

Clause embodied in Report No. 10 of the Administration Committee, which was before the Council of the City of Toronto at its Special Meeting held on July 30, 31 and August 1, 2002.

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Other Items Considered by the Committee

(City Council at its Special Meeting held on July 30, 31 and August 1, 2002, received this Clause, for information, subject to striking out and referring Item (q), entitled “Establishment of a Future City Integrity Commissioner and an Immediate Interim Complaint Procedure Respecting the Code of Conduct for Council Members”, embodied therein, back to the Administration Committee for further consideration.)

(a) Overview- Departmental Issues.

The Administration Committee reports having received a presentation from the Commissioner of Corporate Services respecting departmental issues pertaining to the Corporate Services Department.

The Commissioner of Corporate Services gave a presentation to the Administration Committee providing an overview respecting Corporate Services Departmental Issues and filed a copy of her presentation material in regard thereto.

(b) New ‘IT’ Strategic Plan - “e-City”.

The Administration Committee reports having deferred consideration of the presentation from the Executive Director of Information and Technology respecting the new Information technology Strategic Plan – “e-City”, and requested the Chair of the Administration Committee to convene a special meeting of the Committee, prior to the meeting of Council scheduled to be held on July 16, 2002, to give consideration to the aforementioned matter.

(c) Appointment of Members of Council to Standing and Other Committees of Council, Various Boards, Special Purpose Bodies and Special Positions.

The Administration Committee reports having received the following communication:

(May 27, 2002) from the City Clerk, advising that City Council at its meeting held on May 21, 22 and 23, 2002, appointed the following Members of Council to the Administration Committee, for a term of office commencing June 21, 2002, and expiring November 30, 2003, and until their successors are appointed:

(The Mayor is a Member ex-officio)

Councillor Brian Ashton
Councillor Robert Ford
Councillor Douglas Holyday, Chair
Councillor Anne Johnston
Councillor David Miller
Councillor Frances Nunziata
Councillor David Soknacki, Vice-Chair; and
Councillor Paul Sutherland.

**(d) Accessing Various Language Services
in the City of Toronto.**

The Administration Committee reports having received the following report:

(June 6, 2002) from the Commissioner of Corporate Services, outlining how Members of Council and the community can access various language services in the City of Toronto; advising that this report is in response to a Council direction issued as part of the 2002 Budget discussions about Multilingual Services in the Corporate Communications Division, Corporate Services Department; that there are no immediate financial implications arising from this report; and recommending that this report be received for information.

**(e) Federal and Provincial Surplus Land Programs
for Homelessness: Acquisition of Property Located
at 20 Sewells Road at No Cost to the City.
(Ward 42 – Scarborough-Rouge River).**

The Administration Committee reports having deferred consideration of the following report and requested the Chair of the Administration Committee to convene a special meeting of the Committee, prior to the meeting of Council scheduled to be held on July 16, 2002, to give consideration to the aforementioned report:

(June 25, 2002) from the Commissioner of Community and Neighbourhood Services, recommending that:

- (1) the Commissioner of Corporate Services, in consultation with the Commissioner of Community and Neighbourhood Services, be authorized to negotiate an Agreement of Purchase and Sale of with the Government of Canada and the Government of Ontario for the acquisition of the property located at 20 Sewells Road at no cost to the City in a form acceptable to the City Solicitor;
- (2) after the acquisition has been completed, for the purpose of securing affordable and transitional housing, the Commissioner of Corporate Services, in consultation with the Commissioner of Community and Neighbourhood Services, be

authorized to conclude negotiations and enter into a 50 year less one day lease with a non-profit housing provider selected through a Request for Proposals (RFP) process for the property located at 20 Sewells Road in a form acceptable to the City Solicitor; and

- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

(f) Drove Away Parking Offences Strategy Update.

The Administration Committee reports having:

- (1) requested the Toronto Police Services Board to request the Chief of Police to meet with the Toronto Police Association to discuss the feasibility of using “light duty” staff to personally serve Part III Provincial Offence Notices and report back to the Administration Committee in regard thereto; and**
- (2) deferred consideration of the foregoing report pending the aforementioned report from the Chief of Police:**

(June 11, 2002) from the Chief Financial Officer and Treasurer, recommending that:

- (1) the “Drove Away” pilot project not be implemented at this time;
- (2) Council reiterate its request to the Ministry of the Attorney General to amend the *Provincial Offences Act* to provide for an additional form of service, preferably by first class mail, of Parking Infraction Notices under Part 11 of the Act; and
- (3) the “Drove Away” parking collection initiative be reviewed if and when provincial legislation is amended to reflect mail service of Part II offences under the *Provincial Offences Act*.

**(g) Portlands Area – ‘Go-Kart’ Operation
(Ward 30 - Toronto-Danforth)**

The Administration Committee reports having deferred consideration of the following report and communications and requested the Chair of the Administration Committee to convene a special meeting of the Committee, prior to the meeting of Council scheduled to be held on July 16, 2002, to give consideration to the aforementioned report and communications:

- (i) (June 13, 2002) from the Commissioner of Corporate Services, reporting on a request from City Council on whether any of the delinquent properties in tax arrears in the Portlands area are being considered for a 'Go-Kart' operation; advising that staff have investigated this matter and advise the following:

- (1) there is a 'Go-Kart' operation currently being constructed on the easterly portion of 20 Polson Street. This property was formerly used for parking purposes. Parking is being maintained on the westerly portion and the 'Go-Kart' track is being constructed on that area indicated on the attached sketch. An indication was provided that the 'Go-Kart' facility is planned to commence June 14, 2002;
- (2) 20 Polson Street is owned by TEDCO. Staff of TEDCO were consulted and have advised that the property is leased to Castan Waterfront Development Inc. for a term of almost 93 years ending on June 26, 2090. The property is sub-leased to 1299485 Ontario Limited;
- (3) Finance staff have advised that as of June 14, 2002, there is an outstanding tax account totalling \$105,053.03 including interest to June 30, 2002. This is comprised of \$11,919.48 from 2001 and a full year 2002 amount of \$93,133.55 of which \$47,928.37 is the final billing and is not yet due; and
- (4) staff of Urban Development Services have been contacted and advised that the conversion of the existing parking lot to a 'Go-Kart' track would not be in compliance with the existing Section 41 (Site Plan) agreement and is not in compliance with the provisions of the Zoning By-law; and

recommending that this report be received for information;

- (ii) (June 24, 2002) from Councillor Jack Layton, Toronto-Danforth, requesting that staff be requested to submit a report directly to Council on steps that could be taken to prevent the opening and operation of the "Go Kart" facility at 20 Polson Street from the standpoint of Section 41 infractions, tax arrears, noise to be generated and emissions; and
- (iii) (June 25, 2002) from Councillor Pam McConnell, Toronto Centre-Rosedale, writing in support of the proposal of Councillor Jack Layton that staff report to Council on all actions that can be pursued to prevent the opening and operation of a Go Kart facility at 20 Polson Street.

(h) Court Services Division Implementation Status Report.

The Administration Committee reports having deferred consideration of the following report and requested the Chair of the Administration Committee to convene a special meeting of the Committee, prior to the meeting of Council scheduled to be held on July 16, 2002, to give consideration to the aforementioned report:

(June 6, 2002) from the Commissioner of Corporate Services, reporting on the Court Services Division's progress with its new responsibilities relating to court administration and court support function for proceedings commenced under Parts I, II and III of the Provincial Offences Act (POA); advising that this report contains no changes to the

2002 budget; that the Provincial Offences Act transfer was successfully completed on schedule and preliminary figures suggest that unless significant, unidentified costs are incurred, or a departure in enforcement activity occurs, revenue will approximate the 2002 budget; that Data is being collected to establish an annual budget in support of the 2003 budget process; that Court Services Division faces several issues that will influence the long-term efficiency of the program; that Staff have had an opportunity to discuss early program results with other Ontario municipalities and are proceeding with a work plan that focuses on improving public service, remedies some of the inherited program inefficiencies, and includes an effective fine collection approach; that as part of the transfer, the Provincial government has invited Municipal partners to engage in discussions that can streamline activities; that this phase of the agreement begins in September and staff are preparing to participate in these discussions; and recommending that this report be received for information.

(i) Union Station Capital Repairs.

The Administration Committee reports having deferred consideration of the following report and requested the Chair of the Administration Committee to convene a special meeting of the Committee, prior to the meeting of Council scheduled to be held on July 16, 2002, to give consideration to the aforementioned report:

(June 6, 2002) from the Commissioner of Corporate Services, recommending that:

- (1) the Arch window on the west side of the Great Hall be added as a new \$100,000.00 sub-project under Union Station Closing Costs to be fully funded by transferring \$100,000.00 of available net rental income funds from Facilities and Real Estate Division Operating Cost Centre CA5441;
- (2) the structural slab over the parking area of the north west moat be added as a new \$300,000.00 sub-project under Union Station Closing Costs to be fully funded by transferring \$300,000.00 of available net rental income funds from Facilities and Real Estate Division Operating Cost Centre CA5441;
- (3) the Freight Elevator located in the West Wing be added as a new \$300,000.00 sub-project under Union Station Closing Costs to be fully funded by transferring \$300,000.00 of available net rental income funds from Facilities and Real Estate Division Operating Cost Centre CA5441; and
- (4) City staff be authorised to take the necessary action to give effect thereto.

Mr. Art McIlwain, Urquhart Consortium Inc., appeared in-camera before the Administration Committee in connection with the foregoing matter, and filed a written submission in regard thereto.

Ms. Patricia Simpson, Mr. Bob Wright and Mr. Hans Van Horden provided an in-camera briefing with respect to the foregoing matter.

(j) Council's Goal of Purchasing 25 Percent Green Power.

The Administration Committee reports having:

- (1) received the following report;**
- (2) requested the Commissioner of Corporate Services to submit a further report to the Administration Committee:**
 - (i) with respect to how Demand Side Management issues should be considered as a contribution towards the City's renewable energy targets;**
 - (ii) on the option of purchasing landfill gas from ourselves and what the net cost would be;**
 - (iii) respecting savings from the reduction of electricity consumption being used to purchase green power electricity; and**
 - (iv) during the 2003 budget process, on various options with associated costs, with respect to the purchase of "green power" by the City of Toronto; and**
- (3) referred the communication (June 25, 2002) from Mr. Keith Stewart, Ph.D, Smog and Climate Change Co-ordinator, Toronto Environmental Alliance, to the Commissioner of Corporate Services for consideration:**

(June 10, 2002) from the Commissioner of Corporate Services, responding to Council's request regarding the process and progress being made towards meeting Council's goal of purchasing 25 percent green power; advising that the City of Toronto has shown leadership in energy management, and the City is in a position to continue to show leadership on energy issues; that the City will continue to work with Toronto Hydro and others to identify opportunities to expand and work towards the City's green power purchase targets; and recommending that this report be received for information.

Mr. Keith Stewart, Toronto Environmental Alliance, appeared before the Administration Committee in connection with the foregoing matter, and filed a written submission with respect thereto.

**(k) 2002 Second Quarterly Report on Sales
(All Wards).**

The Administration Committee reports having received the following report:

(June 11, 2002) from the Commissioner of Corporate Services, forwarding the 2002 Second Quarterly Report on sales; advising that all properties which are identified as potentially surplus to Corporate needs are circulated for potential ABCD interest; that if no interest is expressed or interest is not justified in the view of the Property Management Committee, the Commissioner of Corporate Services recommends to Council the property be declared surplus; that the property is then offered for sale and, once a sale is approved by Council, the property is removed from the Declared Surplus list and identified as a sale in progress; attaching a chart summarizing the beginning balance on the Declared Surplus list (Appendix "A" attached), the quarterly additions as a result of Council declaring property surplus and the quarterly deletions as a result of Council approving a sale; and recommending that this report be received for information.

(l) Unsolicited Bid Process.

The Administration Committee reports having deferred consideration of the following communication and requested the Chair of the Administration Committee to convene a special meeting of the Committee, prior to the meeting of Council scheduled to be held on July 16, 2002, to give consideration to the aforementioned communication:

(Undated) from the Councillor Paul Sutherland, advising that after discussions with the procurement department and the CAO's office he has discovered that the City of Toronto does not have a formal process to administer unsolicited tenders; that the lack of a formal process inhibits the ability for private companies to approach the City with imaginative and feasible ideas to promote development; that unsolicited tenders can provide Toronto taxpayers with value for money and act as an economic stimulus; that a number of countries around the world have formalized procedures to deal with unsolicited bids including the U.S.A., United Kingdom, Australia and Ecuador; that the "Swiss Challenge" is an effective model to promote unsolicited bids in a fair and practical way; that the Swiss Challenge model follows a number of steps in order to standardize the process of unsolicited bids; providing an example of the Swiss Challenge format; further advising that the method has proven to provide effective and fair competition, dynamic innovation and transparency of the tender process; that the Swiss Challenge contains a formal evaluation process, evaluation criteria and a review, and an approval committee; and requesting that the Administration Committee refer the "Swiss Challenge" model for unsolicited bids to the CAO and report back to the Administration Committee as to the feasibility of this model or any other suitable model in Toronto.

(m) Benefit Coverage - Former Municipality of Metropolitan Toronto Over Age 65 Retirees.

The Administration Committee reports having deferred consideration of the following communications until its meeting scheduled to be held on September 10, 2002, in order to allow interested Metropolitan Toronto retirees an opportunity to obtain outside professional advice with respect to evaluation issues:

- (i) (June 11, 2002) from the City Clerk, respecting Benefit Coverage - Former Municipality Toronto Over Age 65 Retirees, such report to be considered in-camera having regard that the subject matter relates to personal matters about identifiable individuals;
- (ii) (June 13, 2002) from the Executive Director, COTAPSAI, and the President, Metro Toronto Pensioners Association, requesting the Committee to defer consideration of the issue pertaining to drug coverage for Metro Toronto Pensioners to allow the Metro Toronto Pensioners Association and COTAPSAI an opportunity to gather information and prepare a presentation for consideration at a future meeting of the Administration Committee; and
- (iii) (June 24, 2002) from Mr. Jack Horsley, outlining what he believes to be the essential legal documents and issues pertaining to the issue of benefit coverage for retirees of the former Metropolitan Toronto over age 65.

(n) Breaches of Confidentiality Obligations.

The Administration Committee reports having referred this matter to the Executive Director of Human Resources with a request that she meet with the relevant parties to address the procedural aspects of this matter respecting the breaches of confidentiality obligations.

**(o) Accounts Receivable - Largest Debtors
With Tax Arrears Greater Than \$500,000.**

The Administration Committee reports having received the following report.

(June 19, 2002) from the Chief Financial Officer and Treasurer, providing information on property tax accounts with outstanding receivables of \$500,000 or more as at March 31, 2002; advising that while the taxes receivable for the City's largest debtors has increased to \$62 million as of March 31, 2002, approximately \$20 million is attributable to a special supplementary/omit billing for hydro properties; that excluding this special billing, the taxes receivable are at a level (\$42 million) comparable to December 2001 that with respect to Appendix "B", attached in confidence, the Director of Corporate Access and Privacy has advised that the name of an individual property owner, together with their mailing address and the amount of tax arrears, constitutes the personal and financial information of the affected individual as defined by the *Municipal Freedom of Information and Protection of Privacy Act*; that personal information is subject to the

privacy provisions of that *Act* and, accordingly, the name of the individual property owners and their mailing addresses may not be disclosed; that to respond to Council's request, Appendix "B" provides the assessed addresses of individual property owners, together with the amount of the tax arrears, which are being disclosed in confidence; and recommending that this report be received for information.

(p) Union Station - Request for Proposals.

The Administration Committee reports having deferred consideration of the following report and requested the Chair of the Administration Committee to convene a special meeting of the Committee, prior to the meeting of Council scheduled to be held on July 16, 2002, to give consideration to the aforementioned report:

(June 19, 2002) from the City Solicitor, advising that the Administration Committee at its meeting held March 26, 2002, during consideration of a report on the status of the Union Station Request for Proposals, requested the City Solicitor to report directly to Council on allegations of irregularities in the RFP process raised by Urquhart Consortium Inc., one of the unsuccessful respondents to the Request for Expressions of Interest; that this report responds to a request by City Council that the City Solicitor provide a public report to the Administration Committee on allegations of irregularities in the RFP process; that there are no financial implications arising from this report; that City staff have carefully reviewed the allegations raised by Urquhart with regard to the REOI process; that the REOI was clear that the intent was to pre-qualify only those teams with the skills, resources and experience necessary to redevelop Union Station; that it was within the discretion of the City to determine whether the qualifications of the respondents met the City's requirements based on a fair and equitable evaluation process; that they are satisfied that the REOI/RFP process was appropriate, fair and equitable; that based on a review of the REOI and RFP process to date, the allegations of irregularities by Urquhart are unfounded and no further action is warranted; and recommending that this report be received for information.

Mr. Art McIlwain, Urquhart Consortium Inc., appeared in-camera before the Administration Committee in connection with the foregoing matter, and filed a written submission in regard thereto.

Ms. Patricia Simpson, Mr. Bob Wright and Mr. Hans Van Horden provided an in-camera briefing with respect to the foregoing matter.

(q) Establishment of a Future City Integrity Commissioner and an Immediate Interim Complaint Procedure Respecting the Code of Conduct for Council Members.

The Administration Committee reports having referred the following communication back to the Ethics Steering Committee with a request that the Ethics Steering Committee:

- (1) develop the Interim Complaint Procedure as a stand-alone process in the absence of a City Integrity Commissioner function; and**
- (2) reconsider the recommendations within the context of having the Interim Complaint Procedure established as a stand-alone process:**

(June 20, 2002) from the City Clerk, Ethics Steering Committee, advising that the Ethics Steering Committee on June 20, 2002, recommended to the Administration Committee that:

- (1) consistent with its Terms of Reference, the Ethics Steering Committee be charged with the responsibility of recommending to Council, the protocols, by-laws and policies governing the ethical behaviour of members of Council;
- (2) consistent with its Terms of Reference, neither the Ethics Steering Committee nor any other Council body or individual (including a City employee) shall have a role in the investigation or adjudication of the ethical behaviour of another member of Council, with the one exception noted in Recommendation No. (6);
- (3) an Integrity Commissioner function similar to the Provincial model and having an appointment term that does not exceed five years, be established by the City of Toronto to advise Council members on Code of Conduct inquiries, assess the nature and legitimacy of formal Code of Conduct complaints, determine whether investigation is warranted, and ensure that appropriate actions are taken in this regard for report and recommendation to Council;
- (4) qualifications for the City Integrity Commissioner include, at a minimum, membership in the Law Society of Upper Canada, municipal or other administrative law experience, municipal law adjudication experience, and impartiality such as that perceived with a retired judge;
- (5) Council grant authority for application to be made for special legislation from the Province to establish a City Integrity Commissioner similar to the Provincial model and that the City Solicitor and Chief Administrative Officer develop the required Draft Act;

- (6) the Integrity Commissioner operate in an arm's length capacity from Council and the Mayor's office except that, following the Provincial model, Council will make the final decision on whether any penalty (as may be recommended by the Integrity Commissioner) is imposed on the member found to have contravened the Bill Code;
 - (7) while awaiting special legislation from the Province, the Interim Complaint Procedure presented in Appendix 2 be approved for implementation including its provisions for an informal complaint process, or a formal process using the services of external legal counsel, fixed penalty provisions, specified reporting procedures and timeframes, conditions respecting payment of legal costs, and a role for Ethics Steering Committee to convey the report to Council and advise on the extent of public disclosure;
 - (8) the cost of processing any complaints under the proposed Interim Complaints Procedure during the year 2002, be absorbed by the Clerk's Division since funds have been confirmed as available for this purpose;
 - (9) the Ethics Steering Committee report to the Administration Committee in the fall of 2002 on a recommended Advice Protocol for processing requests for advice to an Integrity Commissioner under the Draft Act;
 - (10) the Ethics Steering Committee report to the Administration Committee in the fall of 2002 on a recommended Complaint Protocol for processing investigation requests to an Integrity Commissioner under the Draft Act;
 - (11) Council determine the source of a budget to cover the establishment of an Integrity Commissioner function, as well as what monetary or other limitations should apply, only after special legislation has been enacted; and
 - (12) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.
- (r) **Request for Proposal No. 9155-01-7001
to Restore, Develop and Operate Union Station
(Ward 28 – Toronto Centre-Rosedale).**

The Administration Committee reports having deferred consideration of the following report and requested the Chair of the Administration Committee to convene a special meeting of the Committee, prior to the meeting of Council scheduled to be held on July 16, 2002, to give consideration to the aforementioned report.

Mr. Art McIlwain, Urquhart Consortium Inc., appeared in-camera before the Administration Committee in connection with the foregoing matter, and filed a written submission in regard thereto.

Ms. Patricia Simpson, Mr. Bob Wright and Mr. Hans Van Horden provided an in-camera briefing with respect to the foregoing matter.

(s) Lease of City Owned Property North and South Buildings Located at 245 Queens Quay West, (Ward 20 - Trinity-Spadina).

The Administration Committee reports having deferred consideration of the following report and requested the Chair of the Administration Committee to convene a special meeting of the Committee, prior to the meeting of Council scheduled to be held on July 16, 2002, to give consideration to the aforementioned report;

- (i) (June 14, 2002) from the Commissioner of Corporate Services, recommending that:
 - (1) authority be granted to lease the north building to Bambu Dining Lounge Ltd. in accordance with the terms and conditions as outlined herein and in a form acceptable to the City Solicitor;
 - (2) authority be granted to draw funds from the rent payments to pay for the commission to J.J. Barnicke Limited as outlined herein;
 - (3) the City Solicitor be authorized to prepare and have executed the appropriate lease documentation;
 - (4) the "Programming Lease" with Harbourfront Corporation (1990) carrying on business as Harbourfront Centre be amended to include both the north and south buildings at 245 Queens Quay West, subject to the terms and conditions contained herein; and
 - (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.
- (ii) (June 24, 2002) from the Commissioner of Corporate Services providing information on the work plan formulated on the Schedule "A" Properties with regard to optimizing revenue from development potential of properties owned and/or operated by the TTC; advising that revenue will be generated from the eventual sale/lease of these properties; that while existing staff will advance this work during the balance of 2002, in order to expedite this project, it is necessary to secure additional temporary staff and other resources; that this report advises that the 2003 Operating Budget submissions for the affected Divisions will include the necessary funding to expedite the project; and recommending that this report be received for information.

**(t) Optimizing Revenue from Development Potential
TTC Properties – Schedule “A” Properties
(Various Wards).**

The Administration Committee reports having deferred consideration of the following report and requested the Chair of the Administration Committee to convene a special meeting of the Committee, prior to the meeting of Council scheduled to be held on July 16, 2002, to give consideration to the aforementioned communication:

(June 24, 2002) from the Commissioner of Corporate Services providing information on the work plan formulated on the Schedule “A” Properties with regard to optimizing revenue from development potential of properties owned and/or operated by the TTC; advising that revenue will be generated from the eventual sale/lease of these properties; that while existing staff will advance this work during the balance of 2002, in order to expedite this project, it is necessary to secure additional temporary staff and other resources; that this report advises that the 2003 Operating Budget submissions for the affected Divisions will include the necessary funding to expedite the project; and recommending that this report be received for information.

(u) Safety at Toronto Parking Authority Parking Lots.

The Administration Committee reports having requested the President, Toronto Parking Authority, to submit a report to the meeting of the Administration Committee scheduled to be held on September 10, 2002, advising if there is adequate lighting and security at the Toronto Parking Authority parking lot adjacent to the Chester Subway Station in light of the recent events occurring at that location:

(June 21, 2002) from Councillor Frances Nunziata, Ward 11, York South-Weston, advising that recently over the course of three days the residents of Toronto were shocked by a series of violent carjackings; that one of the carjackers in question took place at a Toronto Parking Authority parking lot adjacent to the Chester Subway Station; and requesting that this issue be placed on the Agenda of the Administration Committee for its meeting scheduled to be held on June 25, 2002.

(v) Access by Councillors’ Staff to Various Areas of City Hall.

The Administration Committee reports having referred the following communication to the Commissioner of Corporate Services for report thereon to the meeting of the Committee scheduled to be held on September 10, 2002:

(June 25, 2002) from Councillor David Miller, Ward 13, Parkdale-High Park, advising that as a result of recent security measures, Councillors’ staff have been denied access to various areas of City Hall; and requesting that the same access given to Councillors be extended to their staff.