendations

1. Toronto City Council request the Province of Ontario to reaffirm its commitment to the City of Toronto Act, 2006 in its current form, and neither endorse nor grant any requests to increase the powers of the Mayor, without the consent of Council;
2. Any proposed changes to the City of Toronto Act, 2006 must be approved by Toronto City Council before being presented to the Province of Ontario for consideration; and
3. Toronto City Council request that the Province of Ontario not grant authority to the City’s Executive Committee to meet in-camera at their discretion, as this Committee already meets privately when warranted, to discuss real estate transactions, personnel and legal matters.

Summary

The independent fiscal review panel that recently reviewed the City’s economic situation, along with the Premier of Ontario, believe that Toronto should have a “strong mayor system”. They have suggested that the Mayor should have more authority and power, in addition to what is provided under the City of Toronto Act, 2006. The Mayor has echoed these sentiments and plans to ask the Premier to grant him additional powers. The Mayor already has substantial

powers, including his ability to appoint Chairs to the standing committees, thus forming the composition of the Executive Committee.

The City of Toronto is democratically governed by a Council made up of forty-four elected Councillors, and one Mayor. The current structure allows essential participation by all, and prevents an autocracy. The fiscal review's panel called the current system "needlessly politicized". In fact, granting sweeping powers to the Mayor would further politicize municipal government.

Communications

(May 5, 2008) Member Motion from Councillor Ootes and Councillor Vaughan, entitled "City Request Provincial Government to Confirm the City of Toronto Act, 2006 and Deny Additional Powers to Mayor" (EX.Main)

(<http://www.toronto.ca/legdocs/mmis/2008/ex/comm/communicationfile-7267.pdf>)

Speakers

Councillor Mike Del Grande, Ward 39, Scarborough-Agincourt

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

Councillor Cesar Palacio, Ward 17, Davenport

Councillor Karen Stintz, Ward 16, Eglinton-Lawrence

Councillor Michael Thompson, Ward 37, Scarborough Centre (Submission Filed)

Councillor Michael Walker, Ward 22, St. Paul's

Decision Advice and Other Information

On motion by Deputy Mayor Pantalone, the Executive Committee referred the Member Motion by Councillor Ootes, seconded by Councillor Vaughan, entitled "City Request Provincial Government to Confirm the City of Toronto Act, 2006 and Deny Additional Powers to Mayor"; and the following motion, to the Office of the Mayor for appropriate consideration:

Moved by Councillor DeBaeremaeker on behalf of Councillor Thompson

"That the Executive Committee recommend to Council, that if Council chooses to proceed with requesting Premier Dalton McGuinty to grant "more power to the Mayor", then the following process should be followed:

1. hold public consultation meetings in each Community Council area to explain what additional powers are being requested and how these powers may help run the City efficiently. That the recommendations from the public consultations be forwarded to City Council for its consideration along with the final proposal to be submitted to Premier Dalton McGuinty for provincial consideration.
2. engage the academic community to research various governance options and provide expert advice on the checks and balances that are needed to ensure transparency and accountability within a restructured city power structure.
3. since increased mayoral powers were not brought forward for public discussion and debate during the 2006 Municipal Election, delay instituting any new Mayoral powers until after the next municipal election."

Motions

Motion to Refer Item moved by Deputy Mayor Joe Pantalone (**Carried**)

Carried on the following Recorded Vote:

Yeas: Carroll, De Baeremaeker, Fletcher, Kelly, McConnell, Pantalone, Miller, Mihevc.

Nays: None.

EX21.29	ACTION	Referred		
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City Council Policy on Conducted Energy Devices (i.e. Tasers)

(May 7, 2008) Member Motion from Councillor Walker, seconded by Councillor Jenkins

Recommendations

1. City Council direct the City Manager to report on the use of conducted energy devices (i.e., TASERs) by any of the City's divisions, agencies, boards or commissions, and such report include information from other national and international jurisdictions, and be completed by September 2008 and submitted to the Executive Committee for public hearings on the subject and then onto City Council for debate.
2. A formal, city-wide public consultation be conducted by the City regarding the use and purchase of conducted energy devices (i.e. TASERs) by the City of Toronto and its agencies, boards and commissions, to which all interested parties (i.e., Toronto Police Accountability Coalition) be invited to make submissions.
3. City staff report by September 2008 on the feasibility of prohibiting the purchase and sale of conducted energy devices (i.e. TASERs) in Toronto, except by government organizations, as there are no restrictions on their purchase by individuals.

Financial Impact

Council also considered a Fiscal Impact Statement (April 28, 2008) from the Deputy City Manager and Chief Financial Officer

Summary

There is currently an ongoing public discussion on the use of conducted energy devices (CEDs) or electroshock/stun guns (i.e. Tasers). The Toronto Police Service has been using these devices since 2004 and is contemplating expanding their use by purchasing more, spending millions of taxpayer dollars. Now, the Toronto Transit Commission (TTC) is speculating publicly about arming its security officers with these stun guns.

Tasers (Thomas A. Swift Electric Rifle – TASER International) are hand-held weapons that deliver a 50,000 volt jolt of electricity through a pair of hooked wires propelled by compressed air from up to 10.6 metres away. The jolt stuns the person by causing an uncontrollable

contraction of their muscle tissue. The person is immobilized and falls to the ground – regardless of pain tolerance or mental focus. In the opinion of some, the use of stun guns is tantamount to corporeal punishment.

Apparently, conducted energy devices/stun guns are not regulated in Toronto or in the rest of Canada.

The safety of these stun guns continues to be an important question. As many as 20 people in Canada and 290 in the United States have died after being shocked by a Taser. In October 2007, RCMP officers used a Taser on a Polish immigrant, Robert Dziekanski, in Vancouver International Airport; the officers used the Taser within 25 seconds of their arrival on the scene, instead of talking to Mr. Dziekanski, who died shortly after being hit twice with a Taser. In October 2007, Toronto Police used a Taser on a drunken man and the Taser hit him in the eye and in the leg, sending the electroshock through his body, damaging his eye beyond repair. Recently, transit police in Vancouver have used electroshock guns/Tasers on customers who didn't pay and a customer who held onto a railing when told not to.

Further, a recent Radio-Canada report has found that approximately 20% of the time Montreal police officers use a Taser it is used incorrectly. Further still, it seems the Taser is being used as a first resort, not last next to using the gun, and is replacing talking to the perpetrator.

The safety-testing of these conducted energy devices has been called into question also. For example, recent medical studies have found that the Taser produces latent effects upon the human heart that results in irregular, spastic heart beats and possible cardiac arrest. Because of recent independent testing of the effects of Tasers, Taser International is distancing itself from their in-house tests on pigs carried-out years ago and is stating that testing on pigs cannot be considered conclusive. Now, Taser International is stating that human testing needs to be done; they are carrying-out these tests on humans in Police forces and on the streets across North America.

Because of the controversy surrounding conducted energy devices/Tasers and their use, City Council needs to decide what its formal policy concerning these devices is.

Communications

(May 7, 2008) Member Motion from Councillor Walker and Councillor Jenkins, entitled "City Council Policy on Conducted Energy Devices (i.e., Tasers) (EX.Main)
(<http://www.toronto.ca/legdocs/mmis/2008/ex/comm/communicationfile-7268.pdf>)

Speakers

Councillor Karen Stintz, Ward 16, Eglinton-Lawrence
Councillor Michael Walker, Ward 22, St. Paul's

Decision Advice and Other Information

On motion by Councillor McConnell, the Executive Committee referred the Member Motion by Councillor Walker, seconded by Councillor Jenkins entitled, "City Council Policy on Conducted Energy Devices (i.e., Tasers), to the Toronto Police Services Board for consideration.

Motions

Motion to Refer Item moved by Councillor Pam McConnell (**Carried**)

EX21.30	ACTION	Referred		
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Large Urban Mayors' Caucus of Ontario's Inquiry Into Support for Changes to the Labour Relations Act, 1995

(May 7, 2008) Member Motion from Councillor Stintz, seconded by Councillor Ootes

Recommendations

1. The City Manager provide a report to Council on the City of Toronto's position on this request; including confirmation that the City Manager had legislative authority to provide LUMCO with the City's policy position in the absence of Council's direction.
2. The City Manager report why a negative response to this request was provided in the absence of the staff report requested by Mayor Miller.

Summary

On September 26, 2007, City Council referred to the Executive Committee a motion requesting that Shirley Hoy write a letter to "the Province of Ontario in support of the City of Hamilton advocating the Province to make the necessary changes to the Labour Relations Act, 1995, Section 126, by defining municipalities as non-construction employers."

At its October 29, 2007 meeting, on motion by Mayor Miller, the Executive Committee:

1. Noted and filed the Member Motion by Councillor Stintz, seconded by Councillor Ootes, until the Provincial Government undertakes a review of the construction industry and the rights of construction workers to join a trade union of their choice; and
2. Requested the City Manager to submit an information report to the Executive Committee respecting the cost of construction contracts, including a breakdown of labour costs, union/non-union, the value of training and any legal issues.

The aforesaid report has yet to be submitted to Executive Committee.

On November 16, 2007 the meeting of the Large Urban Mayors Caucus of Ontario (LUMCO), which is composed of mayors from municipalities with a population of 100,000 or more, received a presentation from the City of Hamilton on the Labour Relations Act (see Attachment 1). The City of Hamilton also requested LUMCO's support in advocating that the Province amend the Act. The Chair of LUMCO, Mayor Hazel McCallion, requested through email, that each member municipality review the City of Hamilton's request and indicate their position by December 7, 2007 (see Attachment 2).

The City of Toronto responded that it is not in support of the requested change to the Labour Relations Act, without the benefit of the staff report requested by Mayor Miller (see Attachment 3). The predominance of responses to date from LUMCO municipalities are in support of the requested change (see Attachment 4). The City of Oshawa is one such municipality (see Attachment 5).

Communications

(May 7, 2008) Member Motion from Councillor Stintz and Councillor Ootes, entitled “Large Urban Mayors’ Caucus of Ontario’s Inquiry into Support for Changes to the Labour Relations Act, 1995” (EX.Main)

(<http://www.toronto.ca/legdocs/mmis/2008/ex/comm/communicationfile-7269.pdf>)

Speakers

Councillor Karen Stintz, Ward 16, Eglinton-Lawrence

Decision Advice and Other Information

On motion by Mayor Miller, the Executive Committee referred the Member Motion by Councillor Stintz, seconded by Councillor Ootes to the Office of the Mayor.

Motions

Motion to Refer Item moved by Mayor David Miller (**Carried**)

EX21.31	ACTION	Adopted		
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Naming Sponsorship of the Conference Centre formally known as the Automotive Building

Confidential Attachment - The security of the property of the municipality or local board

(May 8, 2008) Report from the Chief Executive Officer, Exhibition Place

Recommendations

It is recommended that Council:

1. Approve of The Board of Governors of Exhibition Place entering into a Naming Sponsorship Agreement with MTS Allstream Inc. for the naming of the Conference Centre in the former, newly to be renovated Automotive Building, for a term of 10-years substantially on the terms and conditions provided in this report, including Confidential Attachment 1, and such other terms and conditions as may be satisfactory to the CEO and the City Solicitor;
2. Direct that the confidential information contained in Confidential Attachment 1 to this report not be released publicly in order to protect the competitive position and future economic interests of Exhibition Place; and

3. Authorize and direct the appropriate Exhibition Place and City officials to take the necessary action to give effect thereto.

Financial Impact

The fee to be negotiated with Allstream provides an income stream to the Board over the 10 year period of the naming agreement and is at market compared to recent agreements for comparative properties in Toronto as noted in the confidential attachment. In addition to the direct cash payment, the Board will receive other benefits as a result of its alignment with this Canadian company and the value of any advertising and promotional tie-ins with the Proposed Naming Sponsor.

Summary

This report recommends that The Board of Governors of Exhibition Place (the “Board”) enter into a naming sponsorship agreement for the Conference Centre with MTS Allstream Inc. (“Allstream”) on the substantive terms and conditions outlined in this report for a term of ten years. The agreement will provide for a substantial financial return to the Board and allows Allstream specific naming opportunities on the building, the grounds and in the marketing materials, as well as specific business opportunities for services provided by Allstream and provides for the purchase of some of its products on a preferred supplier throughout the new Conference Centre, Direct Energy Centre and at all other appropriate Exhibition Place locations, excluding BMO Field, Ricoh Coliseum and Tenanted buildings (leased or licensed).

This report involves the security of property belonging to the City or one of its agencies, boards, and commissions. In order to protect the competitive position and future economic interests of the Board, staff are recommending that the competitive and financial information contained in Confidential Attachment 1 not be disclosed publicly.

While naming of entertainment and sports venues has been common; corporate naming sponsorship of convention/trade facilities has been more difficult to achieve and there are only three such venues named in Canada and three in the USA.

In 2006, the Board engaged Wakeham & Associates (“WAM”) as the exclusive sponsorship agent with the prime objective being to secure an appropriate sponsor to acquire the name-in-title rights to the new Conference Centre. On behalf of Exhibition Place, WAM targeted a total of 102 companies selected from a number of business categories. However, because of the Board’s agreement with Direct Energy Services Ltd. and Ricoh Ltd., no businesses that provide gas or electrical utilities or general HVAC services or sponsors in the business equipment sector were approached.

As with the naming of the Direct Energy Centre, prior to marketing the naming opportunity for the Conference Centre, the Board and WAM developed a matrix of the business objectives for Exhibition Place which categories are as follows: Build Profile of Exhibition Place and Awareness of The New Conference Centre; Reinforce and build on Environmental Initiatives; Offer Benefits to Exhibition Place and its Tenants, Show Producers and Visitors; and Generate Incremental Operating Income for Special Projects.

The fee being proposed by the agreement with Allstream is at market compared to recent agreements for comparative properties in Toronto as noted in the confidential attachment. In addition to the direct cash payment, the Board will receive other benefits as a result of its alignment with this Canadian company and the value of any advertising and promotional tie-ins with Allstream.

Speakers

Mr. Jayme Turney, Campaign Coordinator, Toronto Public Space Committee

Mr. Jonathan Goldsbie

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

Councillor Michael Walker, Ward 22, St. Paul's

Committee Recommendations

On motion by Deputy Mayor Pantalone, the Executive Committee recommended that Council:

1. Approve of The Board of Governors of Exhibition Place entering into a Naming Sponsorship Agreement with MTS Allstream Inc. for the naming of the Conference Centre in the former, newly to be renovated Automotive Building, for a term of 10-years substantially on the terms and conditions provided in this report, including Confidential Attachment 1, and such other terms and conditions as may be satisfactory to the CEO and the City Solicitor;
2. Direct that the confidential information contained in Confidential Attachment 1 to this report not be released publicly in order to protect the competitive position and future economic interests of Exhibition Place; and
3. Authorize and direct the appropriate Exhibition Place and City officials to take the necessary action to give effect thereto.

Motions

Motion to Adopt Item moved by Deputy Mayor Joe Pantalone (**Carried**)

Links to Background Information

Naming Sponsorship of the Conference Centre formally known as the Automotive Building (<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13240.pdf>)

EX21.32	ACTION	Adopted		Ward: All
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Toronto Police Service: Renewal of the Safer Communities – 1,000 Officers Partnership Program Grant Agreement

(May 8, 2008) Report from the Chair, Toronto Police Services Board

Recommendations

On behalf of the Toronto Police Services Board, the Chair of the Board, Alok Mukherjee, recommends that:

1. Toronto City Council authorize the City of Toronto to renew the Safer Communities – 1,000 Officers Partnership Program Agreement with the Province and the Toronto Police Services Board, on terms and conditions substantially similar to those contained in the previous Safer Communities – 1,000 Officers Partnership Program Agreement with the Province, subject to approval as to form by the City Solicitor.

Financial Impact

There is no financial impact beyond what has already been approved in the current year's budget for the Toronto Police Service.

As the Safer Communities – 1,000 Officers Partnership Program is an on-going program, grant funding, estimated at \$8.75 million, is included as revenue in the 2008 Toronto Police Service Operating Budget. Entering into a renewal agreement with the Province in respect of the Safer Communities – 1,000 Officers Partnership Program will have no further financial implications or impact; however, failing to enter into the Agreement would result in loss of revenue of \$8.75 million annually for the Board and the City with respect to the 250 officers that are partially funded through the grant program.

The renewal of the Safer Communities – 1,000 Officers Partnership Program Agreement with the Province does not commit the City to any additional expenditures. Although it does require the City to cover salary expenses not covered by the grant, these expenditures would be incurred, regardless, if the Service is to maintain its uniform staffing levels at the authorized strength of 5,510.

Summary

The purpose of this report is to request the City of Toronto – Executive Committee to submit a recommendation to Toronto City Council to authorize the City of Toronto to renew the Safer Communities – 1,000 Officers Partnership Program Agreement between the Province of Ontario, the City of Toronto and the Toronto Police Services Board for a further two-year period – April 1, 2008 to March 31, 2010. This Agreement, received in April 2007, replaces the current agreement, which expired on March 31, 2008.

Under the Safer Communities – 1,000 Officers Partnership Program, the Toronto Police Service (TPS) receives grant funding of up to \$8.75 million annually to cover a portion of the salaries and benefits of up to 250 officers. Although the program is on-going, a formal agreement is entered into every two years. Revenue of \$8.75 million is built into the TPS

budget each year for this grant program. In order to maximize the amount of funding received, TPS must maintain its uniform staffing levels at a predetermined benchmark of at least 5,510 officers. Uniform staffing levels have been maintained above this benchmark and the current authorized uniform strength is 5,510.

Committee Recommendations

On motion by Mayor Miller, the Executive Committee recommended that Council:

1. Authorize the City of Toronto to renew the Safer Communities – 1,000 Officers Partnership Program Agreement with the Province and the Toronto Police Services Board, on terms and conditions substantially similar to those contained in the previous Safer Communities – 1,000 Officers Partnership Program Agreement with the Province, subject to approval as to form by the City Solicitor.

Motions

Motion to Adopt Item moved by Mayor David Miller (**Carried**)

Links to Background Information

Toronto Police Service: Renewal of the Safer Communities ý 1,000 Officers Partnership Program Grant Agreement

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13241.pdf>

EX21.33	Information	Deferred		
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Toronto Police Service – 2007 Parking Enforcement Unit Tag Issuance

(May 5, 2008) Report from the Chair, Toronto Police Services Board

Financial Impact

There are no financial implications in regard to the receipt of this report.

Summary

The purpose of this report is to provide the City of Toronto - Executive Committee with the Toronto Police Service - Parking Enforcement Unit's 2007 annual report on tag issuance.

Decision Advice and Other Information

On motion by Councillor Moscoe, the Executive Committee deferred consideration of the report (May 5, 2008) from the Chair, Toronto Police Services Board, entitled "Toronto Police Service - 2007 Parking Enforcement Unit Tag Issuance", until its meeting scheduled to be held on June 26, 2008.

Motions

Motion to Defer Item moved by Councillor Howard Moscoe (**Carried**)

Links to Background Information

Toronto Police Service y 2007 Parking Enforcement Unit Tag Issuance
<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13242.pdf>

EX21.34	Information	Deferred		
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Toronto Police Service – Paid Duty and Special Events Requirements, Practices and Impacts

(May 5, 2008) Report from the Chair, Toronto Police Services Board

Financial Impact

There are no financial implications in regard to the receipt of this report.

Summary

The purpose of this report is to provide the City of Toronto - Executive Committee with the Toronto Police Service's report on paid duty and special events requirements, practices and impacts.

Decision Advice and Other Information

On motion by Councillor Moscoe, the Executive Committee deferred consideration of the report (May 5, 2008) from the Chair, Toronto Police Services Board, entitled "Toronto Police Service - Paid Duty and Special Events Requirements, Practices and Impacts", until its meeting scheduled to be held on June 26, 2008.

Motions

Motion to Defer Item moved by Councillor Howard Moscoe (**Carried**)

Links to Background Information

Toronto Police Service - Paid Duty
<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13243.pdf>

EX21.35	Information	Deferred		
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Toronto Police Service – Feasibility of Broadening the Use of the Hand-Held Parking Devices

(May 5, 2008) Report from the Chair, Toronto Police Services Board

Financial Impact

There are no financial implications in regard to the receipt of this report.

Summary

The purpose of this report is to provide the City of Toronto - Executive Committee and the City of Toronto - Budget Committee with the Toronto Police Service's report on the feasibility of broadening the use of the hand-held parking devices.

Decision Advice and Other Information

On motion by Councillor Moscoe, the Executive Committee deferred consideration of the report (May 5, 2008) from the Chair, Toronto Police Services Board, entitled "Toronto Police Service - Feasibility of Broadening the Use of the Hand-Held Parking Devices", until its meeting scheduled to be held on June 26, 2008.

Motions

Motion to Defer Item moved by Councillor Howard Moscoe (**Carried**)

Links to Background Information

Toronto Police Service - Feasibility of Broadening the Use of the Hand-Held Parking Devices (<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13244.pdf>)

Mayor Miller introduced His Worship Giuseppe D'onorio, Mayor of Veroli, Italy.

Mayor Miller also introduced a delegation from the People's Republic of China.

Motion to Extend the morning session of the Meeting moved by Mayor David Miller (**Carried**)

Meeting Sessions

Session Date	Session Type	Start Time	End Time	Public or Closed Session
2008-06-03	Morning	9:40 AM	12:35 PM	Public
2008-06-03	Afternoon	1:40 PM	8:20 PM	Public

Attendance

Date and Time	Quorum	Members
2008-06-03 9:40 AM - 12:35 PM (Public Session)	Present	Present: Carroll, Davis, De Baeremaeker, Fletcher, Kelly, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae Not Present: Lindsay Luby Also present (non-members): Holyday, Minnan-Wong, Stintz, Vaughan, Walker.
2008-06-03 1:40 PM - 8:20 PM (Public Session)	Present	Present: Carroll, Davis, De Baeremaeker, Fletcher, Kelly, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae Not Present: Lindsay Luby Also present (non-members): Cho, Del Grande, Fillion, Holyday, Minnan-Wong, Nunziata, Palacio, Stintz, Thompson, Walker.

 Chair