
Executive Committee

Meeting No.	17	Contact	Patsy Morris, Committee Administrator
Meeting Date	Wednesday, February 6, 2008	Phone	416-392-9151
Start Time	9:30 AM	E-mail	pmorris@toronto.ca
Location	Committee Room 1, City Hall		

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EX17.1	REFERRED			Ward: All
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Delegation of Certain Powers in Real Estate Matters

City Council Decision

City Council on March 3, 4 and 5, 2008, referred this Item back to the Executive Committee, together with the following motions:

Moved by Councillor Moscoe:

That:

1. Recommendation 1 of the Executive Committee be amended by adding the following:

“subject to the following amendments to Appendix A:

1. General Condition (c) be deleted and replaced with the following:

- (c) For all Acquisitions, Disposals, Land Exchanges and Leases, where the property is located within the boundaries of the City of Toronto, concurrence of the local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be obtained prior to the exercise of delegated Approving Authority by staff, failing which the local Councillor(s) shall request the delegated authority to be exercised by a higher level of authority on the chart (including the Government Management Committee) for final decision-making.

2. General Condition (y) be deleted and replaced with the following:

- (y) Where approving power has been delegated to staff, the Chief

Corporate Officer, in consultation with the applicable Deputy City Manager or the City Manager, may determine that such matter is of such special interest that same should be determined by the Government Management Committee.

2. Recommendation 3 of the Executive Committee be deleted and replaced with the following:
 3. In respect of the exercise of delegated authority to dispose of land, City Council, as the approving authority under the Expropriations Act, authorize the Government Management Committee and staff to whom authority to dispose of land is being delegated, to dispose of lands acquired by expropriation without giving the owner from whom the land was expropriated the first chance to repurchase the land on the terms of the best offer received by the expropriating authority, if the expropriation has taken place ten years or more prior to the proposed disposal.

Moved by Councillor Vaughan:

1. That, where a local Councillor feels that a property should be acquired, but through the process that idea is rejected by either staff or the Government Management Committee, there be an appeal mechanism to City Council.
2. That the Chief Corporate Officer be requested to report to the Government Management Committee on appropriate policies to facilitate the resale of expropriated properties that are tied to a land assembly or civic projects where the City is a partner.

(January 23, 2008) Report from the Deputy City Manager and Chief Financial Officer and the City Solicitor

Committee Recommendations

The Executive Committee recommends that:

1. City Council delegate the approving and signing powers in real estate matters as set out in Appendix A.
2. City of Toronto Municipal Code Chapter 27, Council Procedures, be amended as necessary to give effect to the delegation set out in Appendix A.
3. In respect of the exercise of delegated authority to dispose of land, City Council, as the approving authority under the Expropriations Act, authorize the Government Management Committee and staff to whom authority to dispose of land is being delegated, to dispose of lands acquired by expropriation without giving the owner from whom the land was expropriated the first chance to repurchase the land on the terms of

the best offer received by the expropriating authority.

4. In respect of the acquisition of contaminated lands by means other than the development review process, City Council rescind the policy adopted by the former City of Toronto entitled “Environmental Issues – Real Property Acquisitions” as set out in Clause 46 of Report No. 11 of the Executive Committee at its meeting of June 21, and 22, 1993, and the former City of Etobicoke “Policy and Procedures for Dealing with Contaminated or Potentially Contaminated Sites”, adopted by the former Etobicoke Council meeting on September 15, 1997, together with any other subsisting policies from the legacy municipalities.
5. This authority supercede and replace the delegation of approving authority in real property matters authorized by City Council’s adoption of Appendix A-1 of Clause No. 1 as amended of Report No. 11 of The Corporate Services Committee at its meeting held on July 29, 30 and 31, 1998.
6. Authority be granted to the City Solicitor to submit any bills required to implement the foregoing, including all necessary amendments to City of Toronto Municipal Code Chapter 27, Council Procedures, and other chapters in the Municipal Code and other by-laws, generally in accordance with the report recommendations and Appendix A, and subject to any necessary technical adjustments.

Decision Advice and Other Information

The Executive Committee referred the following motions to the Deputy City Manager and Chief Financial Officer and the City Solicitor for report directly to Council for its meeting scheduled to be held on March 3, 2008, with a request that staff explore how to best accomplish the authority to bump up the delegation authority to a higher level:

Moved by Councillor De Baeremaeker:

“That the Executive Committee recommend to City Council that:

1. General Condition (c) contained in Appendix A, Delegation of Certain Powers in Real Estate Matters, be amended by adding the words “concurrence of” before the words “the local Councillor” in the first line, substituting in the second line, the word “obtained” for the word “consulted”, and adding the words “, failing which the matter will be submitted to the Government Management Committee and Council for consideration and determination”, so that General Condition (c) will now read:

“(c) For all Acquisitions, Disposals, Land Exchanges and Leases, concurrence of the local Councillor will be obtained prior to the exercise of delegated Approving Authority by Staff, failing which the matter will be submitted to the Government Management Committee and Council for consideration and determination.”

Moved by Councillor Moscoe:

“That the Executive Committee recommend to City Council that:

1. General Condition (c). contained in Appendix A, Delegation of Certain Powers in Real Estate Matters, be amended to read as follows:
 - (c) For all real estate transactions including, but not limited to Acquisitions, Disposal Land Exchanges and Leases, the local Councillor or Councillors, if the subject property is within 300 meters of a Ward boundary, or if the transaction involves an exchange of properties in more than one ward, will be consulted prior to the exercise of delegated approving authority by staff.”
2. the following General Condition (z) be added to Appendix A:
 - “(z) The local Councillor(s) as specified in item c., has the authority to bump the delegation authority to a higher level of staff authority on the chart up to an including the Government Management Committee;”;

The Executive Committee also referred the following motion to the Deputy City Manager and Chief Financial Officer and the City Solicitor for report directly to Council for its meeting scheduled to be held on March 3, 2008:

Moved by Councillor Moscoe:

“That the Executive Committee recommend to City Council that Recommendation 3 contained in the report (January 23, 2008) from the Deputy City Manager and Chief Financial Officer and the City Solicitor, be amended to read as follows:

3. In respect of the exercise of delegated authority to dispose of land, City Council, as the approving authority under the Expropriations Act, authorize the Government Management Committee and staff to whom authority to dispose of land is being delegated, to dispose of lands acquired by expropriation without giving the owner from whom the land was expropriated the first chance to repurchase the land on the terms of the best offer received by the expropriating authority, if the expropriation has taken place ten years prior to the proposed disposal.”

The Executive Committee held a public meeting on February 6, 2008, in accordance with the City of Toronto Act, 2006, and notice of the proposed amendments to Municipal Code Chapter 27, Council Procedures, was posted on the City's web site for a minimum of 5 days.

Financial Impact

There is no financial impact as a result of this report. It is a pre-condition to the exercise of any delegated authority that all required funding be available in an approved budget.

Summary

To delegate various approving and signing powers in real estate matters.

Background Information

Delegation of Certain Powers in Real Estate Matters

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-10351.pdf>)

Delegation of Certain Powers in Real Estate Matters - Appendix A

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-10352.pdf>)

1998 Delegation of Authority in Real Property Matters - Appendix A-1

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-10353.pdf>)

Additional Background Information (City Council)

- (February 27, 2008) from the Deputy City Manager and Chief Financial Officer and the City Solicitor ([EX17.1a](#))

Speaker

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

EX17.2	NO AMENDMENT			Ward: All
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Investment Earnings Policy and the Administration of Reserve Accounts

City Council Decision

City Council on March 3, 4 and 5, 2008, adopted the following motions:

1. The policy as outlined in Appendix A, concerning the allocation of investment earnings to reserve accounts, be adopted.
2. Consistent with the policy recommended in Part 1, reserves, reserve funds and accounts as set out in Appendix B be established or re-established for the purpose set out in the respective Schedules to Appendix B for each reserve, reserve fund and account, and Municipal Code Chapter 227, Administration of Reserves and Reserve Funds, be amended by adding the reserves, reserve funds and accounts to their respective schedules as set out in Schedules 1 through 18 in Appendix B.
3. Parts 1 and 2 be effective January 1, 2008.
4. Council establish an obligatory reserve fund called the 'Soccer Stadium Capital Maintenance Reserve Fund' to be used to provide for Capital expenditures (i.e. Capital expenditures as defined as per GAAP) for the soccer stadium at Exhibition Place and that it be added to the new Schedule #15 – Third Party Agreements Reserve Funds in Municipal Code Chapter 227.
5. The Deputy City Manager and Chief Financial Officer be authorized to establish

accounts as required with balances on hand within the Planning Act Reserve Fund so that Section #37 and #45 funds will become reserve funds.

6. Council waive the current requirement for each account to be established within the Planning Act Reserve Funds via a by-law, in order to expedite the creation of the necessary accounts as noted in Part 7.
7. Authority be delegated to the City Solicitor to periodically submit bills to amend Municipal Code 227 – Administration of Reserves and Reserve Funds – as future accounts are created, in order to include these accounts within the Planning Act Reserve Funds.
8. For accounts within the Planning Act Reserve Funds, where the balance in an account is the lesser of 10 percent of the original funding or \$10,000.00, these funds can be used for a similar purpose within the same ward as the originating development.
9. Municipal Code 227 – Administration of Reserves and Reserve Funds be amended to authorize the Treasurer to establish accounts within the Planning Act Reserve Funds where Council has adopted a report containing a development agreement with Section 37 provisions which are clearly and totally described in the Financial Impact Section of said report, and to establish the seven criteria required by § 227-2B(1) through (7) of the Code.
10. The City Solicitor and the Chief Planner and Executive Director, City Planning Division, in consultation with the Deputy City Manager and Chief Financial Officer, be authorized to amend the current Agreement report template to include wording giving the City authority to exercise the policy enunciated in Part 9, as well as the authority for the Deputy City Manager and Chief Financial Officer to establish an account within the Planning Act Reserve Fund.
11. The appropriate officials be authorized and directed to take the necessary action to give effect thereto, and leave be granted for the introduction of any necessary bills in Council to give effect thereto.

(January 23, 2008) Report from the Deputy City Manager and Chief Financial Officer

Committee Recommendations

The Executive Committee recommends that:

1. the policy as outlined in Appendix A, concerning the allocation of investment earnings to reserve accounts, be adopted;
2. consistent with the policy recommended in Recommendation (1), reserves, reserve funds and accounts as set out in Appendix B be established or re-established for the purpose set out in the respective Schedules to Appendix B for each reserve, reserve fund and account, and Municipal Code Chapter 227, Administration of Reserves and

Reserve Funds, be amended by adding the reserves, reserve funds and accounts to their respective schedules as set out in Schedules 1 through 18 in Appendix B;

3. the above recommendations be effective January 1, 2008;
4. Council establish an obligatory reserve fund called the 'Soccer Stadium Capital Maintenance Reserve Fund' to be used to provide for capital expenditures (i.e. capital expenditures as defined as per GAAP) for the soccer stadium at Exhibition Place and that it be added to the new Schedule #15 – Third Party Agreements Reserve Funds in Municipal Code Chapter 227;
5. the Deputy City Manager and Chief Financial Officer be authorized to establish accounts as required with balances on hand within the Planning Act Reserve Fund so that Section #37 and #45 funds will become reserve funds;
6. Council waive the current requirement for each account to be established within the Planning Act Reserve Funds via a by-law in order to expedite the creation of the necessary accounts as noted in Recommendation No. 7;
7. authority be delegated to the City Solicitor to periodically submit bills to amend Municipal Code 227 – Administration of Reserves and Reserve Funds – as future accounts are created, in order to include these accounts within the Planning Act Reserve Funds;
8. for accounts within the Planning Act Reserve Funds, where the balance in an account is the lesser of 10% of the original funding or \$10,000, that these funds can be used for a similar purpose within the same ward as the originating development;
9. Municipal Code 227 – Administration of Reserves and Reserve Funds be amended to authorize the Treasurer to establish accounts within the Planning Act Reserve Funds where Council has adopted a report containing a development agreement with Section #37 provisions which are clearly and totally described in the Financial Impact Section of said report, and to establish the seven criteria required by § 227-2B(1) through (7) of the Code;
10. the City Solicitor and the Chief Planner and Executive Director, City Planning Division in consultation with the Deputy City Manager and Chief Financial Officer be authorized to amend the current Agreement report template to include wording giving the City authority to exercise the policy enunciated in Recommendation No. 9, as well as the authority for the Deputy City Manager and Chief Financial Officer to establish an account within the Planning Act Reserve Fund; and
11. the appropriate officials be authorized and directed to take the necessary action to give effect thereto, and leave be granted for the introduction of any necessary bills in Council to give effect thereto.

Financial Impact

It is estimated that the impact of this policy in 2008 will be that investment revenues in the Operating Budget will be approximately \$2 million higher than they would have been had the policy not been implemented and the allocation in aggregate to the reserve funds will be similarly reduced. The 2008 Operating Budget already incorporates the revenue impact of this report.

Summary

This report provides a policy for which funds will be held as a reserve versus a reserve fund. The four circumstances for the establishment of reserve funds are:

1. where there is a mandatory obligation to provide interest set out in legislation or an agreement;
2. where a capital asset is to be acquired or maintained (other than through donated funds);
3. where a future liability is increasing over time; and
4. where the intent is to create an endowment.

As well, as a consequence of these principles, it is being recommended that funds acquired as a result of an agreement under Section #37 of the Planning Act or a Committee of Adjustment decision under Section #45 of the Planning Act, be carried in the City's accounts as a reserve fund account in the Planning Act Reserve Funds thereby receiving interest.

As a consequence of the adoption of this policy, Municipal Code 227 – Administration of Reserves and Reserve Funds – will require amendment since some accounts currently classified as reserve funds are to be reclassified as reserves. As well, the report creates a new capital maintenance reserve fund for the soccer stadium.

Background Information

Investment Earnings Policy and the Administration of Reserve Accounts
<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-10354.pdf>

Speaker

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

EX17.3	NO AMENDMENT			Ward: All
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Policy for the Provision of Line of Credit and Loan Guarantees for Cultural and Community-Based Organizations

City Council Decision

City Council on March 3, 4 and 5, 2008, adopted the following motions:

1. Council adopt the criteria for Capital Loan and Operating and Line of Credit Guarantees contained in Appendices "A" and "B" of this report.
2. The total amount of all financial guarantees provided by the City under the Capital Loan policy be limited to an aggregate total of \$125 million.
3. The total amount of all financial guarantees provided by the City under the Operating and Line of Credit policy continue to be limited to an aggregate total of \$10 million.
4. The appropriate officials be authorized to take the necessary action to give effect thereto.

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

Committee Recommendations

The Executive Committee recommends that:

1. Council adopt the criteria for Capital Loan and Operating and Line of Credit Guarantees contained in Appendices "A" and "B" of this report;
2. the total amount of all financial guarantees provided by the City under the Capital Loan policy be limited to an aggregate total of \$125 million;
3. the total amount of all financial guarantees provided by the City under the Operating and Line of Credit policy continue to be limited to an aggregate total of \$10 million; and
4. the appropriate officials be authorized to take the necessary action to give effect thereto.

Financial Impact

Issuance of a line of credit or loan guarantee is considered to be a financial commitment of the City. However, there is no direct cost to the City for providing this guarantee unless the organization defaults on its obligation and the City cannot recover any funds. Loan and line of credit guarantees are recorded as contingent liabilities in the City's financial statements. The credit rating agencies assess the level of exposure regarding contingent liabilities when assessing the City's borrowing capacity and credit rating. For this reason, it is important for the City's financial position that Council adheres to a policy that recognizes the financial impact of loan and line of credit guarantees.

Summary

This report recommends a policy for the guidance of City staff and Council in consideration of requests for capital and operating lines of credit and loan guarantees from cultural and community-based organizations.

Background Information

Policy for the Provision of Line of Credit and Loan Guarantees for Cultural and Community-Based Organizations

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-10355.pdf>

EX17.4	NO AMENDMENT			Ward: All
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Canadian Stage Company – Increase in Line of Credit Guarantee

City Council Decision

City Council on March 3, 4 and 5, 2008, adopted the following motions:

1.
 - a. the City increase the line of credit guarantee on behalf of the Canadian Stage Company (CanStage) to its financial institution to \$800,000.00 (inclusive of all interest payable by CanStage), commencing on January 1, 2008, and ending on October 31, 2009;
 - b. the City extend the agreement with CanStage with respect to the line of credit guarantee; and
 - c. the City extend the tri-party agreement with CanStage and with its financial institution with respect to the line of credit guarantee.
2. Such guarantee and all related agreements be on terms and conditions satisfactory to the City Solicitor, the Deputy City Manager and Chief Financial Officer as well as Deputy City Manager Sue Corke, and that the Deputy City Manager and Chief Financial Officer be requested to negotiate appropriate and adequate safeguards, to the satisfaction of the City Solicitor, with the City being promptly advised in the event of default or delay in the payment of interest.
3. The City retain the right to withhold a portion of outstanding grants that the City may provide to the Canadian Stage Company in 2009 to pay off the line of credit if it is not retired or renegotiated by October 31, 2009.
4. The Canadian Stage Company provide the Deputy City Manager and Chief Financial Officer with their 2008 and 2009 audited financial statements when they become available.
5. The guarantee be deemed to be in the interest of the municipality.
6. The appropriate officials be authorized to take the necessary action to give effect thereto.

(January 18, 2008) Report from the Deputy City Manager and Chief Financial Officer

Committee Recommendations

The Executive Committee recommends that:

1. a. the City increase the line of credit guarantee on behalf of the Canadian Stage Company (CanStage) to its financial institution to \$800,000.00 (inclusive of all interest payable by CanStage), commencing on January 1, 2008 and ending on October 31, 2009;
- b. the City extend the agreement with CanStage with respect to the line of credit guarantee; and
- c. the City extend the tri-party agreement with CanStage and with its financial institution with respect to the line of credit guarantee;
2. such guarantee and all related agreements be on terms and conditions satisfactory to the City Solicitor, the Deputy City Manager and Chief Financial Officer as well as Deputy City Manager Sue Corke, and that the Deputy City Manager and Chief Financial Officer be requested to negotiate appropriate and adequate safeguards, to the satisfaction of the City Solicitor, with the City being promptly advised in the event of default or delay in the payment of interest;
3. the City retain the right to withhold a portion of outstanding grants that the City may provide to the Canadian Stage Company in 2009 to pay off the line of credit if it is not retired or renegotiated by October 31, 2009;
4. the Canadian Stage Company provide the Deputy City Manager and Chief Financial Officer with their 2008 and 2009 audited financial statements when they become available;
5. the guarantee be deemed to be in the interest of the municipality; and
6. the appropriate officials be authorized to take the necessary action to give effect thereto.

Financial Impact

Issuance of a line of credit guarantee is considered to be a financial commitment of the City. However, there is no direct cost to the City for providing this guarantee unless the organization defaults on its obligation and the City cannot recover the funds beyond any grant funding to the Canadian Stage Company withheld by the City.

Summary

This report seeks Council approval to increase the line of credit guarantee for the Canadian Stage Company of \$500,000 by \$300,000 to \$800,000.00 from January 1, 2008 until October 31, 2009.

Background Information

Canadian Stage Company - Increase in Line of Credit Guarantee
<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-10359.pdf>

EX17.5	NO AMENDMENT			Ward: All
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Development Charges Statutory Public Meeting

City Council Decision

City Council on March 3, 4 and 5, 2008, adopted the following motion:

1. Council delegate the authority and responsibility for holding a public meeting, pursuant to section 12 of the Development Charges Act, 1997, to the Executive Committee.

(January 17, 2008) Report from the Deputy City Manager and Chief Financial Officer

Committee Recommendation

The Executive Committee recommends that:

1. Council delegate the authority and responsibility for holding a public meeting, pursuant to section 12 of the Development Charges Act, 1997, to the Executive Committee.

Financial Impact

There is no financial impact associated with the adoption of the recommendations contained in this report.

Summary

This report recommends that Council delegate the authority and responsibility for holding a public meeting, pursuant to section 12 of the Development Charges Act, 1997, to the Executive Committee.

As part of the 2007 budget deliberations, Council authorized a review of the development charges by-law and Executive Committee, at its meeting of October 29, 2007, requested that staff expedite the requisite background study and introduction of the by-law. To that end, City staff commenced preparation of the detailed studies and initiated a stakeholder consultation process. It is expected that the draft development charges by-law will be presented for Council consideration in spring/summer 2008.

Prior to adopting a new development charges by-law, the legislation requires that Council hold at least one public meeting.

Background Information

Development Charges Statutory Public Meeting
<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-10362.pdf>

EX17.6	AMENDED			Ward: 28
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Sony Centre – Proposed Amendments to Umbrella Agreement

City Council Decision

City Council on March 3, 4 and 5, 2008, adopted the following motions:

1. The terms of the Umbrella Agreement be amended in accordance with the Letter of Intent attached as Appendix 'A' to the supplementary report (February 26, 2008) from the Deputy City Manager and Chief Financial Officer and the Chief Executive Officer, Sony Centre for the Performing Arts (EX17.6c), to provide for:
 - a. the sale to Castlepoint of the additional strata area on the seventh and eighth floors of the podium structure; and
 - b. the extension of the date by which the SC/City must notify Castlepoint as to whether the CityCentre project will proceed.
2. The funds received as a result of the sale of the additional strata area be deposited in the Sony Centre's Capital Improvement Reserve Fund (#XR2031).
3. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

(January 24, 2008) Report from the Deputy City Manager and Chief Financial Officer and the Chief Executive Officer, Sony Centre for the Performing Arts

Committee Recommendation

The Executive Committee submits to Council, without recommendation, the report (January 24, 2008) from the Deputy City Manager and Chief Financial Officer and the Chief Executive Officer, Sony Centre for the Performing Arts, respecting the Sony Centre Proposed Amendments to Umbrella Agreement.

Decision Advice and Other Information

The Executive Committee requested the Deputy City Manager and Chief Financial Officer to submit a report directly to Council for its meeting scheduled to be held on March 3, 2008, respecting the Sony Centre, Proposed Amendments to Umbrella Agreement.

Financial Impact

The proposed amendments to the Umbrella Agreement are outlined in the Letter of Intent

attached as Appendix 'A' and the transaction timelines resulting from these amendments are shown below in Table 1.

The proposed amendments include two principal financial components.

Sale of Additional Strata Area

The first financial component is a provision to increase the funding available for the fit-out of the proposed Citycentre cultural facility, should the CityCentre project proceed. If sufficient funds are raised, this cultural facility is to be created within the eight-storey podium structure that will be built below the proposed residential condominium tower.

SC staff have determined that the banqueting facility originally proposed for the seventh and eighth floors of the podium structure will not result in a positive financial contribution to the CityCentre. SC staff have proposed the elimination of this facility and Castlepoint has agreed to purchase and add this space to its proposed residential condominium development. In addition to reducing the capital cost for the CityCentre structure, this provision also increases revenues to the City as Castlepoint has agreed to purchase this additional strata area for a price, subject to a third party appraisal, of approximately \$2 million.

This provision will allow for additional funding available for the implementation of the CityCentre or, alternatively, should the CityCentre not proceed, the additional revenue will be placed in a reserve fund for the benefit of the SC.

Extension of the Notification Date for the CityCentre Project

The second financial component is a provision to extend the date by which the City/SC is to inform Castlepoint of whether construction of the CityCentre cultural centre will proceed. In order to allow for an extension of this notification date to July 1, 2009, the proposed amendments to the Umbrella Agreement require that the SC/City provide the initial funding for the creation of the podium structure. This initial funding would be provided regardless of whether the decision is made on July 1, 2009 to proceed to create the CityCentre within this podium structure or to lease the strata area for this structure to Castlepoint for use as a commercial development (as per the fallback scenario under the original Umbrella Agreement). The SC/City's commitment for initial podium funding would be the lesser of the total amount expended on the construction of the podium structure as of Dec. 31, 2009 or \$10 million.

The maximum \$10 million commitment would be funded partially by \$5 million from the \$17 million payment received from Castlepoint upon closing of the transaction (\$15 million for the strata area used for the residential condominium tower as per the Umbrella Agreement plus approximately \$2 million for the additional strata area on the 7th and 8th floors of the podium structure). This \$5 million amount would be remaining after allocating \$12 million from Castlepoint's \$17 million payment towards the renovation of the existing theatre (as per the SC's Business Plan).

The Board has proposed that the remaining \$5 million required for the initial funding of the podium structure be made available through a loan of \$5 million from the City to the Board. If sufficient contributions are raised from outside parties, and the decision is made to proceed

with the CityCentre, the City loan will be repaid using these contributions.

If, however, the decision is made not to proceed with the CityCentre, the amendments to the Umbrella Agreement require Castlepoint to repay the City for the initial funding for the podium construction along with interest. This repayment to be provided on the earlier of the date at which Castlepoint secures financing for the podium structure or Dec. 31, 2010. The City's loan would be repaid when Castlepoint repays the SC/City's initial funding of the podium construction.

The repayment of the City's expenditures on the podium structure will be secured through a \$12 million letter of credit provided by Castlepoint. Therefore, there is very little risk associated with the repayment of the proposed loan and the proposed amendments to the Umbrella Agreement will not result in any additional long-term funding requirement from the City.

Table 1- Summary of Potential Transaction Paths for Sony Centre Redevelopment		
Expected Timelines	Path 'A' Resulting in CityCentre	Path 'B' Not Resulting in CityCentre
Transaction Closing June, 2008	<ul style="list-style-type: none"> • Castlepoint provides SC/City with \$15 million payment for strata portion of SC site to be used for condominium tower • Castlepoint also provides SC/City with \$2 million payment (approximate) for Additional Strata Area in 7th and 8th floors of podium structure below tower • In total, SC/City receive \$17 million from Castlepoint 	
Beginning of SC renovations July, 2008	<ul style="list-style-type: none"> • SC begins renovation of existing theatre with forecast cost of \$12 million • Funding is achieved by utilizing \$12 million from the \$17 million payment from Castlepoint 	
Beginning of work on new structures July, 2008	<ul style="list-style-type: none"> • Castlepoint begins demolition of corner of existing SC site where podium and tower to be built • After demolition, excavation carried out to create new foundation for podium and tower • After creation of the foundation, Castlepoint begins construction of new building sub-levels below podium 	
Beginning of Podium Construction Approx. July, 2009	<ul style="list-style-type: none"> • Construction of 8-storey podium structure below proposed tower is initiated • This work is initially funded by SC/City using remaining \$5 million from \$17 million payment received from Castlepoint and a \$5 million loan from the City to the SC 	
Notification	<ul style="list-style-type: none"> • If SC has raised 	<ul style="list-style-type: none"> • If SC has not raised sufficient funds to

<p>Date July 1, 2009</p>	<p>sufficient additional contributions (approximately \$58 million) to construct entire podium and fit-out CityCentre, SC/City inform Castlepoint that CityCentre will be constructed in podium structure</p> <ul style="list-style-type: none"> • SC/City continue to fund construction of podium structure • SC repays \$5 million City loan using contributed funds 	<p>create CityCentre, SC/City notify Castlepoint that CityCentre will not be created</p> <ul style="list-style-type: none"> • Castlepoint begins search for commercial tenants for podium structure • SC/City continue to fund construction of podium structure until Dec. 31, 2009
<p>Jan. 1, 2010</p>	<ul style="list-style-type: none"> • SC/City continues to fund construction of floors 1-6 of the podium structure • Castlepoint funds construction of floors 7 & 8 of podium structure 	<ul style="list-style-type: none"> • Castlepoint enters into Long-Term Lease for podium structure • Castlepoint makes additional \$3.5 million payment to SC/City for floors 1-6 • Castlepoint begins funding remaining construction of podium structure • If Castlepoint has secured commercial tenants and, therefore, secured financing for podium structure, Castlepoint repays City/SC for expenditures made on podium up to Dec. 31, along with interest – SC uses these funds to repay City loan
<p>Dec. 31, 2010</p>		<ul style="list-style-type: none"> • If Castlepoint has still not been able to secure financing for podium structure, Castlepoint must now repay the SC/City for its expenditures on the podium, together with interest – SC then uses these funds to repay City loan

Summary

This report recommends amendments to the Umbrella Agreement reached between the City, the Board of Directors of the Sony Centre for the Performing Arts (“Board”) and Castlepoint Realty Partners Limited (“Castlepoint”) for the redevelopment of a corner of the Sony Centre (“SC”) site. These amendments have been proposed in order to realize the following objectives:

- An extension of the date by which the SC/City must notify Castlepoint whether the Citycentre cultural centre will be constructed as part of the redevelopment
 - An increase in the funding available for the SC to carry out its Business Plan
- In order to implement the proposed amendments, SC staff have proposed that the City provide the SC with a temporary loan of \$5 million. The proposed amendments to the Umbrella Agreement include extensive provisions for securing the repayment of this loan. Therefore, this loan will not result in any additional long-term funding requirement for the City.

Background Information

Sony Centre - Proposed Amendments to Umbrella Agreement
(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-10363.pdf>)

Additional Background Information (City Council)

- (February 26, 2008) from the Deputy City Manager and Chief Financial Officer and the Chief Executive Officer, Sony Centre for the Performing Arts ([EX17.6c](#))

Communications

(January 23, 2008) e-mail from the Board of Directors, Hummingbird Centre for the Performing Arts (EX.Main)
(<http://www.toronto.ca/legdocs/mmis/2008/ex/comm/communicationfile-5677.pdf>)

6a Proposed Revision to the Umbrella Agreement with Castlepoint

(January 23, 2008) Letter from the Board of Directors, Hummingbird Centre for the Performing Arts

Summary

Communication (January 23, 2008) from the Board of Directors of the Hummingbird Centre for the Performing Arts proposing an amend to the Revision to the Umbrella Agreement with Castlepoint.

Communications

(January 23, 2008) e-mail from the Board of Directors, Hummingbird Centre for the Performing Arts (EX.Main)

6b Staff Report-Proposed Amendments to Umbrella Agreement

(February 6, 2008) Briefing Note from the Chief Executive Officer, Sony Centre for the Performing Arts

Summary

(Undated) Briefing Note from the Chief Executive Officer, Sony Centre for the Performing Arts, respecting the Proposed Amendments to the Umbrella Agreement.

EX17.9	NO AMENDMENT			Ward: All
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Ratification of the Toronto-Ontario Agreement on Cooperation and Consultation

City Council Decision

City Council on March 3, 4 and 5, 2008, adopted the following motions:

1. City Council ratify the Agreement on Cooperation and Consultation between the City of Toronto and the Province of Ontario dated January 15, 2008, which provides a framework for ongoing discussions and co-operation between the two governments about matters of mutual interest, as provided in the City of Toronto Act, 2006.
2. City Council authorize and direct the appropriate City officials to take all necessary actions to give effect thereto.

(January 22, 2008) Report from the City Manager

Committee Recommendations

The Executive Committee recommends that Council:

1. ratify the Agreement on Cooperation and Consultation between the City of Toronto and the Province of Ontario dated January 15, 2008 which provides a framework for ongoing discussions and cooperation between the two governments about matters of mutual interest, as provided in the City of Toronto Act, 2006.
2. authorize and direct the appropriate City officials to take all necessary actions to give effect thereto.

Financial Impact

This agreement is a standalone agreement that is not tied to specific funding arrangements. There are no financial impacts associated with the recommendations in this report.

Summary

This report recommends Council's ratification of a Toronto-Ontario Cooperation and Consultation Agreement (the "Agreement") (Attachment A) that will strengthen the ongoing working relationship between the City and Ontario, as provided in the City of Toronto Act, 2006 (COTA).

Background Information

Ratification of the Toronto-Ontario Agreement on Cooperation and Consultation - Report

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-10390.pdf>)

Agreement on Cooperation and Consultation -

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-10391.pdf>)

EX17.11	NO AMENDMENT			Ward: All
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Toronto Water Capital Budget: 2007 Technical Adjustments

City Council Decision

City Council on March 3, 4 and 5, 2008, adopted the following motions:

1. Council approve the technical budget adjustments to Toronto Water's 2007 Approved Capital Budget detailed in Appendix 1, which reallocate funds between projects with no net impact on the 2007 Approved Capital Budget.
2. Council authorize and direct the appropriate staff to take the necessary action to give effect thereto.

(January 23, 2008) Report from the General Manager, Toronto Water

Committee Recommendations

The Executive Committee recommends that:

1. Council approve the technical budget adjustments to Toronto Water's 2007 Approved Capital Budget detailed in Appendix 1, which reallocate funds between projects with no net impact on the 2007 Approved Capital Budget; and
2. Council authorize and direct the appropriate staff to take the necessary action to give effect thereto.

Decision Advice and Other Information

The Executive Committee deleted the following recommendations from the report (January 23, 2008) from the General Manager, Toronto Water:

- “2. The Executive Committee forward this report to the Budget Committee for consideration at its meeting of February 11, 2008; and
3. The Budget Committee forward this report to Council for consideration at its meeting of March 3/4, 2008.”

Financial Impact

There are no direct financial impacts to Toronto Water's Approved 2008 Capital Budget of \$410.0 million.

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

Summary

This report seeks Council's approval of technical budget adjustments which reallocate funds contained within Toronto Water's approved 2007 Capital Budget to meet contractual obligations on three approved capital projects.

Background Information

Toronto Water Capital Budget: 2007 Technical Adjustments
(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-10402.pdf>)

EX17.12	NO AMENDMENT			Ward: All
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Reimbursement of Legal Expenses pursuant to Members' Code of Conduct**City Council Decision**

City Council on March 3, 4 and 5, 2008, adopted the following motion:

1. City Council authorize indemnification of Councillor Augimeri's legal expenses, in the amount of \$6,381.59, from Council's General Expense Budget.

(December 19, 2007) Report from the City Solicitor addressed to the Employee and Labour Relations Committee

Committee Recommendation

The Executive Committee recommends that City Council:

1. authorize indemnification of Councillor Augimeri's legal expenses in the amount of \$6,381.59 from Council's General Expense Budget.

Financial Impact

Funds are available in the Councillor's Office Budget.

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

Summary

To report and recommend reimbursement of Councillor Augimeri's legal expenses with respect to a Code of Conduct complaint.

Background Information

Reimbursement of Legal Expenses pursuant to Members' Code of Conduct
<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-10410.pdf>

Speaker

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

Declared Interest (City Council)

Councillor Augimeri - in that she has a pecuniary interest in this Item.

EX17.13	AMENDED			Ward: All
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Governance Changes for Toronto Waterfront Revitalization

City Council Decision

City Council on March 3, 4 and 5, 2008, adopted the following motions:

1. Council authorize the City to provide the following consents, subject to the Provincial and Federal governments providing the same or substantially the same consents:
 - a. consent to Toronto Waterfront Revitalization Corporation (TWRC) to borrow money (which includes consent to provide letters or credit (LCs)), mortgage or otherwise encumber its assets in connection with that borrowing, and raise revenues, on and subject to terms and conditions that include:
 - i. borrowing and encumbering TWRC assets being for activities consistent with TWRC's objects, business and Long-Term Funding plans, and annual budget;
 - ii. borrowing being without recourse to the three orders of government (the Governments) unless, in case of City or Province, that Government agrees otherwise;
 - iii. no TWRC borrowing being secured by a pledge of City assets;
 - iv. each of the Governments having the right to audit TWRC;
 - v. TWRC using any revenues it raises for purposes consistent with its

objects; and

- vi. TWRC ensuring that the lender is required to give the Governments written notice of any default under the loan agreement.
- b. consent to TWRC to establish one or more subsidiary corporations to operate a real estate business (RE Subs) in the Designated Waterfront Area, to earn revenue from that business, and to guarantee the indebtedness of the RE Subs, with the consent being subject to certain conditions that include:
- i. the articles and by-laws of each RE Sub being in a form satisfactory to the Deputy City Manager whose responsibilities include Waterfront Revitalization (DCM – Waterfront) and the City Solicitor;
 - ii. TWRC using its revenues from the real estate businesses to further the objects of TWRC;
 - iii. the board of directors (the Board) of each RE Sub consisting of members nominated in consultation with TWRC management and members nominated from TWRC’s Board, with the total number of directors and the split between those nominated in consultation with management and those nominated from the TWRC Board being proposed by TWRC and subject to approval of the DCM - Waterfront;
 - iv. the Chairs of RE Subs being appointed by the Board of the RE Sub and each director serving a term that does not exceed three years;
 - v. Board meetings being conducted in public, except when discussing matters that City Council could discuss in camera;
 - vi. each RE Sub not acting as an agent of the Federal Government, or (unless it consents) the Province or City; and
 - vii. each RE Sub not borrowing money or encumbering its assets without the consent of the Governments.
- c. consent to each of the RE Sub(s) to raise revenue, borrow, and encumber its assets as security for that borrowing, subject to conditions that include the following:
- i. borrowing being for purposes consistent with the RE Sub’s articles, and TWRC business plans, and annual budgets as they relate to the RE Sub;
 - ii. borrowing being without recourse to the Governments unless, in the case of City or Province, that Government agrees otherwise;
 - iii. borrowing not being secured by a pledge of City assets;

- iv. the Governments having rights to audit each RE Sub;
 - v. revenues being used for purposes consistent with the RE Sub's articles;
 - vi. the lender being required to give the Governments written notice of any default under the loan agreement; and
 - vii. each RE Sub maintaining separate books, records and accounting processes for its operations, expenses and revenues, and reporting thereon to TWRC, which will include the results of each subsidiary's financial activities in its consolidated financial statements.
- d. consent to TWRC to establish a subsidiary corporation (DE Sub) to develop and operate, with a third party, a district energy business serving all or part of West Don Lands, East Bayfront, the Port Lands, and 480, 481 and 545 Lakeshore Blvd. East, and any other areas in the City consented to by the City;
 - e. consent to TWRC for the DE Sub to earn revenues from the district energy business and to guarantee the indebtedness of the DE Sub, with the consent being subject to the same conditions as those set out in Part 1b for RE Sub(s), excluding those related to the Board of Directors;
 - f. the Board of Directors of the DE Sub consist of three members nominated in consultation with TWRC management and six members nominated from TWRC's Board (two TWRC directors nominated by each of the City, Province, and Federal Government), with the chair being appointed by the DE Sub's Board and each director serving a term that does not exceed three years;
 - g. the DE Sub not borrowing money, encumbering its assets, or acquiring any equity or similar ownership interest in any corporation, partnership or trust without the consent of the Governments; and
 - h. Consent to the DE Sub to raise revenue, borrow, and encumber its assets as security for that borrowing being subject to the same conditions as are set out in Part 1c (but applying to the DE Sub rather than to the RE Sub(s)).
2. Council authorize the City to amend future Contribution Agreements by:
- a. either deleting the prohibition against TWRC acquiring or disposing of more than \$10,000.00 worth of assets in any given year, or increase the maximum to an amount that is satisfactory to the DCM - Waterfront; and
 - b. allowing TWRC to determine, subject to the satisfaction of the DCM - Waterfront, the indemnities that are required in the particular circumstances

and projects.

3. Council authorize the DCM - Waterfront or any person acting in that capacity to execute and deliver the documents and take the actions referred to above as well as to take any other actions that may be required to give effect to the foregoing.
4. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

(January 22, 2008) Report from Deputy City Manager Richard Butts

Committee Recommendations

The Executive Committee recommends that:

1. Council authorize the City to provide the following consents, subject to the Provincial and Federal governments providing the same or substantially the same consents:
 - a. Consent to Toronto Waterfront Revitalization Corporation (TWRC) to borrow money (which includes consent to provide letters or credit (LCs)), mortgage or otherwise encumber its assets in connection with that borrowing, and raise revenues, on and subject to terms and conditions that include:
 - i. borrowing and encumbering TWRC assets being for activities consistent with TWRC's objects, business and Long-Term Funding plans, and annual budget;
 - ii. borrowing being without recourse to the three orders of government (the Governments) unless, in case of City or Province, that Government agrees otherwise;
 - iii. no TWRC borrowing being secured by a pledge of City assets;
 - iv. each of the Governments having the right to audit TWRC;
 - v. TWRC using any revenues it raises for purposes consistent with its objects; and
 - vi. TWRC ensuring that the lender is required to give the Governments written notice of any default under the loan agreement.
 - b. Consent to TWRC to establish one or more subsidiary corporations to operate a real estate business (RE Subs) in the Designated Waterfront Area, to earn revenue from that business, and to guarantee the indebtedness of the RE Subs, with the consent being subject to certain conditions that include:
 - i. The articles and by-laws of each RE Sub being in a form satisfactory to

the Deputy City Manager whose responsibilities include Waterfront Revitalization (DCM – Waterfront) and the City Solicitor;

- ii. TWRC using its revenues from the real estate businesses to further the objects of TWRC;
 - iii. The board of directors (the Board) of each RE Sub consisting of members nominated in consultation with TWRC management and members nominated from TWRC's Board, with the total number of directors and the split between those nominated in consultation with management and those nominated from the TWRC Board being proposed by TWRC and subject to approval of the DCM - Waterfront;
 - iv. The chairs of RE Subs being appointed by the Board of the RE Sub and each director serving a term that does not exceed three years;
 - v. Board meetings being conducted in public, except when discussing matters that City Council could discuss in camera;
 - vi. Each RE Sub not acting as an agent of the Federal Government, or (unless it consents) the Province or City; and
 - vii. Each RE Sub not borrowing money or encumbering its assets without the consent of the Governments.
- c. Consent to each of the RE Sub(s) to raise revenue, borrow, and encumber its assets as security for that borrowing, subject to conditions that include the following:
- i. borrowing being for purposes consistent with the RE Sub's articles, and TWRC business plans, and annual budgets as they relate to the RE Sub;
 - ii. borrowing being without recourse to the Governments unless, in the case of City or Province, that Government agrees otherwise;
 - iii. borrowing not being secured by a pledge of City assets;
 - iv. the Governments having rights to audit each RE Sub;
 - v. revenues being used for purposes consistent with the RE Sub's articles;
 - vi. the lender being required to give the Governments written notice of any default under the loan agreement; and
 - vii. each RE Sub maintaining separate books, records and accounting processes for its operations, expenses and revenues, and reporting thereon to TWRC, which will include the results of each subsidiary's financial activities in its consolidated financial statements.

- d. Consent to TWRC to establish a subsidiary corporation (DE Sub) to develop and operate, with a third party, a district energy business serving all or part of West Don Lands, East Bayfront, the Port Lands, and 480 Lakeshore Blvd. East, and any other areas in the City consented to by the City.
 - e. Consent to TWRC for the DE Sub to earn revenues from the district energy business and to guarantee the indebtedness of the DE Sub, with the consent being subject to the same conditions as those set out in Recommendation 1b for RE Sub(s), excluding those related to the Board of Directors.
 - f. The Board of Directors of the DE Sub consist of three members nominated in consultation with TWRC management and six members nominated from TWRC's Board (two TWRC directors nominated by each of the City, Province, and Federal Government), with the chair being appointed by the DE Sub's Board and each director serving a term that does not exceed three years.
 - g. The DE Sub not borrowing money, encumbering its assets, or acquiring any equity or similar ownership interest in any corporation, partnership or trust without the consent of the Governments.
 - h. Consent to the DE Sub to raise revenue, borrow, and encumber its assets as security for that borrowing being subject to the same conditions as are set out in Recommendation 1c (but applying to the DE Sub rather than to the RE Sub(s)).
2. Council authorize the City to amend future Contribution Agreements by:
 - a. either deleting the prohibition against TWRC acquiring or disposing of more than \$10,000 worth of assets in any given year, or increase the maximum to an amount that is satisfactory to the DCM - Waterfront; and
 - b. allowing TWRC to determine, subject to the satisfaction of the DCM - Waterfront, the indemnities that are required in the particular circumstances and projects.
 3. Council authorize the DCM - Waterfront or any person acting in that capacity to execute and deliver the documents and take the actions referred to above as well as to take any other actions that may be required to give effect to the foregoing.
 4. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

There are no direct financial implications on the City resulting from approval of recommendations contained in this report. However, the proposed consents permitting TWRC to borrow money, mortgage or otherwise encumber its assets, raise revenues, and earn revenues from real estate and district energy subsidiaries will reduce its reliance on funding from the

City and the other orders of government. In addition, the recommendations will ensure that the borrowing undertaken by TWRC or its subsidiaries has no recourse to the City and is not secured by a pledge of City assets, unless the City agrees otherwise.

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

Summary

The Provincial legislation that governs the Toronto Waterfront Revitalization Corporation (TWRC), the Toronto Waterfront Revitalization Corporation Act, 2002, came into effect on April 1, 2003. It provides TWRC with no authority to borrow money, mortgage or otherwise encumber its assets, establish subsidiary corporations, or raise revenue unless it has the consent of the City, Province and Federal Government (the Governments) or is authorized to do so by Provincial regulation.

Now that TWRC has moved beyond the planning stages of the Initiative, obtaining individual consents for these activities is time-consuming and has resulted in project delays. To expedite implementation, TWRC has requested that the Governments provide it with more comprehensive consents to:

1. borrow money (which includes consent to provide letters of credit (LCs)), mortgage or otherwise encumber its assets, and raise revenues;
2. create one or more subsidiaries to hold and revitalize parcels of real estate acquired for strategic and public purposes; and
3. create a subsidiary to establish and operate, with a third-party, a District Energy (DE) System servicing all or part of the West Don Lands, East Bayfront, the Port Lands, and 480 Lakeshore Blvd. East.

Representatives of the Governments have worked together with TWRC to determine the conditions that should be imposed in connection with the granting of these consents.

TWRC also has requested that the Governments amend the standard Contribution Agreements that they enter into with TWRC to delete the requirements that TWRC obtain specific indemnities (the Required Indemnities) from its eligible recipients (entities that carry out Waterfront Revitalization projects on behalf of TWRC) and contractors. The Required Indemnities, which are in favour of TWRC and the Governments, are very broad. TWRC has advised that requiring these indemnities is (i) discouraging potential participants from entering into contracts with TWRC or its eligible recipients, and (ii) causing participants who are willing to enter into contracts to substantially increase their contract prices, thereby driving up the costs of Waterfront Revitalization significantly. If the obligation to obtain the Required Indemnities is deleted, it will be up to TWRC to determine what indemnities are required in each situation, subject to the concurrence of the Deputy City Manager whose responsibilities include Waterfront Revitalization (DCM – Waterfront).

Similarly, the clauses in the standard Contribution Agreement requiring that TWRC not acquire

or dispose of more than \$10,000 of assets in any year are also no longer practical. Flexibility is needed to adjust this amount to reflect what TWRC determines is appropriate in each situation, again subject to the concurrence of the DCM – Waterfront.

This report seeks conditional Council authority to grant various consents requested by TWRC, and to amend the Contribution Agreements entered into in the future to address the above two issues. Provincial and Federal staff are seeking the same authority from their respective Treasury Boards.

Background Information

Governance Changes for Toronto Waterfront Revitalization
<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-10411.pdf>

Speaker

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

EX17.14	NO AMENDMENT			Ward: 28, 30, 32
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Access and Remediation Agreement to TEDCO Holdings in the Port Lands and East Bayfront for Waterfront Renewal Activities

City Council Decision

City Council on March 3, 4 and 5, 2008, adopted the following motions:

1. City Council authorize the City, as the sole shareholder of City of Toronto Economic Development Corporation (TEDCO), to make a unanimous shareholder declaration (the Shareholder Declaration) to the board of directors of TEDCO (the Board), and pursuant to that Shareholder Declaration, pass a resolution of the Board (the Resolution) authorizing TEDCO to enter into an access and remediation agreement with the Toronto Waterfront Revitalization Corporation (TWRC) in the form attached as Appendix A to this report, with any amendments being acceptable to the Deputy City Manager whose responsibilities include Waterfront Revitalization and the City Solicitor (the Access and Remediation Agreement).
2. City Council amend the Access and Remediation Agreement to exclude the TEDCO owned former rail spur lands west of Jarvis Street and north of Queens Quay East.
3. City Council authorize the City to provide an indemnity (the Indemnity) in favour of the directors and officers from time to time of TEDCO indemnifying and saving them harmless against any claims that arise out of TEDCO entering into the Access and Remediation Agreement and performing its obligations under that agreement.
4. City Council authorize and direct any officer or director of TEDCO, or the Deputy City Manager and Chief Financial Officer and the City Clerk or any person acting in

their capacity, for and in the name of TEDCO, to execute (whether under the corporate seal of TEDCO or otherwise) the Access and Remediation Agreement.

5. City Council authorize the Deputy City Manager and Chief Financial Officer and City Clerk or any person acting in their capacity to execute and deliver the Shareholder Declaration, the Shareholder Resolution and the Indemnity.
6. City Council authorize the Deputy City Manager whose responsibilities include Waterfront Revitalization and the Deputy City Manager and Chief Financial Officer or any person acting in their capacity to execute any other documents or take any other action that may be required to give effect to the forgoing resolutions.
7. City Council authorize and direct the appropriate City officials to take the necessary action to give effect thereto.

(January 22, 2008) Report from Deputy City Manager Richard Butts

Committee Recommendations

The Executive Committee recommends that Council:

1. authorize the City, as the sole shareholder of City of Toronto Economic Development Corporation (TEDCO), to make a unanimous shareholder declaration (the Shareholder Declaration) to the board of directors of TEDCO (the Board), and pursuant to that Shareholder Declaration, pass a resolution of the Board (the Resolution) authorizing TEDCO to enter into an access and remediation agreement with the Toronto Waterfront Revitalization Corporation (TWRC) in the form attached as Appendix A to this report, with any amendments being acceptable to the Deputy City Manager whose responsibilities include Waterfront Revitalization and the City Solicitor (the Access and Remediation Agreement);
2. amend the Access and Remediation Agreement to exclude the TEDCO owned former rail spur lands west of Jarvis Street and north of Queens Quay East;
3. authorize the City to provide an indemnity (the Indemnity) in favour of the directors and officers from time to time of TEDCO indemnifying and saving them harmless against any claims that arise out of TEDCO entering into the Access and Remediation Agreement and performing its obligations under that agreement;
4. authorize and direct any officer or director of TEDCO, or the Deputy City Manager and Chief Financial Officer and the City Clerk or any person acting in their capacity, for and in the name of TEDCO, to execute (whether under the corporate seal of TEDCO or otherwise) the Access and Remediation Agreement;
5. Authorize the Deputy City Manager and Chief Financial Officer and City Clerk or any person acting in their capacity to execute and deliver the Shareholder Declaration, the Shareholder Resolution and the Indemnity;

6. authorize the Deputy City Manager whose responsibilities include Waterfront Revitalization and the Deputy City Manager and Chief Financial Officer or any person acting in their capacity to execute any other documents or take any other action that may be required to give effect to the forgoing resolutions; and
7. authorize and direct the appropriate City officials to take the necessary action to give effect thereto.

Financial Impact

There is no financial impact to the City or TEDCO as a result of approving this report. The Access and Remediation Agreement, like the MOU, anticipates incremental access to TEDCO holdings (other than TEDCO project lands) in the Port Lands and to any holdings (other than TEDCO project lands) that TEDCO continues to own in East Bayfront so that TEDCO's use of these lands can continue until lands are required for waterfront revitalization.

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 seek Council approval of an Access and Remediation Agreement between the City of Toronto Economic Development Corporation (TEDCO) and the Toronto Waterfront Revitalization Corporation (TWRC). The Agreement provides TWRC and parties acting on its behalf with global access to TEDCO holdings in the Port Lands and East Bayfront for the purposes of site and archaeological investigation, site remediation, surveying and other related activities outlined in the Memorandum of Understanding (MOU) between the City of Toronto, TEDCO and the TWRC dated March 31, 2006. As it is expected that most of the lands owned by TEDCO in East Bayfront (excluding the First Waterfront Place lands and some smaller parcels) will be transferred to the City in the near future, the Access and Remediation Agreement will apply only to those smaller parcels that are not being conveyed to the City or that require site investigations prior to their transfer. This report also recommends that the City make a unanimous shareholder declaration to the board of directors of TEDCO, pass a resolution of the board to enter into the Access and Remediation Agreement, and provide a companion indemnity in favour of the directors and officers of TEDCO. TEDCO officials have requested these documents. City staff's position is that these documents are not required, but staff recognizes that providing these documents will provide comfort to the directors and officers of TEDCO. Site access is to be provided solely for projects identified in the Council-approved Five-Year Business Plan/10-Year Financial Forecast (2007-2016) for Toronto Waterfront Revitalization, updated annually. It is conditional upon the provision by TWRC and third parties acting on its behalf of appropriate insurance and indemnities protecting TEDCO and the City. Streamlining and simplifying the manner in which TWRC and its representatives obtain site access to TEDCO holdings in the Port Lands and East Bayfront will accelerate waterfront renewal by eliminating the need for individual, site-by-site access agreements.

Background Information

Access and Remediation Agreement to TEDCO Holdings in the Port Lands and East Bayfront for Waterfront Renewal Activities

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-10413.pdf>)

EX17.15	NO AMENDMENT			Ward: All
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Update on Green Roof Strategy

City Council Decision

City Council on March 3, 4 and 5, 2008, adopted the following motion:

1. Council amend its policy respecting the installation of green roofs on City and ABC owned facilities by deleting the term 'where feasible' so that the policy now reads:
 - a. where technically practical, green roofs with a coverage of at least 50% of the building footprint be constructed on all new city-owned buildings, including agencies, boards and commissions; and
 - b. where technically practical, green roofs be installed on existing City-owned buildings, including agencies, boards and commissions, when roofs are due to be replaced.

(January 23, 2008) Report from the Chief Planner and Executive Director, City Planning Division

Committee Recommendations

The Executive Committee recommends that:

1. Council amend its policy respecting the installation of green roofs on City and ABC owned facilities by deleting the term 'where feasible' so that the policy now reads:
 - a. where technically practical, green roofs with a coverage of at least 50% of the building footprint be constructed on all new city-owned buildings, including Agencies, Boards and Commissions; and
 - b. where technically practical, green roofs be installed on existing City-owned buildings, including Agencies, Boards and Commissions, when roofs are due to be replaced.

Financial Impact

This recommendation will have no financial impact beyond what has already been approved in this year's budget.

Summary

This report provides a summary of the progress of the initiatives to encourage green roofs as recommended by Council in February 2006 including: a pilot incentive program; installation of green roofs on City/ABC buildings; use of the development approval process to encourage green roofs; and promotion and awareness.

A pilot incentive program was initiated in 2006 and to date has resulted in the construction of 16 green roofs. The City and its ABC's have installed 3 green roofs, with 9 more proposed for construction commencing in 2008/2009, and a further 10 under consideration. Through the development approval process, 14 green roofs were approved in 2007. A green roofs webpage has been established on City's website and 60 city staff from different Divisions have attended a specialized training course. In 2007 the City of Toronto's Green Roof Strategy was awarded the Federation of Canadian Municipalities FCM CH2Hill Sustainable Community Award. Approximately 40 green roofs have been constructed and/or planned since the Green Roof Strategy was approved.

When Council approved the green roofs strategy, it recommended that green roofs be installed on city-owned facilities and those of the City's ABC's "where feasible and practical" to address the fact that the approved budgets for proposed facilities may not be able to accommodate the additional costs associated with green roofs. However, the term 'where feasible' may now be deleted since proposed new facilities contemplating a green roof can account for any additional costs at the time of budget approval. The term "where practical" should remain as there could be situations in both new construction and roof replacement where structural or other technical concerns would preclude the construction of a green roof. For clarification, the term should read 'where technically practical', so that it is not confused with monetary feasibility. It should be noted that green roofs are complementary to, and not in conflict with rooftop renewable energy systems.

Background Information

Update on Green Roof Strategy

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-10414.pdf>

EX17.16	NO AMENDMENT			Ward: All
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Official Mark Protection for Live Green Toronto

City Council Decision

City Council on March 3, 4 and 5, 2008, adopted the following motions:

1. The word mark and visual identifier for "Live Green Toronto" be adopted and used as official marks of the City of Toronto, and the City Solicitor be directed to request the Registrar of Trade-marks to give public notice of their adoption and use.
2. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto and to take any action required to be taken thereunder.

(January 22, 2008) Report from Lawson Oates, Director, Toronto Environment Office

Committee Recommendations

The Executive Committee recommends that:

1. the word mark and visual identifier for “Live Green Toronto” be adopted and used as official marks of the City of Toronto, and the City Solicitor be directed to request the Registrar of Trade-marks to give public notice of their adoption and use; and
2. the appropriate City officials be authorized and directed to take the necessary action to give effect thereto and to take any action required to be taken thereunder.

Financial Impact

The cost to request the Registrar of the Trade-marks to give public notice of adoption and use of an official mark is \$500.00 per mark, for a total of \$1000.00 for the two marks. Funding in the amount of \$1,000 is available in the 2008 Toronto Environment Office Operating Budget (WT 100-03-4199).

Summary

This report recommends that, in order to better protect the interests of the City and its corporate identity, the City of Toronto obtain official mark protection under the federal Trade-marks Act for the “Live Green Toronto” word mark and visual identifier.

Background Information

Official Mark Protection for Live Green Toronto
(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-10415.pdf>)

*Submitted Wednesday, February 6, 2008
Mayor David Miller, Chair, Executive Committee*