
Executive Committee

Meeting No.	35	Contact	Patsy Morris, Committee Administrator
Meeting Date	Monday, October 5, 2009	Phone	416-392-9151
Start Time	9:30 AM	E-mail	exc@toronto.ca
Location	Committee Room 1, City Hall	Chair	Mayor David Miller

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Location	Committee Room 1, City Hall	Chair	Mayor David Miller

EX35.1	ACTION			Ward: All
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Relationship Framework for Heritage Toronto

Committee Recommendations

The Executive Committee recommends that:

1. City Council adopt the Relationship Framework for Heritage Toronto, attached as Appendix 1 contained in the report (September 21, 2009) from the City Manager.
2. City Council authorize the City Solicitor to introduce the necessary bills to amend Chapter 103; HERITAGE of the Municipal Code of the City of Toronto to implement the Relationship Framework and update the Code, substantially as set out in Appendix 2 of the report (September 21, 2009) from the City Manager.
3. City Council authorize the City Manager to make technical amendments and updates to the Relationship Framework as required from time to time pursuant to Council decisions.

Origin

(September 21, 2009) Report from the City Manager

Summary

This report recommends adoption of the Relationship Framework governing the relationship between the City and the Board of Heritage Toronto. It also recommends amendments to the Municipal Code required to implement the Framework.

Following comprehensive consultation with the members of the Heritage Toronto Board and Administration, Toronto Preservation Services Staff of City Planning Division, Legal Services, Cultural Services and Financial Planning, this Relationship Framework was developed and is attached as Appendix 1, with the pursuant Municipal Code amendments as Appendix 2. The Board of Heritage Toronto concurs with the Relationship Framework and has requested the City Manager proceed with finalization and approval.

Background Information

Relationship Framework for Heritage Toronto

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23746.pdf>)

Appendix 1: Proposed City-Heritage Toronto Relationship Framework Appendix 2: Proposed Amendments to the Municipal Code

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23747.pdf>)

EX35.4	ACTION			Ward: All
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Recipients – 2009 Access Equity and Human Rights Awards

Committee Recommendations

The Executive Committee recommends that:

1. City Council extend congratulations to the following persons and organizations who have been selected as recipients of the 2009 City of Toronto Access Equity and Human Rights Awards:

Aboriginal Affairs Award: Kimberly Murray

Access Award: John Rae, Birchmount Bluffs Neighbourhood Centre, and Committee for Accessible AIDS Treatment (CAAT),

Pride Award: John Campey

William P. Hubbard Award: Adrienne Shadd, Paul Nguyen and Scadding Court Community Centre.

Origin

(September 1, 2009) Report from the City Manager

Summary

This report advises Council of the result of the nomination process for the City of Toronto Access, Equity and Human Rights Awards. These Awards are the Aboriginal Affairs Award, the Access Award on Disability Issues, the Constance E. Hamilton Award on the Status of Women, the Pride Award for Lesbian, Gay, Bisexual, Transgender, Transsexual and Two Spirited Issues and the William P. Hubbard Race Relations Award.

Recipients of the Constance E. Hamilton Award are selected by the Women Members of Council and will be reported separately to City Council.

Background Information

Recipients - 2009 Access Equity and Human Rights Awards

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23750.pdf>)

EX35.6	ACTION			Ward: All
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2009 Labour Disruption Costs and Savings

Committee Recommendations

The Executive Committee recommends that:

1. City Council direct that the tax related net savings arising from the 2009 labour disruption (estimated at \$36.1 million as at September 14, 2009) be allocated to the 2009 surplus and be utilized for the 2010 Operating Budget.
2. City Council direct that the Solid Waste Management net costs incurred as a result of the 2009 labour disruption (estimated at \$4.1 million as at September 14, 2009) be absorbed within the 2009 Solid Waste Approved Operating Budget.
3. City Council direct that the Toronto Water net savings arising from the 2009 labour disruption (estimated at \$1.2 million as at September 14, 2009) be transferred to the Water and Wastewater Stabilization Reserve and utilized for Toronto Water's 2010 Operating Budget.
4. City Council direct that the final estimated net savings / costs arising from the 2009 labour disruption be reported as part of the 2009 Third Quarter Operating Budget Variance report.
5. City Council direct that a notice explaining the reduction, resulting from the strike, be either inserted in, or printed on the 2010 Property Tax Bill.

Origin

(September 24, 2009) Report from Deputy City Manager and Chief Financial Officer

Summary

This report provides preliminary financial information with respect to costs incurred and savings realized during the 2009 labour disruption by CUPE Local 79 and TCEU Local 416, including costs associated with restoring services to normal levels following the disruption. The majority of strike related savings / costs were incurred after June 30th and therefore the projections to year end in the 2009 Second Quarter Operating Variance report do not capture the full impact of the labour disruption. Final impacts will be reported as part of the 2009 Third Quarter Operating Budget Variance report.

Background Information

2009 Labour Disruption Costs and Savings

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23752.pdf>

Speakers

Councillor Cliff Jenkins, Ward 25, Don Valley West
Councillor Gloria Lindsay Luby, Ward 4, Etobicoke Centre
Councillor Frances Nunziata, Ward 11, York South-Weston

EX35.7	ACTION			Ward: 6
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Development Charge Complaint - 343 Evans Avenue

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

Committee Recommendations

The Executive Committee recommends that:

1. City Council determine that the City's Development Charge By-law has been properly applied.
2. City Council provide Famous People Players, on an exception basis, relief from the payment of applicable development charges for its development at 343 Evans Avenue.
3. City Council authorize and direct the appropriate City staff to take necessary action to give effect thereto.
4. City Council receive the confidential information contained in Attachment 1 of the report (September 23, 2009) from the Deputy City Manager and Chief Financial Officer.
5. City Council determine that the confidential information in Attachment 1 of the report (September 23, 2009) from the Deputy City Manager and Chief Financial Officer, remain confidential in its entirety.

Origin

(September 23, 2009) Report from the Deputy City Manager and Chief Financial Officer

Summary

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

Famous People Players was assessed development charges for its conversion of existing industrial space into a theatre and dining facility. At the request of Famous People Players, Council authorized entering into a Development Charge Late Payment Agreement that allowed for the payment of applicable development charges in 36 interest-free, monthly installments. In view of a variety of circumstances, including the timing of the Famous People Players building permit application and the nature of redevelopment resulting from its conversion of existing

space, it is recommended that Council give favourable consideration to the request for relief from the payment of development charges in this instance.

Background Information

Development Charge Complaint - 343 Evans Avenue

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23753.pdf>)

Attachment 2: Complaint Letter, dated August 5, 2009, from Gowlings

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-24018.pdf>)

Communications

(October 5, 2009) Letter from Councillor Mark Grimes (EX.Supp.EX35.7.1)

(October 5, 2009) Letter from the Honourable Bob Rae (EX.Supp.EX35.7.2)

(October 5, 2009) Letter from the Honourable Art Eggleton (EX.Supp.EX35-7.3)

Speakers

Mr. Bob Onyschuk, Barrister, Gowling Lafleur Henderson

EX35.8	ACTION			Ward: All
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Consumer Protection Strategy - Disclosure of Development Charges

Confidential Attachment - The receiving of advice that is subject to solicitor-client privilege

Committee Recommendations

The Executive Committee recommends that:

1. City Council adopt the confidential recommendation set out in the communication (October 5, 2009) to City Council from the Executive Committee.
2. The recommendation contained in confidential Attachment 1 of the report (September 23, 2009) from the City Solicitor, and the recommendation of the Executive Committee contained in the communication (October 5, 2009) from the Executive Committee, become public once adopted and the remainder of Attachment 1 remain confidential as solicitor-client advice.

Origin

(September 23, 2009) Report from the City Solicitor

Summary

This report responds to the request of the Executive Committee that the City Solicitor report back to the Executive Committee, at its meeting on October 5, 2009, on the design of a “consumer protection strategy”, including changes to the city’s by-laws and practices, that could best withstand a court challenge in relation to (i) the disclosure of development charges

to purchasers of new homes in agreements of purchase and sale and (ii) including municipal charges in the advertised price for a new home.

Background Information

Consumer Protection Strategy - Disclosure of Development Charges
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23754.pdf>)

EX35.9	ACTION			Ward: 28
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Revised Ground Lease - George Brown College Waterfront Campus - East Bayfront

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

Committee Recommendations

The Executive Committee recommends that:

1. Council approve the revised major lease and option to lease terms (the “Revised Terms”) substantially as provided in Attachment 4 of the report (September 25, 2009) from the Deputy City Manager, Cluster B.
2. Council grant authority for the City, as Landlord, to enter into a long term lease agreement (the “College Lease”) with The George Brown College of Applied Arts and Technology (the “Tenant”) for that part of the East Bayfront (EBF) Lands shown as Blocks 4 and 5 on Attachment 2 of the report (September 25, 2009) from the Deputy City Manager, Cluster B, (the “College Lease Lands”) on terms and conditions not materially inconsistent with the major terms and conditions described in the Revised Terms, contained in Attachment 4 of the report (September 25, 2009) from the Deputy City Manager, Cluster B., together with such other terms and conditions as may be deemed appropriate by the Deputy City Manager whose responsibilities include Waterfront Revitalization in consultation with the Chief Corporate Officer and in a form satisfactory to the City Solicitor, subject to Part 6 below.
3. Council grant authority for the City, as Grantor, to enter into an option to lease agreement (the “Option Agreement”) with the Tenant for that part of the EBF Lands as shown as Block 3 on Attachment 2 of the report (September 25, 2009) from the Deputy City Manager, Cluster B. (the “Block 3 Lands”) on terms and conditions not materially inconsistent with the major terms and conditions described in the Revised Terms, together with such other terms and conditions as may be deemed appropriate by the Deputy City Manager whose responsibilities include Waterfront Revitalization in consultation with the Chief Corporate Officer and in a form satisfactory to the City Solicitor.

4. Council grant authority for the City, as Licensor, to enter into a license agreement or agreements (the "License Agreements") with the Tenant for any periods of time and for any consideration, including nominal consideration, with respect to the College Lease Lands, the Block 3 Lands, or, with Waterfront Toronto's approval, any other portion of the EBFLands, for the purposes of site mobilization, site preparation, excavation, shoring, surveying, soil investigation, access, construction staging, parking and any other purposes deemed appropriate by the Deputy City Manager whose responsibilities include Waterfront Revitalization, subject to the condition that the Licence Agreement shall prohibit the Tenant from applying for a building permit for any above grade construction until the Tenant has executed and delivered the College Lease (which will be subject to the satisfaction of the requirements of Part 2. of Executive Committee Item No. EX26.15 "Staff Due Diligence Review of the Proposed George Brown College Campus - East Bayfront" previously adopted by Council), all to the satisfaction of the Chief Corporate Officer and in a form satisfactory to the City Solicitor.
5. Council grant authority for the City, as owner of the dockwall on the EBF Lands, to enter into a tie back and shoring agreement or agreements (the "Tie Back and Shoring Agreements") with the Tenant, Waterfront Toronto, and TEDCO, or any of them, and to enter into any related or ancillary agreement pertaining to the excavation, shoring, or construction of the College Lease Lands or any EBF Lands and the protection of the dockwall, and to execute any consent or other document, all to the satisfaction of the Chief Corporate Officer and in a form satisfactory to the City Solicitor.
6. All of Parts 2. 3. 4. 5. 7. 8. 9. 10. 11. 12. 15. 16 and 17. of Executive Committee Item No. EX26.15 "Staff Due Diligence Review of the Proposed George Brown College Campus – East Bayfront" previously adopted by Council at its meeting of December 1, 2, and 3, 2008, as shown in Attachment 3 of the report (September 25, 2009) from the Deputy City Manager, Cluster B., are confirmed by Council except that all references to "Lease" shall mean the "College Lease", the "Leased Lands" shall mean the "College Lease Lands", and the date of December 31, 2009 shall be extended to "December 31, 2010".
7. Council authorize the Deputy City Manager whose responsibilities include Waterfront Revitalization to extend the three year Option Period described in the Revised Terms from time to time as he deems appropriate, and on such terms and conditions as he deems appropriate, provided the total Option Period shall not exceed a period of 5 years.
8. If the Option under the Option Agreement is exercised, Council grant authority for the City, as Landlord, to enter into a long term lease agreement (the "Block 3 Lease") with the Tenant substantially on terms and conditions not materially inconsistent with the Revised Terms and the College Lease, together with such other terms and conditions as may be deemed appropriate by the Deputy City Manager whose responsibilities include Waterfront Revitalization in consultation with the Chief Corporate Officer and in a form satisfactory to the City Solicitor.

9. If the Block 3 Lease is entered into, all of Parts 2. 3. 4. 5. 8. 9. 10. 11 and 12. of the Executive Committee Item No. EX26.15 “Staff Due Diligence Review of the Proposed George Brown College Campus – East Bayfront” previously adopted by Council at its meeting of December 1, 2, and 3, 2008 shall apply to the Block 3 Lease and the Block 3 Lands in the same manner as they apply to the College Lease and the College Lease Lands.
10. Council authorize the public release of the confidential information in Attachment 1 of the report (September 25, 2009) from the Deputy City Manager, Cluster B., upon the completion of the development of the publicly-owned lands in EBF as determined by the Deputy City Manager whose responsibilities include Waterfront Revitalization.
11. Council direct the Waterfront Project Director, in consultation with the General Manager of Parks, Forestry and Recreation and the Director of the Office of Partnerships, that following negotiations regarding a joint GBC/municipal recreation facility, a report be provided to Council on the results of the negotiations and any agreements deemed necessary at that time.
12. City Council authorize and direct the appropriate City officials to take the necessary action to give effect thereto.

Decision Advice and Other Information

Mr. John Campbell, President and Chief Executive Officer, Waterfront Toronto, and Ms. Anne Sado, President, George Brown College, gave a presentation to the Executive Committee regarding the Revised Ground Lease - George Brown College Waterfront Campus - East Bayfront.

Origin

(September 25, 2009) Report from Deputy City Manager Richard Butts

Summary

This report recommends revisions to a proposed ground lease transaction between George Brown College (GBC) and the City of Toronto to accommodate development of GBC’s waterfront campus on 0.83 ha (2.04 acres) of City-owned land in the East Bayfront (EBF) in two phases. At its December 1, 2 and 3, 2008 meeting, Council authorized a 103-year lease to GBC for all of Blocks 3, 4 and 5 shown on Figure 1 (Attachment 2). Under the original proposal, Block 3 was intended to house the academic facilities; Block 5 would accommodate a student residence building and recreation centre and Block 4 was a below grade parcel for underground parking.

The revisions addressed in this report are largely prompted by GBC’s phasing and funding requirements. The College recently received an additional \$30 M for its waterfront campus through the federal Knowledge Infrastructure Program (KIP) which must be invested by March 31, 2011. Together with the \$61.5 M provincial funding previously secured and its own funds, GBC advises that it has the necessary funds to proceed with construction of the academic facilities, estimated at \$175 M, immediately. Whereas the academic building was initially

proposed for Block 3, the College now wishes to locate the school on Block 5. Block 5 is larger than Block 3 and more public given its location at the water's edge.

With the focus on meeting the aggressive timelines associated with the KIP funding, GBC's priority of late has been on commencing excavation for the academic facility. This has delayed development of the plans for the student residence and recreation centre on Block 3 which will require the creation of a business case and recruitment of a private partner. Accordingly, the College has advised that it will not be proceeding with this phase immediately. Instead, it has requested a three-year option to lease Block 3 with the possibility of two one-year extensions. The College believes this will provide sufficient time to undertake an Alternative Financing Procurement (AFP) process.

Waterfront Toronto (WT) as development lead for EBF and the Waterfront has endorsed the proposed revisions to the ground lease as well as GBC's revised concept.

Background Information

Revised Ground Lease - George Brown College Waterfront Campus - East Bayfront
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23755.pdf>)

EX35.10	ACTION			Ward: All
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Occupational Health and Safety Report - First Quarter, 2009

Committee Recommendations

The Executive Committee recommends that City Council, receive for information, the Occupational Health and Safety Report - First Quarter, 2009.

Origin

(June 11, 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 quarter of 2009. There were no significant changes in the number of lost time injuries, recurrences or injury frequency relative to the first quarter of 2008. The number of injuries where health care only was sought decreased significantly by 27.4%. Information is provided where there have been significant changes in accident experience and costs within divisions, as well as actions, specific and general, being taken to improve health and safety performance.

On April 20th, 2009, Bill 168 (An Act to amend the Occupational Health and Safety Act with respect to violence and harassment in the workplace and other matters) received first reading in the provincial legislature. Information with respect to Bill 168, its background, content and impact on the City, is provided in this report.

Background Information

Occupational Health and Safety Report - First Quarter, 2009

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23756.pdf>)

Occupational Health and Safety Report First Quarter, 2009 - Staff Report

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23757.pdf>)

Appendix A - First Quarter WSIB Incidents Data, by Division

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23758.pdf>)

Appendix B - Toronto Public Service LTI Frequency Report (1st Quarters, 2007-2009)

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23759.pdf>)

Appendix C - Summary of WSIB Costs for all Firm Numbers (First Quarters 2005-2009)

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23760.pdf>)

Appendix D(i) - Q1 WSIB Invoiced Costs by Division (Cost <\$100,000)

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23761.pdf>)

Appendix D(ii) - Q1 WSIB Invoiced Costs by Division (Costs >\$100,000)

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23762.pdf>)

EX35.11	ACTION			Ward: All
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The Corporation of the City of York Employee Pension Plan – Actuarial Report as at December 31, 2008

Committee Recommendations

The Executive Committee recommends that:

1. a. City Council receive the report on the “Actuarial Valuation for Funding Purposes as at December 31, 2008” prepared by Mercer Human Resource Consulting with respect to The Corporation of the City of York Employee Pension Plan.
- b. City Council grant authority for City officials to increase the existing special payments of \$2,945,530 in 2009 to \$3,495,862 in order to fund the additional going-concern and solvency deficiencies which developed in 2008.
- c. City Council grant authority for City officials to make interest payments of \$9,288 which are required because the increase in special payments will not be processed until November 1, 2009.
- d. City Council authorize the appropriate City officials to make special annual payments of \$1,066,332 per year for 2010-2012 and \$550,332 for 2013 for the going-concern and solvency deficiency.
- e. City Council increase the 2009 non-program budget for “Programs funded from Reserve Funds” by \$559,620 gross and \$0 net, funded by a draw from the Employee Benefits Reserve Fund (XR1002), to accommodate the new special payment requirements resulting from the 2008 Actuarial Valuation for The City of York Employee Pension Plan.

- f. City Council authorize the appropriate City officials to take the necessary action to give effect to the foregoing recommendations.

Origin

(September 17, 2009) Report from the Government Management Committee

Summary

This report submits the Actuarial Valuation as at December 31, 2008 for the Corporation of the City of York Employee Pension Plan (the Plan) and requests additional funding in the form of special annual payments to the Plan as required under the Ontario pension legislation with respect to the solvency and going-concern deficiencies.

The 2008 Valuation sets forth the financial position of the Plan for the year ended December 31, 2008. The report outlines both the solvency deficiency and a going-concern deficiency of the Plan and outlines an amortization schedule of payments required to eliminate the deficiency within the mandatory five years. As a result of the financial position of the Plan, staff are recommending that no cost of living increase be provided to pensioners in 2009.

Background Information

The Corporation of the City of York Employees Pension Plan - Actuarial Report as at December 31, 2008

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23763.pdf>

The Corporation of the City of York Employee Pension Plan - Actuarial Report as at December 31, 2008 - Staff Report

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23764.pdf>

Attachment - Mercer Report on the Actuarial Valuation for Funding Purposes as at December 31, 2008

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23765.pdf>

Report (May 29, 2009) from the City of York Employee Pension Plan Committee

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23766.pdf>

EX35.12	ACTION			Ward: All
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Metropolitan Toronto Police Benefit Fund – Actuarial Valuation as at December 31, 2008

Committee Recommendations

The Executive Committee recommends that:

- 1.
 - a. City Council receive the “Report on the Actuarial Valuation for Funding Purposes as at December 31, 2008” prepared by Mercer Human Resource Consulting with respect to the Metropolitan Toronto Police Benefit Fund.
 - b. City Council grant authority for City officials to increase the existing special payments of \$772,200 in 2009 to \$5,425,800 beginning on November 1, 2009 in

order to fund the solvency deficiency of the Plan based on the 2008 actuarial valuation.

- c. City Council grant authority for City officials to make interest payments of \$82,660 which is required as the increase in special payments will not be processed until November 1, 2009.
- d. City Council authorize the appropriate City officials to make special annual payments in the amount of \$4,653,600 for the solvency deficiency for years 2010-2013.
- e. City Council increase the 2009 non-program budget for “Programs funded from Reserve Funds” by \$3,508,460 gross and \$0 net, funded by a draw from the Employee Benefits Reserve Fund (XR1002), to accommodate the new special payment requirements resulting from the 2008 Actuarial Valuation for the Metropolitan Police Benefit Fund.
- f. City Council authorize the appropriate City officials to take the necessary action to give effect to the foregoing recommendations.

Origin

(September 17, 2009) Report from the Government Management Committee

Summary

This report submits the Actuarial Valuation as at December 31, 2008 for the Metropolitan Toronto Police Benefit Fund (MTPBF) and requests additional funding in the form of special annual payments as required under Ontario pension legislation when a plan has a “solvency deficiency”.

The 2008 Valuation sets forth the financial position of the Benefit Fund for the year ended December 31, 2008, outlines its solvency deficiency at that date, provides an amortization schedule for eliminating the deficiency within the mandatory five years and recommends no cost-of-living increase for pensioners for 2009.

Background Information

Metropolitan Toronto Police Benefit Fund - Actuarial Valuation as at December 31, 2008
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23767.pdf>)

Metropolitan Toronto Police Benefit Fund - Actuarial Valuation as at December 31, 2008
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23768.pdf>)

Attachment - Mercer Report on the Actuarial Valuation for Funding Purposes as at December 31, 2008
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23769.pdf>)

Report (April 24, 2009) from the Metropolitan Toronto Police Benefit Fund Board of Trustees
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23770.pdf>)

EX35.13	ACTION			Ward: All
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2008 Final Year-end Capital Variance Report and Capital Variance Report for the Six-Months Ended June 30, 2009

Committee Recommendations

The Executive Committee recommends that:

1. City Council approve additional carry forward funding for Toronto Public Library for unspent 2008 capital projects totalling \$1.126 million as detailed in Appendix 3.1 of the report (September 15, 2009) from the Deputy City Manager and Chief Financial Officer, in order to continue work on 2008 approved capital projects.
2. City Council approve carry forward funding for unspent 2007 and prior year capital projects totalling \$0.295 million with no incremental increase on the 2009 Council approved debt funding as detailed in Appendix 3.2 of the report (September 15, 2009) from the Deputy City Manager and Chief Financial Officer, and that the 2009 Approved Capital Budget be adjusted accordingly.
3. City Council approve closure of the completed capital projects detailed in Appendix 4 of the report (September 15, 2009) from the Deputy City Manager and Chief Financial Officer, and that uncommitted funds from under-spent completed projects be utilized to fund overspent completed projects with no incremental impact on debt, after which any remaining unspent funds be returned to the original funding source.
4. City Council approve the technical adjustments to the 2009 Approved Capital Budget as detailed in Appendices 2.1 and 2.2 of the report (September 15, 2009) from the Deputy City Manager and Chief Financial Officer.

Origin

(September 18, 2009) Report from the Budget Committee

Summary

The purpose of this report is to provide the City of Toronto 2008 Final Year-end Capital Variance Report, the 2009 Capital Variance for the Six Months Ended June 30, 2009 and projected actual expenditures to December 31, 2009. Furthermore, the report seeks Council's approval for in-year budget adjustments, additional 2008 carry-forward funding and project closures. 2008 Final Year-end Capital Variance was prepared using audited accounting information for the year ended December 31, 2008.

The 2008 Final Year-End Capital Expenditure totalled \$1.754 billion or 69.9% of the 2008 Council Approved Capital Budget of \$2.509 billion. This represents an increase of \$0.147 million over the expenditures reported in the 2008 Preliminary Year-End Capital Variance report. The increase is attributed to final year-end adjustments proposed by the external auditors and final year end transactions processed primarily by TTC and Toronto Water.

Capital expenditures for the six months ended June 30, 2009 totalled \$592.634 million or 21.5% of the 2009 Approved Capital Budget of \$2.752 billion. Tax Supported Programs spent \$392.111 million, representing 18.3% of their collective 2009 Approved Capital Budget of \$2.148 billion (see Appendix 1). City Operations spent \$122.592 million or 12.9% of the 2009 Approved Capital Budget of \$948.191 million; while Agencies, Boards and Commissions (ABCs) spent \$269.519 million or 22.5% of their collective 2009 Approved Capital Budget of \$1.2 billion. In total, Rate Supported Programs spent \$200.523 million or 33.2% of their 2009 Approved Capital Budget of \$603.744 million (see Chart 1). This spending pattern is consistent with prior years; typically, capital project activities tend to be concentrated in the latter half of the year; therefore, capital-spending rates will accelerate significantly during the second half of the year, consistent with capital project plans and schedules.

As detailed in Appendix 1, projected actual expenditures to year-end are estimated at \$2.132 billion or 77.5% of the total 2009 Approved Capital Budget of \$2.752 billion. Tax Supported Programs project spending to year end of 78.1%; while Rate Supported Programs project spending of 75.1% of their total 2009 Approved Capital Budget

In accordance with the City's Carry Forward Policy, this report requests Council's approval to carry forward funds for unspent 2008 approved capital project budget as well as for 2007 and earlier years' approved capital projects not previously identified and included in the 2009 Approved Capital Budget. The additional carry forward funding request totals \$1.126 million as detailed in Appendix 3.1 for 2008 approved capital projects; funding for 2007 and prior years approved capital projects totals \$0.295 million with no increase to the 2009 Council Approved debt funding as shown in Appendix 3.2.

Background Information

2008 Final Year-end Capital Variance Report and Capital Variance Report for the Six-Months Ended June 30, 2009

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23772.pdf>)

2008 Final Year-end Capital Variance Report and Capital Variance Report for the Six-Months Ended June 30, 2009

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23773.pdf>)

Appendix 1 - Consolidated Capital Variance Report for the Quarter Ended June 30, 2009

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23774.pdf>)

Appendix 1.1 - Consolidated Capital Variance Report the Quarter Ended June 30, 2009 - SOGR

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23775.pdf>)

Appendix 2.1 - Budget and Technical Adjustment for Year Ended December 31, 2008

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23776.pdf>)

Appendix 2.2 - Budget and Technical Adjustments for Quarter Ended June 30, 2008

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23777.pdf>)

Appendix 3.1 - 2008 Carry Forwards Funding Adjustments

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23778.pdf>)

Appendix 3.2 - 2007 Carry Forwards Funding Adjustments

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23779.pdf>)

Appendix 4 - Capital Projects Recommended for Closure

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23780.pdf>)

EX35.14	ACTION			
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2008 Final Year-end Operating Variance Report and Operating Variance Report for the Six-Months Ended June 30, 2009

Committee Recommendations

The Executive Committee recommends that:

1. City Council approve the allocation of the additional 2008 year-end net operating surplus of \$9.051 million to the Exhibition Place Conference Centre Reserve Fund (\$0.942 million), Building Code Act Service Improvement Reserve (\$0.127 million) and the 2010 Operating Budget – Prior Year Surplus Revenue (\$7.982 million).
2. City Council approve an expenditure increase of \$0.033 million in the 2008 Theatres Operating Budget funded from the Sony Centre Improvement Reserve Fund to cover the legal expenses for the Sony Centre Redevelopment project.
3. City Council approve an increase of \$75.0 million gross and \$0 net to the Shelter, Support and Housing Administration 2009 Operating Budget with funding from the Toronto Community Housing Corporation (TCHC) State of Good Repair Reserve Fund (XR1062) for state of good repair expenditures associated with the backlog of capital maintenance with TCHC.
4. City Council approve the budget adjustments including the approved position changes detailed in Appendix G of the report (September 8, 2009) from the Deputy City Manager and Chief Financial Officer, to amend the 2009 Council Approved Operating Budget between Programs with no Net Budget impact.

Origin

(September 18, 2009) Report from the Budget Committee

Summary

The purpose of this report is to provide City Council with the 2008 Final Year-End Operating Variance which was prepared based on audited accounting information; and to obtain approval for the allocation of the additional 2008 year-end operating surplus. The report also provides City Council with the 2009 2nd Quarter Operating Variance for the six-month period ended June 30, 2009 and requests Council's approval for amendments to the 2009 Council Approved Operating Budget with no change to the Net Operating Budget.

The 2008 Final Year-End Operating surplus totals \$88.577 million or 2.7 per cent under the 2008 Council Approved Net Operating Budget. The final year-end surplus exceeds the amount reported in the 2008 Preliminary Year-End Operating Variance by \$9.051 million which is primarily attributed to a reduction of \$4.8 million of bad debt provisions in Parking Tag Enforcement and Operation; an increase of \$1.260 million in Shelter, Support & Housing Administration recovery of overpayments from Toronto Community Housing Corporation; and Toronto Employment & Social Services' final reconciliation of Ontario Municipal Partnership Fund (OMPF) that has increased OMPF funding by \$0.802 million. It is recommended that the

additional 2008 year-end operating surplus be allocated as follows: \$0.127 million to the Building Code Act Service Improvement Reserve to meet future legislated performance requirements as provided for in the Building Code Act Section 7 (2); \$0.942 million to the Exhibition Place Conference Centre Reserve Fund to help guarantee repayment of a loan for the new conference centre as approved by City Council; and that the uncommitted balance of \$7.982 million be used as a funding source for the 2010 Operating Budget in compliance with the City of Toronto Act Section 228 (5b).

Actual net expenditures for the six-month period ended June 30, 2009 were over budget by \$2.214 million or 0.2 per cent. Analysis indicates that the unfavourable results were primarily driven by the impact of the recession on key non-tax revenues. It is noted that the recession resulted in the underachievement of revenues in Programs such as Toronto Building, City Planning, Municipal Land Transfer Tax (MLTT) and the Toronto Transit Commission (TTC). The Deputy City Manager and Chief Financial Officer will continue working with Division Heads to explore opportunities to mitigate the impact of these revenue losses.

Projections to year-end indicate that the 2009 Council Approved Net Operating Budget will be under-spent by \$32.651 million or 0.9 per cent. The favourable variance projected at year-end will be largely due to a one-time contribution of \$20.0 million from the Toronto Parking Authority; higher than budgeted interest and investment earnings of \$10.0 million; under expenditures in a number of City Programs resulting from the 2009 labour disruption, to be significantly offset by TTC's projected passenger and advertising revenue shortfall and revenue losses arising from both the labour disruption and the 2009 recession. A separate report on the 2009 labour disruption impact on revenues and expenditures will be submitted to the Executive Committee for its October 2, 2009 meeting; however, the final impact will be included in the 2009 3rd Quarter Operating Variance Report for the Nine-Months Ending September 30, 2009.

Background Information

2008 Final Year-end Operating Variance Report and Operating Variance Report for the Six-Months Ended June 30, 2009

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23781.pdf>

2008 Final Year-end Operating Variance Report and Operating Variance Report for the Six-Months Ended June 30, 2009

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23782.pdf>

EX35.15	ACTION			Ward: All
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In Year Budget Adjustment for Economic Stimulus Funding Investments in Social Housing Renovation and Retrofit: Shelter, Support and Housing Administration

Committee Recommendations

The Executive Committee recommends that:

1. City Council increase the Shelter, Support and Housing Administration 2009 Approved Operating Budget by \$98,676,948 gross and \$0 net to reflect the funding of the Social

Housing Renovation and Retrofit Program.

Origin

(September 18, 2009) Report from the Budget Committee

Summary

This report updates Budget Committee on “details of any additional projects and final provincial approvals for the Social Housing Renovation and Retrofit Program” as requested by City Council at its meeting of May 25-27, 2009.

This report also requests budget adjustments of \$98,676,948 gross and \$0 net to Shelter, Support and Housing Administration’s 2009 Approved Operating Budget to reflect the additional revenues from the Federal and Provincial Governments

Background Information

In Year Budget Adjustment for Economic Stimulus Funding Investments in Social Housing Renovation and Retrofit: Shelter, Support and Housing Administration
<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23783.pdf>

EX35.16	ACTION			
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Facilities and Real Estate 2009 Capital Budget Adjustments and Accelerations / Deferrals

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 \$503,000, as illustrated in schedule “A” of the report (September 3, 2009) from the Chief Corporate Officer, with zero gross and net impact.
2. City Council authorize deferral and acceleration of funds in the 2009 Approved Facilities and Real Estate Capital Budget and 2010-2013 Capital Plan in the amount of \$352,000 as illustrated in Schedule “B” of the report (September 3, 2009) from the Chief Corporate Officer, with a zero gross and net impact.

Origin

(September 18, 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 and 2010-2013 Capital Plan by reallocating funding within the budget and plan, to better meet program requirements. The adjustment of funds will

have a zero net impact corporately and will better align 2009 and future cash flows with F&RE's program requirements.

Background Information

Facilities and Real Estate 2009 Capital Budget Adjustments and Accelerations/Deferrals
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23784.pdf>)

EX35.17	ACTION			Ward: All
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Toronto Waterfront Renewal Revised 2009 Capital Budget

Committee Recommendations

The Executive Committee recommends that:

1. City Council approve the following adjustments with no net impact to sub-projects within the "Waterfront Revitalization Initiative" Project in the Waterfront Renewal 2009 Approved Capital Budget:
 - a. An increase of \$3.358 million in 2009 funding for Waterfront Toronto Corporate Costs.
 - b. An increase of \$7.460 million in 2009 funding for Portlands Preparation.
 - c. An increase of \$1.887 million in 2009 funding for Sports Fields, Facilities and Parks Development,
 - d. An increase of \$0.513 million in 2009 funding for Lake Ontario Park (Phase 1).
 - e. A decrease of \$0.843 million in 2009 funding for Port Union Linear Park.
 - f. A decrease of \$0.871 million in 2009 funding for Mimico Linear Park.
 - g. A decrease of \$9.388 million in 2009 funding for Precinct Implementation Projects.
 - h. A decrease of \$1.226 million in 2009 funding for Transportation Initiatives.
 - i. A decrease of \$0.681 million in 2009 funding for the West Don Lands/East Bayfront District Energy.
 - j. A decrease of \$0.020 million in 2009 funding for Pier 4 Rehabilitation.
 - k. A decrease of \$0.055 million in 2009 funding for Urban Planning Resources.
 - l. A decrease of \$0.134 million in 2009 funding for the Waterfront Project Secretariat.

2. City Council approve that the City act as “Eligible Recipient”, and approve the creation of a new project, entitled “Regional Sports Complex Planning and Design”, in the 2009 Capital Budget for Waterfront Renewal with total funding of \$3.511 million (\$1.231 million in 2009 and \$2.280 million in 2010), fully funded by Waterfront Toronto, which has asked the City to act as an “Eligible Recipient” on its behalf.
3. City Council request staff to report to Council as part of the 2010 capital budget process on total project costs, confirmed and projected project revenues and the critical path for delivery of the Regional Sports Complex.
4. City Council authorize and direct appropriate City officials to take the necessary action to give effect thereto.

Origin

(September 18, 2009) Report from the Budget Committee

Summary

This report seeks approval to reallocate \$13.218 million of funding among various sub-projects within the “Waterfront Revitalization Initiative” Project in the 2009 Approved Capital Budget for Waterfront Renewal. This change reflects Waterfront Toronto’s updated financial requirements for the year, and ensures that Federal funds are expended by March 31, 2011, the current Federal sunset date for the Waterfront Initiative.

The proposed adjustments will not affect implementation of any on-going priority Waterfront projects.

The City’s contribution to the 2009 Capital Budget for the “Waterfront Revitalization Initiative” Project will remain unchanged at the approved level of \$70.713 million. The City’s overall net contribution to Waterfront Renewal will also remain unchanged at \$500.000 million.

The report also seeks approval for the creation of a new project in the Capital Budget for Waterfront Renewal entitled “Regional Sports Complex Planning and Design” with a total funding of \$3.511 million, fully funded by Waterfront Toronto. The City has been asked by Waterfront Toronto to implement this initiative on its behalf as the “Eligible Recipient”. Initial activities will focus on planning, design, environmental work and business planning. This work is included in the tri-government Long-Term Funding Plan for Waterfront Renewal. It is also recommended that staff report to Council as part of the 2010 capital budget process on total project costs, confirmed and projected revenue sources and the critical path for delivery of the Regional Sports Complex.

Background Information

Toronto Waterfront Renewal Revised 2009 Capital Budget
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-23785.pdf>)

Executive Committee Report - Meeting No. 35
For City Council Consideration on October 26, 2009

Submitted Monday, October 5, 2009
Mayor David Miller, Chair, Executive Committee