



STAFF REPORT INFORMATION ONLY

Waterfront Toronto's Proactive Disclosure Initiative

Date:	March 23, 2009
To:	Executive Committee
From:	Elaine Baxter-Trahair, Waterfront Project Director
Wards:	All
Reference Number:	P:\2009\Cluster B\WF\ec09001 and ec09001 appendix 1

SUMMARY

This report responds to a direction from Executive Committee to outline actions taken by Waterfront Toronto (WT) in consultation with its government partners to improve its disclosure of information to the public on the Waterfront Revitalization Initiative.

Financial Impact

There is no financial impact resulting from this report.

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

ISSUE BACKGROUND

Toronto Waterfront Revitalization was launched on November 3, 1999, when the City of Toronto, Province of Ontario and the Government of Canada announced the creation of the Toronto Waterfront Revitalization Task Force. On March 27, 2000, the Task Force released its recommendations for waterfront renewal, which included creation of a tri-government corporation.

On October 20, 2000, the three governments announced their commitment to Waterfront Revitalization and directed staff to develop the mechanics for the implementation. Provincial legislation establishing the permanent Waterfront Toronto (*the Toronto Waterfront Revitalization Corporation Act, 2002*) came into effect on April 1, 2003. The *Act* states that the Corporation must conduct its affairs in an open and transparent manner

and required that the WT Board meet in public with certain exceptions for confidential or sensitive matters that mirror those for the Municipal Act.

Furthermore, while WT is not bound by freedom of information (FOI) and privacy legislation, it is committed to openness, transparency, accountability and public access to information.

During 2008, a number of issues with respect to WT's disclosure of information on procurement and on the limited detail available to the public on the content of Board agendas as well on the nature of the discussions at Board meetings were raised.

At that time, WT's Procurement Department was submitting a quarterly comprehensive report to the Board detailing: awarded contracts in excess of \$2 million; sole source contracts over \$25 thousand; change orders over \$25 thousand; and advanced contract award notices. This information was not readily available to the public nor was it posted on WT's web site.

Similarly, while the agendas and minutes of Board meetings were presented on WT's web site, they contained minimal information with respect to the background of issues to be considered by the Board or on the nature of its discussions that actually took place.

On April 28 and 29, 2008, Council referred a motion from Councillor Minnan-Wong entitled "Waterfront Toronto – Request for Information" to the Executive Committee for consideration. At its meeting of June 3, 2008, Executive Committee requested that the Waterfront Project Director report on "recommended disclosure requirements for WT, with such requirements being developed jointly by WT and its three government partners."

This report responds to the Executive Committee's request by outlining improvements that WT has made to its public disclosure practices. These changes have been endorsed by staff of the three orders of government.

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

DISCUSSION

As a first step in determining how WT could improve its disclosure practices, City and WT staff researched policies of 14 public organizations, the results of which are summarized in Appendix 1.

The overall conclusion from this review is that significant variances exist in the disclosure practices. For example, individual organizations manage the disclosure of contract awards differently with practices including public openings, information meetings, dedicated phone lines, media, the Internet, or a combination of the above. The type of detail provided also varies, ranging from the successful bidder's name, to the name and price of the contract, to simply annual awards by vendor.

The disclosure of background information on Board agendas, Board meeting dates and locations and access to the meeting minutes is also managed differently. In some cases, this information is accessible through the organization's web site or through a link from a central or alternate web site. In other cases, information is not posted electronically, nor is it readily accessible in hard copy.

WT has consulted with staff of the Waterfront Secretariat, the City's Corporate Access and Privacy unit and the other governments to determine "best practices" in information disclosure. Based on the above research and intergovernmental discussions, WT has now implemented a new policy for the proactive disclosure of information. This policy was approved by the WT Board on January 21, 2009 and meets or exceeds the City's own disclosure requirements. WT is also redesigning and upgrading its web site to enhance its provision of information to the public.

Enhanced Proactive Disclosure of Procurement Activities

The WT web site now includes:

- Disclosure of WT's procurement policies.
- Disclosure of Pre Qualification opportunities, Request for Proposals, Request for Tenders and other opportunities for a minimum period of 15 days.
- Public disclosure of the winners of all pre-qualifications and contracts with a value over \$50,000 when awarded. This information will be available and maintained on line for one year from date of posting.
- Uses the Government Electronic Tendering System (MERX) when e-tendering for goods or services over \$1 million, and for posting all sole-source procurements over \$75 thousand

These procurement disclosure practices are representative with what other public organizations currently provide.

Enhanced Disclosure of Information and Public Accessibility to Board Meetings

The WT web site now includes:

- Public disclosure of WT's corporate policies regarding the conduct of Board meetings under the public involvement tab.
- Board agendas posted in advance of meetings, with agendas now including a summary of items to be discussed with a description of issues to allow the reader to assess their interest in attending the meeting. Agendas are to be posted the week before the meeting date.

- The CEO’s public written report submitted at every Board meeting, which details project activity and highlights major initiatives and issues. Other materials such as power point presentations delivered at Board meetings are to be posted within the next business day following the Board meeting date.
- Public minutes of meetings are posted within one week of being approved, in a “summary style” format providing an overview of discussions. WT will continue to explore opportunities to further increase the readability of minutes by referencing other areas on the Corporation’s website by utilizing hyper links that provide additional information and project specific details.

Each of these enhancements has been implemented, and will be maintained by WT on an ongoing basis.

CONCLUSION

WT has enhanced its proactive disclosure of information to the public. Board meeting agendas, minutes and discussions at the Board meetings are better highlighted on the Corporation’s web site. Disclosure of procurement policies and contract awards has also been substantially improved.

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SIGNATURE

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ATTACHMENTS

APPENDIX 1 – PUBLIC ORGANIZATION DISCLOSURE MODELS