
Executive Committee

Meeting No.	31	Contact	Merle MacDonald, Committee Administrator
Meeting Date	Tuesday, April 7, 2009	Phone	416-392-7340
Start Time	9:30 AM	E-mail	exc@toronto.ca
Location	Committee Room 1, City Hall	Chair	Mayor David Miller

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EX31.1	ACTION			Ward: All
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A Policy Framework for Toronto's Accountability Officers

Committee Recommendations

The Executive Committee recommends that:

1. City Council adopt the Policy Framework as summarized in Appendix 1 of the report.
2. The policy provisions related to fixed term, appointment, renewal and removal from office, and remuneration, come into effect for future accountability officer appointments, except where these provisions are already contractually in place for current permanent incumbents.
3. City Council establish a new Toronto Municipal Code Chapter for the accountability officers, reflecting the substance of provisions described in sections 2C and 2D and summarized in Appendix 1 of this report.
4. City Council move Article VI, Auditor General and Article XIII Ombudsperson from Municipal Code Chapter 169, City Officials, to the new Municipal Code Chapter, renaming Article XIII, Ombudsman, for consistency with the wording of the City of Toronto Act, 2006.
5. City Council repeal § 140-33A. and B (8) and (10) of Municipal Code Chapter 140, Lobbying, and replace them with the provisions described in section 2D of this report and summarized in Appendix 1.
6. City Council amend § 27-99 of Municipal Code Chapter 27, Council Procedures, to provide for a 2/3 vote of all Members of City Council respecting the appointment and removal of the accountability officers, and amend § 27-62B to enable the accountability officers to submit reports directly to City Council in accordance with the provisions outlined in section 5 of Appendix 1.
7. City Council amend § 169-5 of Municipal Code Chapter 169, City Officials, to provide that the City Manager does not appoint, promote, demote, suspend and dismiss the

officials named in Part V of the City of Toronto Act, 2006 or their staff; and amend § 169-7 to provide that the City Manager shall not recommend the appointment and dismissal to City Council of the officials named in Part V of the City of Toronto Act, 2006.

8. City Council amend Municipal Code Chapter 217, Corporate Records, by adding the words “Integrity Commissioner, Lobbyist Registrar, Ombudsman,” after the word “Solicitor” in Subsection (2) of the definition of Division Head in § 217-4A.
9. City Council authorize the City Solicitor to prepare and introduce in Council any bills required to enact the Policy Framework, generally in accordance with the report recommendations and policy provisions described in sections 2C and 2D of this report and summarized in Appendix 1.
10. City Council request the accountability officers, in consultation with the City Manager and City Solicitor, to develop a Conflict of Interest Policy and Code of Conduct for the accountability officers and their staff, for Council’s approval by the end of 2009; and require that the City’s Conflict of Interest Policy continue to apply until such time as a Conflict of Interest Policy and Code of Conduct for the accountability officers and their staff is approved by Council.
11. City Council authorize the City Manager, in consultation with the City Solicitor, to develop standard terms of employment for Toronto’s accountability officers consistent with the provisions outlined in section 2D of this report and summarized in Appendix 1, to give effect to Council’s decisions respecting future appointments of its accountability officers.
12. City Council authorize the City Manager, in consultation with the City Solicitor, to bring forward amendments to Council-approved policies as required in order to implement the Policy Framework.
13. City Council authorize the City Manager and Deputy City Manager and Chief Financial Officer, in consultation with the accountability officers, to review and research best practices respecting setting aside a percentage of the City’s budget for Toronto’s accountability functions and report back to Executive Committee.

Decision Advice and Other Information

The Executive Committee:

1. held a public meeting on April 7, 2009, and notice was given in accordance with the Toronto Municipal Code, Chapter 27 - Council Procedures;
2. referred the following motion 2 by Councillor Mihevc to the City Manager for a possible report directly to City Council should the City Manager have any recommended changes to the Policy Framework, and should he deem it necessary after further consultation with the Accountability Officers:

“2. The Integrity Commissioner, Lobbyist Registrar, Ombudsman and Auditor General each be requested to submit a report directly to City Council for its meeting on April 29, 2009 providing any additional policy framework matters that Council may wish to consider.”

3. requested the City Manager to report directly to City Council on the following:
- analysis of the issue of “cause”
 - outline of the City of Montreal’s accountability system.

Lynda Taschereau, Manager, Corporate Policy and Fiona Murray, Senior Corporate Management and Policy Advisor, gave a presentation to the Executive Committee regarding a Policy Framework for Toronto’s Accountability Officers.

Origin

(March 20, 2009) Report from the City Manager

Summary

This report recommends a comprehensive policy framework for Toronto’s four accountability officers. The recommended framework breaks new ground in Canada. Based on characteristics of independence for comparable officers in other jurisdictions, the framework sets out their features of independence, accountability mechanisms, and the administrative and operational supports for their offices.

A separate Toronto Municipal Code chapter for the accountability officers is recommended to reinforce both their separation from the City administration and their independent status within the City’s governance system.

The policy framework supports the appropriate balance of independence in the officers’ decision making processes and accountability to Council for the management of their offices, and their performance in fulfilling their mandates.

Background Information

A Policy Framework for Toronto’s Accountability Officers
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19953.pdf>)

Speakers

Councillor Suzan Hall, Ward 1, Etobicoke North

EX31.2	ACTION			Ward: All
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Waste Disposal Agreements with the City of St. Thomas and County of Elgin - Green Lane Landfill

Committee Recommendations

The Executive Committee recommends that:

1. City Council authorize the execution of an agreement with the Corporation of the City of St. Thomas, on terms described in Attachment "A" of the report, during the time period and at the price set out in Attachment "A" and otherwise on terms and conditions satisfactory to the General Manager of Solid Waste Management Services and in a form satisfactory to the City Solicitor.
2. City Council authorize the execution of an agreement with the Corporation of the County of Elgin, on terms described in Attachment "B" of the report, during the time period and at the price set out in Attachment "B" and otherwise on terms and conditions satisfactory to the General Manager of Solid Waste Management Services and in a form satisfactory to the City Solicitor.

Origin

(March 20, 2009) Report from the General Manager, Solid Waste Management Services

Summary

This report seeks authority to enter into two Waste Disposal Agreements with 1) the Corporation of the City of St. Thomas and; 2) the Corporation of the County of Elgin for the disposal of waste at the Green Lane landfill

Background Information

Waste Disposal Agreements with the City of St. Thomas and County of Elgin - Green Lane Landfill

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19954.pdf>

EX31.3	ACTION			Ward: All
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Amendment of the Capital Plan for Green Lane Landfill to Accelerate Cell Excavation and Base Construction

Committee Recommendations

The Executive Committee recommends that:

1. City Council approve an amendment to the 10-Year Capital Plan and Forecast for Solid Waste Management Services as indicated in Appendix A of the report.

2. Subject to the adoption of Recommendation 1, new commitments totalling \$7.5 million including \$0.5 million in 2009 and \$7.0 million in 2010, funded from the Waste Management Reserve Fund, be approved to advance cell development at Green Lane(Capital Account CSW007-05-05 - Cell Excavation & Base Construction).

Origin

(March 10, 2009) Report from the Budget Committee

Summary

This report requests authority to reallocate funding to the 2009 Approved Green Lane Landfill Capital Budget within the Approved Green Lane Landfill 10-Year Capital Plan & Forecast and requests approval to commit the cashflow in 2009 and 2010 to more efficiently construct the required cells in order to accommodate the receipt of Toronto's waste beginning January 1, 2011. There is no net impact on the approved 10-Year Capital Plan & Forecast as a result of rescheduling this work.

Background Information

Amendment of the Capital Plan for Green Lane Landfill to Accelerate Cell Excavation and Base Construction

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19955.pdf>

EX31.4	ACTION			Ward: All
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Request for a Renewal of a Line of Credit Guarantee for the Lorraine Kimsa Theatre for Young People

Committee Recommendations

The Executive Committee recommends that:

1.
 - a. The City provide, to Lorraine Kimsa Theatre for Young People's (LKTYP) financial institution, a further guarantee of LKTYP's line of credit in the amount of \$250,000.00 (inclusive of all interest costs payable by LKTYP), for a term commencing on May 1, 2009 until December 31, 2012.
 - b. In accordance with the City's Capital Loan and Line of Credit Guarantee Policy, the City enter into an agreement with LKTYP, and a tri-party agreement with both LKTYP and its financial institution, in respect of the recommended 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 the General Manager, Economic Development, Culture and Tourism, 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.

3. LKTYP provide the Deputy City Manager and Chief Financial Officer with their 2009 to 2011 inclusive audited financial statements when they become available.
4. The line of credit guarantee be deemed to be in the interest of the municipality.

Origin

(March 13, 2009) Report from the Deputy City Manager and Chief Financial Officer and the General Manager, Economic Development, Culture and Tourism

Summary

This report seeks Council approval for the City to renew a line of credit guarantee for the Lorraine Kimsa Theatre for Young People (LKTYP, formerly Young People's Theatre), in the amount of \$250,000.00.

Background Information

Request for a Renewal of a Line of Credit Guarantee for the Lorraine Kimsa Theatre for Young People

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19956.pdf>

EX31.5	ACTION			Ward: All
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Capital Loan and Grant from the Federation of Canadian Municipalities for the Artscape Wychwood Barns

Committee Recommendations

The Executive Committee recommends that City Council approve the following:

1. The City enter into a grant and loan agreement with Artscape to provide grant and loan funds to be received from FCM for the purposes of financing the eligible project costs of the Artscape Wychwood Barns project (the "Project") upon the terms and conditions detailed in the attached letter and application documentation.
2. The agreement be on terms and conditions satisfactory to the City Solicitor, the Deputy City Manager and Chief Financial Officer, the General Manager, Economic Development, Culture and Tourism 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 Chief Financial Officer be authorized to sign an affidavit in favour of FCM, satisfactory in form and content to the City Solicitor, confirming that the funds were

used for the Project.

4. Release of the funds to Artscape be conditional upon Artscape providing an affidavit to the City, confirming that the funds were used for the Project.
5. Once Artscape has provided the affidavit and signed the agreement with the City, the Chief Financial Officer be authorized to pay Artscape the full amount of the grant and loan as and when received from FCM.
6. The City retain the right to withhold a portion of outstanding grants that the City may provide to Artscape over the term of the loan if it is not retired or renegotiated by the maturity date.
7. The FCM loan be deemed to be in the interest of the municipality.

Decision Advice and Other Information

The Executive Committee requested:

1. The Deputy City Manager and Chief Financial Officer to report to the next Executive Committee meeting on the new requirement by The Federation of Canadian Municipalities (FCM) for a municipality to issue a debenture to FCM to secure funding and to request additional authorities that will be required for the City to issue a debenture to FCM in relation to the Artscape loan.

Origin

(March 17, 2009) Report from the Deputy City Manager and Chief Financial Officer and the General Manager, Economic Development, Culture and Tourism

Summary

This report seeks Council approval for the City to enter into an agreement with Toronto Artscape Inc. ("Artscape") to provide grant and loan funds to be received by the City from the Federation of Canadian Municipalities ("FCM") for the purposes of financing the eligible project costs of the Artscape Wychwood Barns (formerly the Green Arts Barns) The associated debt charges will be recovered by the City from Artscape and paid to the FCM.

Background Information

Capital Loan and Grant from the Federation of Canadian Municipalities for the Artscape Wychwood Barns

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19957.pdf>

Speakers

Councillor Frances Nunziata, Ward 11, York South-Weston

EX31.10	ACTION			Ward: All
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2008 Sinking Fund Surplus

Committee Recommendations

The Executive Committee recommends that:

1. City Council approve payment of the tax-supported sinking fund surplus of \$3,400,591.19 as declared by the Sinking Fund Committee and that these funds be applied to the City's capital financing requirements.
2. The appropriate officials be authorized to take the necessary action to give effect thereto.

Origin

(March 3, 2009) Report from the Budget Committee

Summary

This report requests Council approval for payment of the 2008 sinking fund surplus in order to fulfil the legislative requirements of the City of Toronto Act, 2006.

Background Information

2008 Sinking Fund Surplus

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19964.pdf>

EX31.11	ACTION			Ward: All
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Preliminary Capital Variance Report for the Year Ended December 31, 2008

Committee Recommendations

The Executive Committee recommends that:

1. City Council approve the budget and technical adjustments to its 2008 Approved Capital Budget as detailed in Appendix 2 of the report.
2. The Deputy City Manager and Chief Financial Officer report back to the Budget Committee on any changes to the City of Toronto's 2008 year-end financial position after the 2008 financial statements are finalized.

Origin

(March 3, 2009) Report from the Budget Committee

Summary

The purpose of this report is to provide the City of Toronto Preliminary Capital Variance Report for the year ended December 31, 2008, and to request Council's approval for budget adjustments which reallocate funds between projects with no incremental impact on its 2008 Approved Capital Budget. A report with any changes to the Preliminary year-end financial position will be submitted to Council following the completion of the external audit of the City's accounts and financial statements, if necessary.

Capital expenditures for the year ended December 31, 2008 totalled \$1.753 billion or 69.8% of the Approved Capital Budget of \$2.511 billion. The under-spending is primarily attributed to the inability to find or secure suitable sites in accordance with planned timeframes; the need to revise design plans; delays in securing funds from cost-sharing partners; unanticipated delays in construction start-up and deferral of work; unanticipated legal and environmental issues; challenges in hiring qualified staff; and delays in the delivery of equipment from manufacturers. In addition, several projects were completed under-budget. Unspent funds for incomplete projects will be carried forward to 2009 on an as required basis, in accordance with the City's Carry Forward Policy.

Capital expenditures for Tax Supported Programs for the year ended December 31, 2008 totalled \$1.427 billion, representing 68.8% of its 2008 Approved Capital Budget of \$2.074 billion being spent (see Appendix 1). City Operations spent \$582.779 million or 64.8% of its 2008 Approved Capital Budget of \$899.097 million; while Agencies, Boards and Commissions spent \$844.699 million or 71.9% of their collective 2008 Approved Capital Budget of \$1.176 billion. Rate Supported Programs spent \$325.049 million or 74.4% of its 2008 Approved Capital Budget of \$436.746 million (see Chart 1).

Background Information

Preliminary Capital Variance Report for the Year Ended December 31, 2008

Appendix 1 - Consolidated Capital Variance Report for the Year-Ending December 31, 2008
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19966.pdf>)

Appendix 2 - Budget and Technical Adjustments

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19967.pdf>)

Declared Interests

The following member(s) declared an interest:

Councillor Howard Moscoe - Declared his interest in this matter, only as it pertains to the Children's Services Budget, in that his daughter is employed as a part time Child Care Worker by the City of Toronto.

EX31.12	ACTION			Ward: All
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Toronto Police Service 2009 - 2013 Capital Program Transfers

Committee Recommendations

The Executive Committee recommends that:

1. City Council approve a transfer of \$697,000 in 2009 from the Automated Fuel Management System project to the Renovation of the Intelligence and Special Investigation Facility Capital project.
2. City Council approve a transfer of \$487,000 in 2009 from the purchase of the Explosive Containment Vessel project to the Renovation of the Intelligence and Special Investigation Facility Capital project.
3. The Toronto Police Services request for the reinstatement of \$0.697 million in funding for the Automated Fuel Management System and \$0.487 million in funding for the Explosive Containment Vessel during the 2010 Capital Budget process be accommodated within the Services' established debt affordability guideline for 2010.

Origin

(March 10, 2009) Report from the Budget Committee

Summary

The purpose of this report is to request the City of Toronto Budget Committee to approve two transfers within the Toronto Police Service's 2009 – 2013 capital program.

Background Information

Toronto Police Service: 2009 - 2013 Capital Program Transfers
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19968.pdf>)

EX31.13	ACTION			
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Facilities and Real Estate - 2009 Capital Budget Adjustments

Committee Recommendations

The Executive Committee recommends that:

1. City Council authorize the reallocation of funds in the 2009 approved Facilities and Real Estate Capital Budget in the amount of \$1.856 million, as illustrated in Schedule "A" of the report, with zero gross and net impact.

Origin

(March 10, 2009) Report from the Budget Committee

Summary

This report requests Council's authority to amend the Facilities and Real Estate Division's (F&RE) 2009 approved capital budget by reallocating funding within the budget and by adding one new subproject to the F&RE capital budget. The adjustment of funds will have a zero net impact corporately and will better align 2009 cash flows with F&RE's program requirements.

Background Information

Facilities and Real Estate - 2009 Capital Budget Adjustments

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19969.pdf>)

Schedule A - Facilities and Real Estate - 2009 Capital Budget Reallocations

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19970.pdf>)

EX31.14	ACTION			Ward: All
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Scope Change: Inclusion of T1 Motor Casting Replacement in T1 Subway Car Overhaul

Committee Recommendations

The Executive Committee recommends that City Council approve the following:

1. TTC's 2009 Approved Capital Budget and 2010 to 2013 Capital Plan be adjusted to reflect an increase of \$2,000,000 to the total project cost for the capital project #CTT 051 – Subway Car Overhaul, requiring additional cashflow funding of \$700,000 in 2009, \$1,000,000 in 2010 and \$300,000 in 2011, bringing the total project cost approval to \$23,739,000.00.
2. The increase in the total project cost and 2009 to 2011 cashflows be offset by additional Provincial Gas Tax funding to be received in 2009.

Origin

(March 10, 2009) Report from the Budget Committee

Summary

The Budget Committee on March 10, 2009, considered a letter (February 19, 2009) from the General Secretary, Toronto Transit Commission, entitled "Scope Change: Inclusion of T1 Motor Casting Replacement in T1 Subway Car Overhaul".

Background Information

Scope Change: Inclusion of T1 Motor Casting Replacement in T1 Subway Car Overhaul

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19971.pdf>)

Appendix 1 - Toronto Transit Commission Report No. 4 (d)
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19972.pdf>)

14a Scope Change Inclusion of T1 Motor Casting Replacement in T1 Subway Car Overhaul

Origin

(March 27, 2009) Report from the Chief General Manager, Toronto Transit Commission

Summary

Forwarding a response on offsetting reduction in the YUS ATO Resignalling project (City project CTT008).

Background Information

Scope Change Inclusion of T1 Motor Casting Replacement in T1 Subway Car Overhaul
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-20242.pdf>)

EX31.15	ACTION			Ward: All
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Long-Term Care System Challenges and Opportunities for the City of Toronto

Committee Recommendations

The Executive Committee recommends that:

1. City Council authorize the General Manager of the Long-Term Care Homes and Services Division to initiate an application for the redevelopment of Kipling Acres once the Ministry of Health and Long-Term Care invites applications in early 2009.
2. City Council approve a one-time withdrawal of \$2.0 million from the Homes for the Aged (HFA) Capital Reserve Fund to enable the Long-Term Care Homes and Services Division to begin planning and architectural design work on the Kipling Acres Redevelopment Project.
3. City Council amend the 2009 Approved Capital Budget for Long-Term Care Homes and Services to include a new project entitled "Redevelopment of Kipling Acres" with a 2009 cash flow of \$2.0 million funded from HFA Capital Reserve Fund.
4. City Council authorize the General Manager of the Long-Term Care Homes and Services Division to continue to advocate for expanded funding for the City's homemakers and nurses services program, based on demonstrated community need.

5. City Council express to the Ministry of Health and Long-Term Care the urgent need to increase funding for long-term care homes as soon as is possible, based on the ever increasing acuity and complexity of care being provided in long-term care homes.
6. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Origin

(March 10, 2009) Report from the Budget Committee

Summary

The City of Toronto's Long-Term Care Homes and Services Division is committed to providing exemplary care and high calibre customer service while continuously implementing innovative economies into its operation. As leaders in long-term care, the Division contributes its knowledge, expertise and innovative programs to positively influence and improve the overall healthcare system. The City's high standards provide a qualitative comparator in the system and have indirectly served to favourably influence overall system quality. The public accountability and public vigilance present in the City's system are crucial elements in maintaining consumer confidence.

As the provider of a wide range of services to diverse communities, the Division is faced with several challenges in delivering services, including a changing long-term care environment; the introduction of new legislation; provincial funding limitations and a growing demand for long-term care services. In addition, the announced long-term care homes capital renewal strategy presents both a challenge and opportunity for the City.

The provincial long-term care home capital renewal program details and funding provisions were announced on November 26, 2008. Accordingly, this report recommends that authority be given to the General Manager, Long-Term Care Homes and Services to respond to a Ministry of Health and Long-Term Care request for proposals with an expression of interest to redevelop Kipling Acres. The redevelopment of Kipling Acres will not proceed as a capital project until City Council approves the Division's 2010-2019 Capital Program through the City's normal budget approval process in 2009. However, a draw of \$2.0 million from the Homes for the Aged (HFA) Capital Reserve Fund will enable the Division to begin planning and design work.

Background Information

Long-Term Care System Challenges and Opportunities for the City of Toronto
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19973.pdf>)

EX31.16	ACTION			Ward: All
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Donation from Maple Leaf Sports and Entertainment for Arenas and Outdoor Ice Rinks

Committee Recommendations

The Executive Committee recommends that:

1. City Council's approval be granted to accept a donation of \$600,000 from Maple Leaf Sports and Entertainment for arena and rink refurbishment and enhancement projects in 2009 in accordance with the "Policy on Donations to the City for Community Benefits".
2. A new Rink and Arena Refurbishment Project be created in the 2009 Parks, Forestry and Recreation Capital Budget with revenues and expenses of \$550,000, funded from a donation received from Maple Leaf Sports and Entertainment and that approval be given to receive the funds into this project.
3. The 2009 Parks, Forestry and Recreation Operating Budget be amended to include support of \$50,000 for rink and arena improvements through volunteer events fully funded by a donation from Maple Leaf Sports and Entertainment.
4. City Council's approval be granted to receive donations of \$500,000 per year in 2010, 2011, and 2012, and to receive a donation of \$200,000 in 2013, for arena and rink refurbishment and enhancement projects in accordance with the "Policy on Donations to the City for Community Benefits".
5. The General Manager of Parks, Forestry and Recreation include projects and activities to reflect the donations from Maple Leaf Sports and Entertainment in the Capital and Operating Budget submissions over the 2010-2013 periods.
6. Authority be granted to the General Manager of Parks, Forestry and Recreation to negotiate and enter into a four (4) to ten (10) year Agreement commencing July 1, 2009, with Maple Leaf Sports and Entertainment to execute arena and outdoor rink refurbishment projects in each of the first four contract years and sustain project recognition on-site for up to an additional six (6) years at each project location, all in a form and content satisfactory to the City Solicitor.

Origin

(March 10, 2009) Report from the Budget Committee

Summary

This report requests that Toronto City Council accept a donation of \$600,000 from Maple Leaf Sports and Entertainment (MLSE) for 2009 arena and outdoor artificial ice rink (AIR) refurbishment and enhancement projects, and to request Council authority to allow Parks, Forestry and Recreation (PFR) to negotiate and enter into an Agreement commencing July 1, 2009, between the City of Toronto and MLSE for further rink and arena refurbishment and

enhancement projects.

On January 29, 2009, MLSE approved a proposal for them to enter into an agreement with the City of Toronto to contribute \$500,000 per fiscal year between July 1, 2009 and June 30, 2013, and an additional \$300,000 for Spring/Summer 2009 to support the refurbishment or enhancement of City of Toronto Artificial Ice Rinks (AIRs) and arenas. The total value of the contribution is \$2,300,000.

A list of priority projects would be developed by Parks, Forestry and Recreation (PFR) based on the capital State of Good Repair (SOGR), capital project list, and facility audit reports on an annual basis. MLSE would short list the options based on their criteria and preferences. The project list would be finalized in cooperation between MLSE and PFR.

A community event would be held at each facility to celebrate the upgrades and to engage the community in their newly refurbished space. These events may include a facility beautification component, including painting, building flower boxes, replacing bulletin boards and other minor improvements. These events will be fully funded through the donation from MLSE, administered through the PFR operating budget.

All capital projects would be fully funded by the donation from MLSE.

According to an amendment to the "Policy on Donations to the City for Community Benefits," City Council approval is required to accept donations from any individual or organization whose cumulative value over the course of the fiscal year exceeds \$50,000. The value of this donation is \$600,000 in 2009, \$500,000 each year from 2010 to 2012, and \$200,000 in 2013.

Background Information

Donation from Maple Leaf Sports and Entertainment for Arenas and Outdoor Ice Rinks
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19974.pdf>)

Communications

(April 7, 2009) submission from Mr. Tom Anselmi, Executive Vice-President and Chief Operating Officer, Maple Leaf Sports and Entertainment (EX.New.EX31.16.1)

Speakers

(April 7, 2009) Mr. Tom Anselmi, Executive Vice-President, and Chief Operating Officer,
Maple Leaf Sports and Entertainment
Councillor Suzan Hall, Ward 1, Etobicoke North
Councillor Doug Holyday, Ward 3, Etobicoke Centre
Councillor Frances Nunziata, Ward 11, York South-Weston

EX31.17	ACTION			Ward: All
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Amendments to Recycling Processing Fees Related to Residue Percentage

Committee Recommendations

The Executive Committee recommends that:

1. City Council approve an increase in the July 1, 2008 to December 31, 2008, processing fees for single stream recycling with Metro Municipal Recycling Services Inc. and Canada Fibers Ltd. as follows:
 - a. for single stream recycling processing with Metro Municipal Recycling Services Inc. by \$13.90 per tonne to \$90.91 per tonne which will result in retroactive compensation of \$760,000; and
 - b. for single stream recycling processing with Canada Fibers Ltd. by \$14.65 per tonne to \$91.15 per tonne which will result in retroactive compensation of \$367,670.
2. City Council approve the 2008 proposed rate schedule for additional residue rates between 14.01% and 28%, adjusted by Toronto All Items in Consumer Price Index changes effective January 1, 2009, for single stream recycling processing with Metro Municipal Recycling Services Inc. and for Canada Fibers Ltd. as set out in Table 1 and 2, respectively, in the Financial Impact Section.
3. The 2009 Approved Operating Budget for Solid Waste Management Services be adjusted to increase expenditures in Cost Centre SW0742 (MRF: Single Stream – Scarborough) by \$1,283,976 and Cost Centre SW0751 (MRF: Single Stream – Dufferin) by \$338,692 and that these increased expenditures be offset by reducing the budgeted contribution to the Waste Management Reserve Fund in Cost Centre SW0762 (Multi Unit Waste Reduction Levy) by \$511,334 and by an increase in WDO funding of \$1,111,334 in Cost Centre SW0703 Waste Diversion and Planning.
4. City Council authorize the General Manager, Solid Waste Management Services, to enter into any necessary amending agreements with both Metro Municipal Recycling Services Inc. and Canada Fibers Ltd., on terms and conditions satisfactory to the General Manager, Solid Waste Management Services, to reflect Recommendations 1 and 2 and in a form satisfactory to the City Solicitor.
5. The General Manager, Solid Waste Management Services, be requested to initiate a renewed re-education/information program in those areas that have a high residual waste based on the inspection program outlined in the report, and report back to the Public Works and Infrastructure Committee on the results of inspections.

Origin

(February 19, 2009) Report from the Budget Committee

Summary

The purpose of this report is to request authority to amend the single stream recycling processing fees with Metro Municipal Recycling Services Inc. and Canada Fibers Ltd. to account for an increase in the percentage of residue in the single stream recycling mix.

Background Information

Amendments to Recycling Processing Fees Related to Residue Percentage
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19975.pdf>)

EX31.18	ACTION			Ward: 23
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Acquisition of 283 Greenfield Avenue

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

Committee Recommendations

The Executive Committee recommends that:

1. City Council adopt the confidential recommendations of staff in Confidential Attachment 1 of the report (October 20, 2008) from the Chief Corporate Officer and the General Manager, Parks, Forestry and Recreation.
2. City Council authorize the public release of the confidential information and recommendations in Attachment 1, once the transaction has closed.
3. The Offer to Sell from the owner of the property known as 283 Greenfield Avenue be accepted substantially on the terms outlined in Attachment 1 to the report, and that either the Chief Corporate Officer or the Director of Real Estate Services be authorized severally to accept the Offer on behalf of the City.
4. The City Solicitor be authorized to complete the transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions, on such terms as he or she consider reasonable.
5. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Decision Advice and Other Information

The Executive Committee requested the General Manager, Parks, Forestry and Recreation, to report to the Parks and Environment Committee on the status of implementing the Parkland Acquisition Strategy – North District Civic Centre, along with any needed recommendations to update the strategy.

Origin

(February 19, 2009) Report from the Budget Committee

Summary

The purpose of this report is to seek authority for the City to acquire the property municipally known as 283 Greenfield Ave. This property is required to expand Greenfield Maplehurst Park.

Negotiations with the owner of this property have been ongoing since June 2007. The owner is awaiting approval from Government Management Committee, Executive Committee and Budget Committee as they have already signed an irrevocable Offer to Sell their property to the City. Appendix “A” to this report describes the salient terms of this proposed acquisition, which are considered fair and reasonable.

Background Information

Acquisition of 283 Greenfield Avenue

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19976.pdf>

Appendix B - Proposed Greenfield Maplehurst Park

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19977.pdf>

EX31.19	ACTION			Ward: All
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Non-Union Compensation (2009)

Committee Recommendations

The Executive Committee recommends to City Council that:

1. Recommendation 1 of the report (March 23, 2009) from the City Manager be deleted.
2. City Council amend the non-union compensation policy by:
 - a. setting the cost of living adjustments for 2009 and 2010 as 0% and 1%, respectively; and
 - b. cancelling the re-earnable performance-based lump-sum payments in 2009 and 2010 for non-union employees who have reached their respective maximum salary (job rate).

3. City Council continue the performance-based pay policy in 2009 and 2010 for employees' progression through their respective grade salary ranges (minimum salary to maximum salary – job rate), which is based on non-union employees' 2008 and 2009 goals and performance.
4. The report (April 2, 2009) from the City Manager and the City Solicitor entitled "Non-union Employee Compensation: General Annual Salary Adjustment (COLA) and Performance Pay - 2009, 2010" be received for information.
5. Confidential Attachment 1 of report (April 2, 2009) from the City Manager and the City Solicitor remain confidential and not be released as it contains advice that is subject to solicitor-client privilege and information pertaining to labour relations and employee negotiations.

Decision Advice and Other Information

The Executive Committee received the following communications:

1. (March 12, 2009) from Councillor Suzan Hall;
2. (April 7, 2009) from Richard Majkot, Executive Director, and Glenn Steeves, President, City of Toronto Administrative, Professional, Supervisory Association, Inc. (COTAPSA)

Origin

(March 23, 2009) Report from the Employee and Labour Relations Committee

Summary

The purpose of this report is to provide the Employee & Labour Relations Committee with information regarding non-union compensation for employees in the Toronto Public Service at the City of Toronto. This report also provides background information on the existing Council approved non-union compensation system and some key information regarding other compensation systems in the broader public sector.

Background Information

Non-Union Compensation (2009)

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19978.pdf>

Communications

(April 7, 2009) letter from Richard Majkot, Executive Director, City of Toronto Administrative, Professional, Supervisory Association, Incorporated (COTAPSA Inc.) (EX.Main.EX31.19.1)

Speakers

(April 7, 2009) Richard Majkot, Executive Director, COTAPSA (Submission Filed)
Councillor Suzan Hall, Ward 1, Etobicoke North

Councillor Doug Holyday, Ward 3, Etobicoke Centre
Councillor Cliff Jenkins, Ward 25, Don Valley West
Councillor Denzil Minnan-Wong, Ward 34, Don Valley East
Councillor Frances Nunziata, Ward 11, York South-Weston
Councillor Michael Walker, Ward 22, St. Paul's

19a Cost Savings Measures - Operating Budget

Origin

(March 12, 2009) Letter from Councillor Suzan Hall

Summary

At the February 17th Operating Budget Consultations for City Councillors, there were repeated requests that essential cost-savings could be found in salaries and benefits.

We recognize that our employees are dedicated and deserve to be treated with dignity. At the same time, we have to realize that as a part of the social contract, concessions demonstrating prudent restraint need to be made when economic uncertainty overwhelms the taxpayers of Toronto.

Most people in Toronto do not have jobs that guarantee security through times of economic challenge. This is why I am asking that all employed by the City take this into consideration in their salary expectations for 2009.

Background Information

Cost Savings Measures - Operating Budget

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-20043.pdf>)

19b Non-union Employee Compensation: General Annual Salary Adjustment (COLA) and Performance Pay - 2009, 2010

Confidential Attachment - Labour relations or employee negotiations

Origin

(April 2, 2009) Report from the City Manager and City Solicitor

Summary

The Employee & Labour Relations Committee has requested a report regarding the motions approved at its March 23, 2009, meeting regarding non-union compensation for 2009 and 2010.

Background Information

Non-union Employee Compensation: General Annual Salary Adjustment (COLA) and Performance Pay - 2009, 2010

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-20255.pdf>

EX31.20	ACTION			Ward: All
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Occupational Health and Safety Report - Third Quarter, 2008

Committee Recommendations

The Executive Committee recommends that:

1. City Council receive the report entitled “Occupational Health and Safety Report, Third Quarter, 2008” for information.

Origin

(March 23, 2009) Report from the Employee and Labour Relations Committee

Summary

This report provides information on the status of the City’s health and safety system, specifically on activities, priorities and performance during the first three quarters of 2008. There was a decrease of 13% in the number of lost time injuries relative to the same period in 2007. There was also a decrease of 9.4% in recurrence injuries and a decrease of 1.3% in injuries where health care only was sought. Information is provided where there have been significant changes in accident experience and costs within divisions, as well as specific actions being taken to improve health and safety performance.

New information about the Ministry of Labour’s Workplace Violence Prevention consultation is provided. The Occupational Health and Safety Coordinating Committee (OHSCC) forwarded a letter to the Ministry, supporting the consultation and providing a copy of the City’s Workplace Violence Prevention Policy. It is anticipated that the Ministry’s response to feedback from stakeholders during its consultation will inform future amendments, if any, to the City’s policy.

Background Information

Occupational Health and Safety Report - Third Quarter, 2008

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19980.pdf>

Appendix A - WSIB Claims Data, by Division (January - September)

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19981.pdf>

Appendix B - LTI Frequency (up to End of Third Quarter)

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19982.pdf>

Appendix C - Summary of WSIB Costs for all Firm Numbers - 1st Three Quarters Comparison (2005-2008)

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19983.pdf>

Appendix D(i) - WSIB Invoiced Costs by Division - Cost to End of 3rd Quarter (2005-2008) (<\$100,000)

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19984.pdf>)

Appendix D(ii) - WSIB Invoiced Costs by Division - Costs to End of 3rd Quarter (2005-2008) (>\$100,000)

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19985.pdf>)

EX31.21	ACTION			Ward: All
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Occupational Health and Safety Report - End of Year, 2008

Committee Recommendations

The Executive Committee recommends that:

1. City Council receive the report entitled “Occupational Health and Safety Report, End of Year, 2008” for information.

Origin

(March 23, 2009) Report from the Employee and Labour Relations Committee

Summary

This report provides information on the status of the City’s health and safety system, specifically on activities, priorities and performance during 2008. There was a 12.9% decrease in the number of lost time injuries (LTIs) relative to 2007. There was also a 6.7 % decrease in the number of recurrence injuries (REOs) and a 2.7% decrease in the number of medical aid injuries (MAs)

The City’s injury frequency decreased from 9.19 to 7.98 in 2008.

The City set a 20% target for reduction in lost time injuries for the period 2004 to 2008. A number of large City divisions achieved the 20% reduction target, or greater. These included Children’s Services, Fire Services, Solid Waste Management Services, Shelter, Support and Housing Administration, Emergency Medical Services and Facilities and Real Estate. A number of smaller divisions with typically lower injury rates also achieved the 20% reduction target. The City overall achieved a 14.1% reduction in lost time injuries and a 33.3 % reduction in recurrence injuries

The Ministry of Labour continued to visit City workplaces in 2008. There was a significant reduction in the number of Ministry of Labour (MOL) orders issued to the City as a result of those visits relative to 2007: 36 orders in 2008 compared to 75 orders in 2007.

Although there was a reduction in the number of lost time injuries in 2008, the overall Workplace Safety and Insurance Board (WSIB) costs increased significantly as a result of firefighter cancer claims approved retroactively under the WSIB’s presumptive legislation.

Omitting fire fighter cancer claims, there was a reduction in the cost of injuries for 2008 relative to 2007.

Progress was made on all three key health and safety priority programs in 2008: Musculoskeletal Disorder (MSD) Prevention Policy implementation, Occupational Health and Safety Continuous Improvement Target Zero initiative, and Health and Safety Audit Phase 2. Additional information is provided in this report.

The focus of the Ministry of Labour (MOL) for 2008 was the implementation of the Safe at Work Ontario strategy, reducing MSDs and addressing workplace violence. This is consistent with the priorities established by the City over the last two years.

Background Information

Occupational Health and Safety Report - End of Year, 2008

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19987.pdf>)

Appendix A - WSIB Claims Data, by Division (2004-2008)

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19988.pdf>)

Appendix B - Lost Time Injury (LTI) Frequency - 2007 and 2008

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19989.pdf>)

Appendix C - Summary of WSIB Costs for all Firm Numbers (2005-2008)

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19990.pdf>)

Appendix D(i) - WSIB Annual Invoiced Costs by Division (2005-2008) (Costs <\$100,000)

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19991.pdf>)

Appendix D(ii) - WSIB Annual Invoiced Costs by Division (2005-2008) (Costs >\$100,000)

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19992.pdf>)

EX31.22	ACTION			Ward: All
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Toronto's 2007 Performance Measurement and Benchmarking Report

Committee Recommendations

The Executive Committee recommends that:

1. City Council receive the report entitled "Toronto's 2007 Performance Measurement and Benchmarking Report" for information.

Decision Advice and Other Information

Joe Pennachetti, City Manager and Lorne Turner, Manager, Performance Management, gave a presentation to the Executive Committee on Toronto's 2007 Performance Management and Benchmarking Report and filed a copy of their presentation.

Origin

(March 26, 2009) Report from the City Manager

Summary

This report and the accompanying Attachment A, entitled Toronto's 2007 Performance Measurement and Benchmarking Report, provide service/activity level and performance measurement results in 23 service areas. It includes up to eight years of Toronto's historical data to examine internal trends, and compares 2007 results externally to 14 other municipalities through the Ontario Municipal CAOs Benchmarking Initiative (OMBI).

In December 2008, the 15 OMBI member municipalities released a joint report entitled OMBI 2007 Performance Benchmarking Report (OMBI Joint Report), which is included as Attachment B. The OMBI Joint Report provides 2006 and 2007 summary data in 22 service areas. Municipal results for each performance measure are presented as information in alphabetical order. The report does not attempt to interpret or rank the results of municipalities in any way.

Toronto's 2007 Performance Measurement and Benchmarking Report, expands on the OMBI Joint Report by focusing on Toronto's results in terms of our internal year-over-year changes and longer term trends, and the ranking of Toronto's results in an external comparison to the other OMBI municipalities. It also includes one additional service area, more performance measures and service level indicators, identification of key factors influencing Toronto's results, and highlights Toronto initiatives that have, or will be implemented that are expected to further improve the efficiency and effectiveness of our operations.

Toronto is unique among Ontario municipalities because of its size and its role as the centre of business, culture, entertainment, sporting and provincial and international governance activities in the Greater Toronto Area. The most accurate comparison for Toronto is to examine our own year-over-year performance and longer-term historical trends. Toronto's 2007 Performance Measurement and Benchmarking Report includes up to eight years of historical data for 41 service/activity level indicators and 101 measures of efficiency, customer service and community impact.

Notwithstanding Toronto's unique place in Ontario, there is also value in comparing Toronto's 2007 results to those of other Ontario municipalities. Toronto's results have been ranked by quartile, in relation to other municipalities for 51 service/activity level indicators and 103 performance measures. Between Toronto's 2006 and 2007 Benchmarking Reports, there has been very little change in Toronto's quartile ranking for each of the indicators and measures in relation to other municipalities. Changes in Toronto's quartile ranking for individual measures are more likely to occur over a five-year or longer period.

Factors that make Toronto unique, such as our high population density, more developed urban form and older infrastructure, can have a significant influence on why Toronto's results are higher or lower in relation to other municipalities. To assist in understanding the impact these factors can have on Toronto's ranking, the attached report has grouped measures from across service areas based on these key influencing factors.

Toronto's 2007 Performance Measurement and Benchmarking Report also includes, in Appendices 1 and 2 to Attachment A, findings from supplementary reviews of:

1. Solid Waste Diversion where Toronto's cost per tonne is high in relation to other municipalities and it provides the reasons for this and describes the linkage between costs and diversion rates
2. Library Services where Toronto's library use per capita is very high and cost per use is low, and the review indicates how these very positive results have been achieved

Comparisons of Toronto's service delivery and quality of life should also go beyond Ontario and include results from other large Canadian and international cities.

One example of Toronto's efforts on this front is work staff have been doing first with the World Bank, and now with the Global City Indicators Facility (GCIF) to develop a standardized set city indicators that measure and monitor city performance and quality of life globally. Toronto staff have made a significant contribution to this work to date, such as the sharing of our experiences in benchmarking work done through OMBI and FCM's Quality of Life Initiative. Toronto has been recognized by staff of the World Bank and the GCIF as one of the world leaders in these areas.

Background Information

Toronto's 2007 Performance Measurement and Benchmarking Report

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-20020.pdf>)

Attachment A - Part 1 - 2007 Performance Measurement and Benchmarking Report - Table of Contents and Pages i - xxv

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-20021.pdf>)

Attachment A - Part 2 - 2007 Performance Measurement and Benchmarking Report - Consolidated Summary of Toronto's Results by Service Area - Pages 1 - 98

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-20022.pdf>)

Attachment A - Part 3 - 2007 Performance Measurement and Benchmarking Report - Consolidated Summary of Toronto's Results by Service Area - Pages 99-217

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-20023.pdf>)

Attachment A - Part 4 - 2007 Performance Measurement and Benchmarking Report - Appendices - Areas of Supplementary Review - Pages 221 to 247

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-20024.pdf>)

Attachment B - OMBI 2007 Performance Benchmarking Report (OMBI Joint Report)

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-20025.pdf>)

Communications

(April 7, 2009) presentation from Toronto's 2007 Performance Measurement and Benchmarking Report (EX.Main.EX31.22.1)

Speakers

Councillor Doug Holyday, Ward 3, Etobicoke Centre

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

EX31.23	ACTION			Ward: All
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Toronto Police Service: Execution of the Police Officers Recruitment Fund Grant Agreement

Committee Recommendations

The Executive Committee recommends that:

1. City Council authorize the City of Toronto to enter into the Police Officers Recruitment Fund Agreement with the Province and the Toronto Police Services Board, subject to approval as to form by the City Solicitor.

Origin

(February 19, 2009) Report from the Chair, Toronto Police Services Board

Summary

The purpose of this report is to request the Executive Committee to submit a recommendation to City Council to authorize the City of Toronto to enter into the Police Officers Recruitment Fund Agreement between the Province of Ontario, the City of Toronto and the Toronto Police Services Board covering the five-year period from April 1, 2008 to March 31, 2013. This Agreement, received in January, 2009, is retroactive to April 1, 2008.

Under the Police Officers Recruitment Fund (PORF), the Toronto Police Service (TPS) will receive grant funding of up to \$2.66 million annually to cover the salaries and benefits of up to 38 officers. Salary expenditures and offsetting revenue will be 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 5,548 officers; 38 officers above the 5,510 officer benchmark that must currently be maintained for the Safer Communities – 1,000 Officers Partnership Program grant funding.

Background Information

Toronto Police Service: Execution of the Police Officers Recruitment Fund Grant Agreement
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19993.pdf>)

EX31.26	ACTION			
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Agreement for Operation of Outdoor Billboard Sign - Astral Media Outdoor L.P.

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

Committee Recommendations

The Executive Committee recommends that:

1. City Council approve of The Board of Governors of Exhibition Place entering into an agreement with Astral on the terms and conditions outlined in the report and the Confidential Attachment I and such other terms and conditions as may be satisfactory to the Chief Executive Officer of the Board and the City Solicitor;
2. Option B, contained in the Confidential Attachment come into effect if it conforms with the upcoming City-wide sign policies under the new by-law.
3. City Council direct that the confidential information in Attachment 1 not be released publicly in order to protect the competitive position and the future economic interests of Exhibition Place.
4. City Council authorize and direct the appropriate Exhibition Place and City officials to take the necessary action to give effect thereto.

Origin

(March 4, 2009) Report from the Chief Executive Officer, Exhibition Place

Summary

This report recommends that City Council approve of The Board of Governors of Exhibition Place (the “Board”) entering into a fifteen (15) year licence agreement with Astral Media Outdoor, L.P. (“Astral”) for the operation of an existing outdoor billboard sign. In 1998 City Council approved of the Board entering into a ten-year agreement with Omni Outdoor and Company (now Astral) for the operation of a pillar billboard presently located on the south side of the Gardiner Expressway near Dufferin Street, which agreement expired on December 31, 2008. The current agreement provides either party with the option to request an opportunity to attempt to negotiate an extension of the current agreement before the Board may pursue its option to purchase the sign and re-tender the opportunity to the market. Pursuant to the agreement, the Board gave notice to Astral to commence negotiations.

Given the special nature of the billboard industry, Exhibition Place engaged an industry consultant, Allvision Canada Company (“Allvision”) to provide expert advice to the Board, assist Exhibition Place with its negotiations with Astral and, if required, draft a request for proposals document. As proposed by Allvision, the expiration of the Astral term offered the Board an opportunity to generate revenues from two streams – one based on revenues on an up-front lump sum payment predicated on future cash flows taking into consideration the value of

the asset and the second based on revenues from annual rent from the long term lease.

Based on the Allvision assessment, the Astral offer being recommended to City Council meets or exceeds all key market values. Furthermore, this negotiated agreement is more efficient than pursuing the option to purchase the sign and re-tender the opportunity, especially in today's marketplace.

Background Information

Agreement for Operation of Outdoor Billboard sign - Astral Media Outdoor L.P.
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19996.pdf>)

Speakers

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

EX31.27	ACTION			
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Agreement with Direct Energy Services Limited - Demand Response

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

Committee Recommendations

The Executive Committee recommends that:

1. City Council approve of the Board entering into an agreement with Direct Energy and CPower to jointly act as an "Aggregator" with respect to the Ontario Power Authority's Demand Response 3 Program (OPA's DR3), on the terms and conditions set out in the report, and such other terms and conditions as required by the City Solicitor and the CEO of the Board.

Origin

(March 4, 2009) Report from the Chief Executive Officer, Exhibition Place

Summary

In 2007, the Ontario Power Authority (OPA) released its Demand Response 3 Program (DR3) which is designed to encourage companies/businesses to curtail electrical use during periods of high demand in Ontario through either the reduction in electrical load requirements or the self-generation of electricity through natural gas fired generators.

To encourage participation in DR3, the OPA will pay businesses an "availability" fee simply to commit to reduction and/or generation and be available to be called and in addition, OPA will pay a curtailment or utilization fee when the surplus electricity is called on. If the OPA calls for the power, failure to supply by businesses could lead to penalties being imposed by the OPA.

DR3 is open to Direct Participants which can provide a curtailment of at least 5.0 MW or to Aggregators capable of providing a curtailment of at least 25.0 MW. An Aggregator is a company which aggregates curtailment from more than one Contributor. Direct Energy Business Services Limited (Direct Energy) has an agreement with the OPA as does CPower, Inc. (CPower). These two companies, as joint venture partners, have put together an Aggregator proposal that is risk-free for Contributors protecting them from any exposure to the OPA's performance set-off penalties and which also includes the development of a curtailment plan specific to each Contributor at no up-front cost to the Contributor.

Attachment I to this report is confidential as it involves the security of property belonging to the City of Toronto or one of its agencies, boards, and commissions and it is recommended that this information not be disclosed in order to protect the economic interests and competitive and legal position of The Board of Governors of Exhibition Place (the "Board").

The trigeneration plant within the Direct Energy Centre easily falls within DR3 and therefore, it is recommended that the Board enter an agreement with Direct Energy and CPower as an Aggregator so that the Board can be qualified to receive payments as soon as possible. Following enrollment of the trigeneration plant, Direct Energy will complete a full engineering study to understand other DR3 opportunities across Exhibition Place.

Background Information

Agreement with Direct Energy Services Limited - Demand Response
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19997.pdf>)

EX31.30	ACTION			Ward: All
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City of Toronto Support the Federal Government in Creating a National Securities Regulator

Committee Recommendations

The Executive Committee recommends that:

1. The City of Toronto convey its strong support to the Federal Government for the creation of a national securities regulator to be located in Toronto, Canada's Financial Services Area.

Origin

(January 29, 2009) Member Motion from City Council

Summary

Canada is currently the only country in the over 180-member International Organization of Securities Commissions that does not have a common national securities regulator. Rather, Canadian securities regulation is subject to the rules of the thirteen different provincial and territorial securities regulators. This patchwork of regulations unfortunately hinders Canada's

ability to compete with other countries for investment and makes it more expensive to do business in Canada. As a result, our financial centres bear the burden of our fragmented regulatory system. A common regulator would make Canadian markets more competitive and more efficient.

As the financial capital of Canada, Toronto should support the Federal Government in establishing a common securities regulator. Toronto's financial centre will be a major beneficiary of such an agreement and, as such, we should support the Federal Government bringing this forward as part of the upcoming budget deliberations.

Security Regulators play a number of important roles: they maintain confidence in the financial system, investigate complaints about the financial system, prosecute cases of market misconduct and license providers of financial services. This initiative is long overdue and Toronto can no longer afford the inefficient securities regulatory system we have in Canada.

(Submitted to City Council on January 27 and 28, 2009 as MM31.18)

Background Information

Transmitted from City Council - Referral of Member Motion MM30.18
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-19370.pdf>)

Noted and Filed Items:

EX31.32 Municipal Election Finance Reform – Request Province of Ontario to Include Employer Compensation for Employees for Volunteer Work on Municipal Election Campaigns in the Definition of Contributions

(January 29, 2009) Member Motion from City Council

EX31.33 Operational and Capital Financing for Regional Rapid Transit

(January 29, 2009) Member Motion from City Council

*Submitted Tuesday, April 7, 2009
Mayor David Miller, Chair, Executive Committee*