

Clause embodied in Report No. 16 of the Policy and Finance Committee, as adopted by the Council of the City of Toronto at its meeting held on December 4, 5 and 6, 2001.

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**Yonge/Dundas Square - Operations Resulting from  
Urban Development Services Capital Project  
and Governance Model  
(Ward 27 - Toronto Centre)**

*(City Council on December 4, 5 and 6, 2001, amended this Clause:*

(1) *by amending the joint report dated November 16, 2001, from the Chief Administrative Officer and the Commissioner of Economic Development, Culture and Tourism, as embodied in the Clause, by:*

(a) *deleting Recommendation No. (1)(c) and inserting in lieu thereof the following new Recommendation No. (1)(c):*

*“(c) Member of a Resident’s Association (1);”; and*

(b) *deleting from Recommendation No. (1)(e), the words “Member of the Board”, and inserting in lieu thereof the words “staff member”, so that such recommendation shall now read as follows:*

*“(e) Toronto Parking Authority, staff member (1);”; and*

(2) *in accordance with the supplementary report dated November 30, 2001, from the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendations:*

*“It is recommended that:*

(1) *Council appoint the nominees listed in Attachment No. 1 of this report to the Dundas Square Board of Management;*

(2) *the list of members of the Dundas Square Board of Management, as recommended by the Policy and Finance Committee, be amended to include a Parking Authority staff person, rather than a member of the Parking Authority Board, as an ex-officio member; and*

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

**The Policy and Finance Committee recommends:**

- (1) the adoption of the joint report (November 16, 2001) from the Chief Administrative Officer and the Commissioner of Economic Development, Culture and Tourism; and**
- (2) that the City Solicitor, in consultation with the Medical Officer of Health, the Executive Director, Municipal Licensing and Standards, and the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Policy and Finance Committee in early 2002, on the possibility of permitting restaurants near Yonge Dundas Square to serve food and alcoholic beverages in the Square on a regular basis.**

The Policy and Finance Committee reports, for the information of Council, having requested the Chief Administrative Officer and the Commissioner of Urban Development Services to submit a report to the Policy and Finance Committee on the status of the redevelopment at Yonge and Dundas.

**The Policy and Finance Committee submits the following joint report (November 16, 2001) from the Chief Administrative Officer and the Commissioner of Economic Development, Culture and Tourism:**

Purpose:

To report on the operational implications of the Yonge-Dundas Square Capital Project being completed by Urban Development Services in July 2002 and to seek authority to establish a Board of Management to oversee operation and marketing of the Square.

Financial Implications and Impact Statement:

- (A) Governance model for Yonge-Dundas Square:

There are no known direct financial implications associated with the establishment of a Board of Management for Yonge-Dundas Square.

- (B) Operational implications resulting from UDS capital project:

The City of Toronto invested \$10 million in the development of Yonge-Dundas Square as a key element in the rejuvenation of south Yonge Street. The Square is scheduled for completion in July 2002. Urban Development Services has carriage of this capital project. As a new program starting up in 2002, operational costs for managing the Yonge-Dundas Square have not been identified in previous budgets and have not been included in the 2002 budget estimates.

As a City-owned property, the City would normally be expected to be responsible for the operational management of this Square in terms of marketing, event booking, logistical support, maintenance and security. Unlike public squares attached to City-owned buildings where programming is geared toward community events, the Yonge-Dundas Square was intended to be

used largely for commercial events for which a fee would be charged. Once fully operational, it is expected that the operation of Yonge-Dundas Square will be self-financing.

In the short term, it is anticipated that operating costs will exceed revenues to cover start-up costs and to develop an active market for the Square. In the absence of a full business plan and based on preliminary projections, staff estimate that the Square could generate revenues of approximately \$320,000.00 in the six months after opening in July 2002 with operating expenses of up to \$695,000.00 in this start-up phase, for a net operating budget of up to \$375,000.00 in 2002, the initial year of operation. This is a conservative estimate that does not take into account the potential for sponsorship revenues.

As active partners in this initiative, the newly-established Downtown Yonge Street BIA is investigating how it can support the Square through in-kind contributions such as administrative support, office space and marketing as well as possibly contributing to selected capital development. For example, the Downtown Yonge Street BIA recently approved a \$200 thousand capital contribution for completion of the washrooms. The BIA's relative contributions will be worked out during the budget process for both the Board of Management and the Downtown Yonge Street BIA.

The Board of Management, once established, will develop its business plan and budget for approval. Staff of Corporate Services will initially provide the operational support for the Square on a charge-back basis to the Board of Management. No new permanent City staff positions are required. Work will be carried out through casual and contracted labour.

Once the program is fully operational, any surplus generated from the operation of the Square would be used for future capital maintenance, replacement and enhancement of the Square.

Budget Services on behalf of the Chief Financial Officer have reviewed this report and concur with the financial impact statement.

Recommendations:

It is recommended that:

- (1) the City of Toronto establish a Board of Management for Yonge-Dundas Square with the responsibilities as outlined in this report and with the following membership:
  - (a) Councillor for Ward 27;
  - (b) Downtown Yonge Street Business Improvement Area (4);
  - (c) Toronto East Downtown Neighbourhood Association (TEDNA) (1);
  - (d) Ryerson University (1);
  - (e) Toronto Parking Authority, Member of the Board (1);

- (f) Yonge Street Mission (1);
  - (g) Toronto Theatre Alliance (T.O. TIX Outlet) (1);
  - (h) City staff from Facilities and Real Estate Division, Corporate Services Department (1 ex-officio);
  - (i) City staff from Economic Development, Culture and Tourism Department (1 ex-officio);
  - (j) Toronto Police Services staff (1 ex-officio); and
- (2) the names of the nominees to be brought forward by each of the participating entities on the Board of Management, be submitted directly to Council by the Commissioner of Economic Development, Culture and Tourism for the Council meeting scheduled for December 4, 2001;
  - (3) as part of the City's strategy for aligning program operating boards to the relevant City Departments, the Board of Management for Yonge-Dundas Square be functionally aligned with the Economic Development, Culture and Tourism Department and report to the Economic Development Committee through the Department;
  - (4) the terms of the relationship between the Board of Management and the City as outlined in the draft by-law attached to this report as Appendix 2 be approved and the approved by-law serve as the direction from the City to the Board, including the requirement for the Board of Management to become financially self-sufficient within 3 years;
  - (5) the preliminary start-up budget estimates of \$695 thousand gross and \$375 thousand net be forwarded to the Budget Advisory Committee for consideration as a new program within the 2002 budget for the Board of Management for Yonge-Dundas Square;
  - (6) the Board of Management for Yonge-Dundas Square submit as soon as possible an initial 1 year business plan and final budget estimates to the Commissioner of Economic Development, Culture and Tourism and the Chief Financial Officer for inclusion in the departmental 2002 overall budget;
  - (7) the Board of Management also prepare a 3-year business plan (2003-2005) demonstrating how the Board will achieve financial self-sufficiency within 3 years and that the Commissioner of Economic Development, Culture and Tourism, in consultation with the Chief Financial Officer, periodically review the business plans and operating results to assess the effectiveness and efficiency of the operational model;
  - (8) the fee schedule for Yonge-Dundas Square, attached to this report as Appendix 1, be approved on an interim basis until the Board of Management reviews the fee structure in the context of its business plan;

- (9) authority be granted to introduce a bill that will delete chapter 270 of the former City of Toronto's Municipal Code (Public Squares), and to insert a similar chapter in the City of Toronto's Municipal Code removing all references to the Commissioner of Corporate Services and the Director, Special Events Division and replacing these with references to the Board of Management for Yonge-Dundas Square and removing the prohibition on holding gated events;
- (10) authority be granted for the introduction of a bill and the insertion of a chapter in the City of Toronto Municipal Code substantially in the form of the draft by-law, attached to this report as Appendix 2, to establish the Yonge-Dundas Board of Management; and
- (11) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The City of Toronto's Official Plan sets out the vision for a vibrant, economically competitive, safe and liveable downtown. The City has taken significant steps in terms of reinvesting in the vitality of the downtown City core, specifically in the Yonge-Dundas Area.

In 1996, the Yonge Street Business and Residents Association (YSBRA) and the City of Toronto initiated the Yonge Street Regeneration Program. The Program focuses on the area on both sides of Yonge Street extending from Queen Street north to College Street and includes portions of blocks extending from Bay Street east to Church Street. This program has three major objectives:

- (1) to make improvements to the physical appearance of the area;
- (2) to create a strong sense of place; and
- (3) to attract new up-to-date retail and entertainment space, including a large mega-plex cinema.

In this context, the City of Toronto approved the Community Improvement Plan, which functions as the overall framework for realizing these goals and objectives and Urban Development Services was given authority to proceed with the implementation plan.

In 1998, City Council approved an amendment to the former City of Toronto Municipal Code to govern the use of Yonge-Dundas Square (Report No. 17, Clause 16 of the Corporate Services Committee). The resulting by-law 270 identifies the terms and conditions for issuing permits to rent Yonge-Dundas Square.

On May 10, 2000, the UDS City staff in co-operation with Ryerson University organized the Yonge-Dundas Square Symposium which sought community input on the effective operation and management of the Square. This symposium addressed a broad range of issues, such as safety and security, maintenance, crowd and noise control etc.

On October 3, 2000, City Council approved the establishment of the Downtown Yonge Street Business Improvement Area (Report No. 9 of the Economic Development and Parks Committee). The establishment of the BIA constituted another major step in working towards the regeneration of downtown Yonge Street. The BIA was officially established on June 26, 2001 with the appointment of the Board.

The City's Urban Development Services is currently constructing Yonge-Dundas Square, which is an essential element in the improvement of this community. The Square is scheduled to open in the summer of 2002. City Council approved the capital cost estimates for constructing the Square by approving Clause 10 of Report No. 2 Policy and Finance Committee at its meeting on February 1, 2, and 3, 2000. The capital costs for the Square are being updated through the 2002 budget process. These capital budget estimates do not include the costs associated with the management of the Square.

This report seeks Council authority to establish a Board of Management for Yonge-Dundas Square with the specific features outlined in the discussion. This report also identifies the estimated operational costs associated with the management of Yonge-Dundas Square and recommends that these estimates be reviewed as part of the 2002 budget process.

This report has been prepared in collaboration with Councillor Kyle Rae (Ward 27) and with a Technical Advisory Group composed of staff from Corporate Services (Facilities and Real Estate), Finance, Economic Development Culture and Tourism, Urban Development Services, the Chief Administrator's Office, the Toronto Parking Authority, the Downtown Yonge Street BIA and the two major residents' associations in the area.

#### Discussion:

##### (1.0) Purpose of the Square:

Yonge-Dundas Square is designed to function as a unique focal point in the Yonge-Dundas area. It promotes economic development activities and contributes to the cultural vitality of the community. Yonge-Dundas Square will feature entertainment events which will appeal to both local businesses and residents and also provide city-wide attractions for Torontonians and visitors alike.

The business and residential communities surrounding Yonge-Dundas Square have, and continue to be, actively involved in the planning process for the Square and the development of an events program. Events on the Square will have impacts on the quality of life in this neighbourhood and issues such as appropriate maintenance of the Square, noise control, crowd management and security will need to be addressed jointly with the stakeholder community. The proposed commercial use of the Square and the active community planning component distinguishes Yonge-Dundas Square from other civic squares.

(2.0) Governance Model:

In developing the most appropriate governance model for Yonge-Dundas Square, three broad options were considered:

- (1) direct City management;
- (2) Board of Management with participation of community stakeholders;
- (3) contracted services.

An evaluation of these three alternatives concluded that the Board of Management was the most suitable option for the following reasons:

- (1) pre-existing expectations of stakeholder participation: Stakeholders in the vicinity have been active participants in the planning and development of the Square since 1996 and were instrumental in initiating the Yonge-Street Regeneration Program. There is an expectation that such participation will continue through to the operation of the Square;
- (2) BIA contributions expected: The BIA is prepared to contribute significantly to the Square's operation and enhancement which will help make the operation of the Square financially sustainable;
- (3) community interest essential for success: The community has a vested interest in ensuring the Square remains safe, clean, and active. The co-operation and assistance of the community is an essential step towards ensuring the success of the Square;
- (4) available expertise: Between the City's expertise in maintaining such a structure and the business community's expertise in marketing, all of the necessary skills which could be offered by an independent contractor are already available; and
- (5) focus on commercial events: A Board of Management model will help to maintain focus on attracting commercial events. This focus supports the primary objectives of the Square which are economic development and financial sustainability.

A City direct operation model would not take full advantage of the knowledge, expertise and resources of the community which has worked so hard in the planning of the Square. If operated like other civic squares, the commercial interest may be diminished. Such a strategy could result in substantial cost to the City over the long term.

Contracting out requires monitoring by both the City and the community. It sets the stage for conflict among the contractor, the City and the community. There may also be a tendency to skew the balance of events too far towards profit-making events when a balance is desirable for events that benefit the area.

The Board of Management model therefore provides the best balance among these three alternatives. The Square can operate on a financially viable basis, engage the stakeholders in the

vicinity and provide a well-balanced mix of commercial and public uses. Unlike other civic squares, Yonge-Dundas Square is the result of a unique partnership between the City of Toronto, the Downtown Yonge-Street Business Improvement Area and relevant community stakeholders. This unique partnership approach is reflected in the proposed Board of Management model and the joint responsibility for managing and operating Yonge-Dundas Square.

The following discussion will outline the proposed mandate/mission for the Board of Management of Yonge-Dundas Square, the Board composition and membership, the appointment process, the reporting relationship between the Board of Management and the City of Toronto as well as requirements for administrative and project management support.

(3.0) Board of Management for Yonge-Dundas Square:

(3.1) Mandate/ Mission:

The Board of Management for Yonge-Dundas Square will have a program planning and operational oversight role in the management of the Square. In this capacity, the Board will have primary responsibility for the following tasks:

- (i) to manage and operate Yonge-Dundas Square according to the relevant City By-Law;
- (ii) to periodically review general operating guidelines for the use of the Square, in particular rental fees and the terms and conditions for using the Square, and to make necessary recommendations for improvements;
- (iii) to develop a sponsorship program for the Square in consultation with the Economic Development, Culture and Tourism Department;
- (iv) to develop an annual program of events for the Square and to review the effectiveness of the program;
- (v) to develop a business plan and an annual budget for managing the Square; and
- (vi) to identify issues associated with the management of the Square and to work towards the resolution of these issues with stakeholders and the City.

The Board of Management will be required to attain financial self-sufficiency within 3 years.

(3.2) Composition:

The composition of the Board of Management for Yonge-Dundas Square is based on three requirements:

- (1) diverse knowledge and expertise of members,
- (2) manageable Board size, and

- (3) need to reflect the diverse interests of community members in the Yonge-Dundas area.

In order to successfully undertake the various tasks arising from the described mandate, the Board of Management for Yonge-Dundas Square requires a broad range of expertise. This expertise includes event planning, staging and marketing, business planning, budget development and accounting, consultation with the adjacent communities and management of security issues. The Board of Management also needs to establish and maintain open communication channels and close working relationships with City staff in various City departments, such as Economic Development, Culture and Tourism, Corporate Services, Urban Development Services and Finance.

At the same time, it is important to limit the size of the Board in order to facilitate a constructive dialogue which allows all members to share their viewpoints and to engage in the discussion. The Board of Management also needs to be representative of the various community stakeholders in the Yonge-Dundas area.

Given these requirements, it is proposed that the Board of Management be composed of the following thirteen representatives:

- (a) Councillor for Ward 27;
- (b) Downtown Yonge Street Business Improvement Area (4);
- (c) Toronto East Downtown Neighbourhood Association (TEDNA) (1);
- (d) Ryerson University (1);
- (e) Toronto Parking Authority, Member of the Board (1);
- (f) Yonge Street Mission (1);
- (g) Toronto Theatre Alliance (T.O. TIX Outlet) (1);
- (h) City staff from Facilities and Real Estate Division, Corporate Services Department (1 ex-officio);
- (i) City staff from Economic Development, Culture and Tourism Department (1 ex-officio);  
and
- (j) Toronto Police Services staff (1 ex-officio).

The three staff members will serve as ex officio members (i.e. no voting rights) on the Board of Management. However, they will be able to provide the Board of Management with relevant staff expertise through full participation in all discussions and initiatives. Staff representatives will also function as an active liaison concerning City programs.

In summary, it is recommended that the Board of Management be composed of 10 voting members and 3 ex officio members.

### (3.3) Board Member Appointment Process:

The members of the Board of Management for Yonge-Dundas Square will be nominated by the aforementioned organizations and appointed by Council. The term of office for Board Members will be three years. The nominating organizations should be informed that City policy requires that voting representatives be residents or ratepayers of the City of Toronto and have attained the age of 18 years. Furthermore, it is proposed that these representatives have a strong interest in economic development activities and the development of large-scale entertainment events.

The names of representatives from the nominating organizations will be submitted directly to Council for approval at its meeting on December 4, 2001. The Economic Development, Culture and Tourism Department will co-ordinate the submission of nominees for Council approval as is currently done for BIAs.

The Councillor for Ward 27 will automatically be a Member of the Board of Management as long as s/he holds office.

City Council will have the right to remove a Member from the Board of Management within the context of established Council policies.

At the beginning of each calendar year, the Board of Management for Yonge-Dundas Square will elect its key officers, including a Chair, Vice-Chair, Secretary and Treasurer. The Board will inform City Council about the outcomes of this election process immediately following the elections. Ex officio members may not hold any of these offices.

Board of Management members will not be remunerated for service on the Board.

### (3.4) Administrative and Project Support:

The Downtown Yonge Street Business Improvement Area is exploring how it can assist the Board of Management for Yonge-Dundas Square through in-kind contributions such as administrative support, office space and marketing expertise. The Board of Management will benefit from the BIA's ability to draw upon the advertising and marketing expertise of key business members of the BIA. The contributions of the BIA will be identified within the business plan for the Board of Management

It is also proposed that the Economic Development, Culture and Tourism Department second a staff member to the Board of Management on a charge back basis. This staff will function as a marketing and sales person for the Yonge-Dundas Square. In addition, this staff person will be responsible for managing the Board process (e.g., agenda preparation and dissemination, issues management), for following up on Board decisions and for liaising with the City and the BIA. The staff will also ensure that the Board's business is carried out efficiently and effectively and that Board Members are well informed about issues pertaining to the management of the Square.

(3.5) Reporting Relationship – City of Toronto/ Board of Management:

In March 1999, Council approved a report from the Chief Administrative Officer which developed a classification system for the City's agencies, boards and commissions identifying the various bodies as service boards, program operating boards, administrative boards and quasi-judicial boards. The Board of Management would be classified under that system as a program operating board which means that it delivers a service which is closely aligned with a service provided by a City department and therefore should be included in the planning and budgeting process for the overall program delivered through the department. Other examples of program operating boards include Arena Boards of Management, BIAs, and Community Centres.

The 1999 report envisioned that the City would seek to establish a closer functional alignment between program operating boards and related City departments. This functional alignment would have a number of benefits. It would:

- (1) provide for overall program planning, co-ordination, resource-sharing, and program assessment;
- (2) lead to improved information-sharing and communication between the City and its program operating boards;
- (3) generate synergy between and among staff working in related program areas;
- (4) provide the opportunity for addressing the concerns and issues of program operating boards in a more consistent and systematic way; and
- (5) function as an important accountability mechanism.

The Yonge-Dundas Square relates to the Economic Development, Culture and Tourism Department in a number of significant ways. It can be seen as an economic development tool by providing an attractive space to draw people to the south Yonge Street area. It is also a park-like public space which can be used for outdoor entertainment and cultural events. On occasion it will be used for events which will also draw visitors and tourists.

The Economic Development, Culture and Tourism Department will coordinate the nominating bodies and bring forward for Council approval the appointment of Board Members. The Economic Development, Culture and Tourism Department will also undertake Board development activities to ensure the effective and efficient management of the Board's business agenda.

The Department will also ensure fiscal accountability between the City and the Board of Management for Yonge-Dundas Square. The Economic Development, Culture and Tourism Department will report out on the budget for Yonge-Dundas Square on an annual basis as a distinct budget but within the overall departmental submission. The Department will ensure that the Board of Management for Yonge-Dundas Square:

- (i) adheres to the City of Toronto's fiscal planning, budgeting and reporting process;

- (ii) prepares its budget submissions following the City of Toronto's budget cycle and variance reporting mechanisms;
- (iii) prepares a three-year business plan outlining its goals and objectives in accordance with the EDCT overall strategic plan;
- (iv) develops a workplan and financial budget projections for the management and operation of Yonge-Dundas Square; and
- (v) submits an annual audited financial statement to the Finance Department.

It is also recommended that the Commissioner of Economic Development, Culture and Tourism, in consultation with the Chief Financial Officer, periodically review this operational model to assess its effectiveness and its efficient use of resources, especially its ability to achieve the goal of financial self-sufficiency within 3 years.

### (3.6) Rental Fees for Yonge-Dundas Square:

It is proposed that the Board of Management will initially use the fee structure attached in Appendix 1 for Yonge-Dundas Square events.

The proposed fee structure is based on two factors - comparative assessment of fees for indoor and outdoor facilities/squares in the downtown Toronto core and the operating and capital costs for providing logistical support for events.

The comparison assessment of rental fees has taken into account the fees for outdoor facilities such as the TD Centre Courtyard, the Exhibition Place Bandshell, the Lakeshore DuMaurier Centre, the Hummingbird Centre Theatre, Roy Thompson Hall and Lobby. It is difficult to find an appropriate comparator with the same features as Yonge-Dundas Square in Toronto or another North American city. However Yonge-Dundas Square bears a closer resemblance to the TD Centre Courtyard, as a downtown outdoor open air facility, than indoor venues, such as the Roy Thompson Hall or the Hummingbird Centre. Also Yonge-Dundas Square is located in the heart of the downtown core, a location which should command prime rental fees.

It is therefore proposed that the rental fees for the TD Centre Courtyard, in the amount of \$5,000.00, be used as a yardstick for rental rates of commercial events held on Yonge-Dundas Square. A 15 percent administration and co-ordination fee will apply to this rental rate for a total of \$5,750.00. The fee structure, as outlined in Appendix 1, proposes a 15 percent discount for non-profit and charitable organizations. City-operated special events will not be charged rental fees for the Square. Once the Board of Management is established, it may review the fee schedule.

### (3.7) By-law Changes:

Appendix 2 outlines the draft by-law for the establishment of the Board of Management for Yonge-Dundas Square. It is also recommended that Council grant authority to introduce a bill that will delete chapter 270 of the former City of Toronto's Municipal Code (Public Squares),

and insert a similar chapter in the City of Toronto's Municipal Code removing all references to the Commissioner of Corporate Services and the Director, Special Events Division and replacing these with references to the Board of Management for Yonge-Dundas Square. Furthermore, this new chapter will make provisions for holding gated events on the Square.

Conclusion:

This report seeks authority to establish a Board of Management for Yonge-Dundas Square. It outlines the Board structure and composition as well as the roles of the Board and related City departments. The establishment of the Board of Management is an innovative approach to managing civic space to the extent that the different community members adjacent to the Square have an active voice in planning for the Square.

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Appendix 1: Fee Structure for Yonge-Dundas Square

(1) Rental Rates:

- (1.1) Rental of Square \$5,750.00 per calendar day
- (1.2) Awning Rental \$ 500.00 per calendar day
- (1.3) Sound System Rental \$ 400.00 per calendar day
- (1.4) Labour costs for set-up and take-down for events will be billed to the event organizers.
- (1.5) All sales taxed to be added.

(2) Discounts:

- (2.1) All non-profit and charitable groups will be granted a 15 percent discount on all rental fees detailed in item 1 above. For the purposes of this report a charitable organization is defined as registered with the Canada Customs and Revenue Agency.
- (2.2) City of Toronto events, where the City plans and executes the event, will not be subject to rental rates detailed in item 1 above. This exemption does not apply to

events co-ordinated by the City of Toronto on behalf of an external organization and is limited to 20 percent of programmable days.

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Appendix 2: Draft by-law Board of Management for Yonge-Dundas Square:

- § (1) Board of Management established.
- § (2) Maintenance and operation of Square.
- § (3) Powers and duties of Board.
- § (4) Board Structure and Procedures.
- § (5) Consent of City Council required.
- § (6) Fiscal matters.
- § (7) Insurance.

Schedule A, Yonge-Dundas Square Map

Toronto Municipal Code:

Article  
Yonge Dundas Square

- § (1) Board of Management established.

A Board of Management (in this Article called the “Board”) is established to act on behalf of Council with respect to the Yonge Dundas Square situated on land delineated by a heavy line on a map in Schedule A at the end of this chapter, being referred to in this Article as the “Square”.

- § (2) Maintenance and operation of Square.

The maintenance, operation and control of the Square shall be exercised by the Board.

- § (3) Powers and duties of Board.

- (A) Subject to § 6, the Board shall assume overall financial and operational responsibility for the Square on behalf of the City with the objective of financial self-sufficiency with respect to operations and future capital maintenance of the Square by 2005.
- (B) The Board shall be responsible for developing a long-term needs assessment of the Square with regard to refurbishment and equipment replacement.

- (C) The Board shall at all times manage and operate the Square on behalf of the City in accordance with prudent business practices and in accordance with any agreements entered into by the City or the Board from time to time.
- (D) The Board shall at all times fully observe and comply with, and endeavor to ensure strict observance of and compliance with, all statutes, regulations, by-laws and lawful rules and applicable contractual obligations which, in any manner, affect or relate to the Square or the use of the Square or any part of it.
- (E) The Board shall also establish booking policies for the Square.
- (F) The Board may engage staff and consultants and enter into contracts for services as may be required in connection with its role of managing the Square.
- (G) The Board shall prepare a three-year business plan (2003-2005) with the goal of achieving financial self-sufficiency by 2005 with the assistance of staff from the City of Toronto's Economic Development, Culture and Tourism Department and in consultation with the Chief Financial Officer.

§ (4) Board structure and procedures.

- (A) The Board shall consist of thirteen members appointed by Council as follows:
  - (i) the City Councillor for Ward 27, Toronto Centre-Rosedale (the "Ward Councillor")
  - (ii) four members of the Downtown Yonge Street Business Improvement Area as nominated by the BIA
  - (iii) one member nominated by Ryerson University
  - (iv) one member nominated by the Toronto Parking Authority
  - (v) one member nominated by the Yonge Street Mission
  - (vi) one member nominated by the Toronto Theatre Alliance
  - (vii) three staff members including one employee of the Police Services Board and two City staff, and shall be ex officio members, without a vote.
- (B) The Ward Councillor shall cease to be a member of the Board upon ceasing to hold the office of City Councillor for Ward 27. Other members of the Board shall hold office at the pleasure of the Council that appointed them and, unless sooner removed, shall hold office until the expiration of the term of the Council that appointed them and until their successors are appointed, and are eligible for reappointment. The members of the Board shall be appointed and hold office subject to and conditional upon their observance of and compliance with the provisions of this Article.
- (C) The Board shall, as soon as possible after the first day of January in each calendar year, elect a Chair and Vice-Chair and a Secretary and Treasurer or Secretary-Treasurer and other officers as it may deem necessary to conduct the business of the Board during the year.

- (D) The Board shall keep proper minutes and records of every meeting of the Board and shall forward true copies of the minutes and records to all members of the Board, to the Commissioner of Economic Development, Culture and Tourism and to the City Clerk.
- (E) The Board, once constituted, shall, subject to the provisions of this Article, be responsible for establishing its own procedure, but shall meet at least seven times per year.
- (F) The members of the Board shall not be paid any remuneration but may be reimbursed for reasonable receipted out of pocket expenses incurred during the conduct of Board business in accordance with Board policy.

§ (5) Consent of City Council required.

- (A) The Board shall not make or cause, commit or allow to be made to the Square any structural addition, alteration or improvement without the consent of City Council.
- (B) The Board shall seek City Council approval for any lease of space on the Square.

§ (6) Fiscal matters.

- (A) The fiscal year of the Board shall be from the first day of January to the 31<sup>st</sup> day of December in each year.
- (B) The Board shall submit to the Commissioner of Economic Development, Culture and Tourism an annual budget in a form and at a time as prescribed.
- (C) Within the limits of the budget as approved by Council, any money to be provided by Council shall be paid out by the Chief Financial Officer as the Board shall from time to time require.
- (D) The Board shall adopt and maintain banking arrangements and accounting practices that are acceptable to the Chief Financial Officer of the City and the City Auditor and keep books of account and submit statements, from time to time, as the Chief Financial Officer and the City Auditor may require.
- (E) The City Auditor and the Commissioner of Economic Development, Culture and Tourism shall have at all reasonable times access to all the books of account and records of the Board for inspection or audit purposes.
- (F) The Board shall, as soon as possible after the 31<sup>st</sup> day of December in each year, submit to the Commissioner of Economic Development, Culture and Tourism and the Chief Financial Officer financial statements that have been audited in all aspects by the City Auditor, covering the maintenance, management and operation of the Square by the Board for the previous year and showing all revenue and expenditures and assets and liabilities as on the 31<sup>st</sup> day of December of the previous year.

- (G) The Board shall, as soon as possible after the end of each fiscal year, pay to the City all revenue that is derived by the Board from the management of the Square during the fiscal year in excess of the moneys required to pay all the charges, costs and expenses resulting from or incidental to the management of the Square. The funds will be held by the City for the purpose of providing for future capital maintenance and improvements to the Square.

§ (7) Insurance.

The Board shall be responsible for the cost of all insurance required by the Chief Financial Officer including but not limited to a public liability and property damage indemnity policy in respect of the Square. Premiums charged in respect of all required insurance shall be paid as required by the Board.

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(A copy of Schedule A attached to the foregoing report was forwarded to all Members of Council with the November 22, 2001, agenda of the Policy and Finance Committee and a copy thereof is also on file in the office of the City Clerk, City Hall).

*(City Council on December 4, 5 and 6, 2001, had before it, during consideration of the foregoing Clause, the following report (November 30, 2001) from the Commissioner of Economic Development, Culture and Tourism:*

Purpose:

*To report directly to Council as requested by the Policy and Finance Committee, Report 16 Clause 27, on the appointment of members to the Dundas Square Board of Management.*

Financial Implications and Impact Statement:

*There are no financial implications resulting from the adoption of this report.*

Recommendations:

*It is recommended that:*

- (1) Council appoint the nominees listed in Attachment No. 1 of this report to the Dundas Square Board of Management;*
- (2) the list of members of the Dundas Square Board of Management, as recommended by the Policy and Finance Committee, be amended to include a Parking Authority staff person, rather than a member of the Parking Authority Board, as an ex-officio member;*
- (3) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.*

Comments:

*At its meeting on November 22, 2001, the Policy and Finance Committee adopted the recommendations of a joint report from the Chief Administrative Officer and the Commissioner of Economic Development, Culture and Tourism regarding a governance model for Dundas Square.*

*The report recommended that the City of Toronto establish a Board of Management for Yonge-Dundas Square with the following membership:*

- (a) Councillor for Ward 27*
- (b) Downtown Yonge Street Business Improvement Area (4)*
- (c) Toronto East Downtown Neighbourhood Association (TEDNA) (1)*
- (d) Ryerson University (1)*
- (e) Toronto Parking Authority, Member of the Board (1)*
- (f) Yonge Street Mission (1)*
- (g) Toronto Theatre Alliance (T.O. TIX Outlet) (1)*
- (h) City staff from Facilities and Real Estate Division, Corporate Services Department (1 ex-officio)*
- (i) City staff from Economic Development, Culture and Tourism Department (1 ex-officio)*
- (j) Toronto Police Services staff (1 ex-officio)*

*The report also recommended that the names of the nominees being brought forward by each of the participating entities on the Board of Management, be submitted directly to Council by the Commissioner of Economic Development, Culture and Tourism for the Council meeting scheduled for December 4, 2001.*

*The Parking Authority has requested that a staff member from the Authority be appointed to the Dundas Square Board of Management in an ex-officio capacity, rather than a member of the Parking Authority Board as recommended by the Policy and Finance Committee. It is therefore recommended that the list of members of the Dundas Square Board of Management, be amended to include a Parking Authority staff person as an ex-officio member of the Dundas Square Board.*

*Attachment No. 1 to this report lists the names of the nominees for each participating entity on the Board of Management for Council's consideration.*

Conclusions:

*It is recommended that Council appoint the nominees listed in Attachment No. 1 to this report to the Dundas Square Board of Management.*

Contact:

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List of Attachments:

*Attachment No. 1 – List of Nominees – Dundas Square Board of Management*

*Attachment No. 1*

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*List of Nominees – Dundas Square Board of Management*

*Councillor for Ward 27 – Councillor Kyle Rae*

*Downtown Yonge Street Business Improvement Area (4) – Arron Barberian, Clive Baxter, Bob Sniderman, and Ron Soskolne*

*Toronto East Downtown Neighbourhood Association (TEDNA) (1) – Barbara Caplan*

*Ryerson University (1) – Ian Hamilton*

*Yonge Street Mission (1) – David Adcock*

*Toronto Theatre Alliance (T.O. TIX Outlet) (1) – Jessica Fraser*

*Toronto Parking Authority, Staff Member (1) – Lorne Persiko (1 ex-officio)*

*City staff from Facilities and Real Estate Division, Corporate Services Department (1 ex-officio)*

*City staff from Economic Development, Culture and Tourism Department (1 ex-officio)*

*Toronto Police Services staff (1 ex-officio)*