STAFF REPORT
ACTION REQUIRED
with Confidential Attachment

Biosolids Contractual Dispute with Republic Update

<table>
<thead>
<tr>
<th>Date:</th>
<th>April 8, 2011</th>
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<tr>
<td>To:</td>
<td>City Council</td>
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<td>From:</td>
<td>City Solicitor</td>
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<td>Wards:</td>
<td>All</td>
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<tr>
<td>Reason for Confidential Information:</td>
<td>This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions.</td>
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<td>This report contains advice or communications that are subject to solicitor-client privilege.</td>
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<td>This report contains information that relates to the security of the property of the City.</td>
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<td>Reference Number:</td>
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**SUMMARY**

This is a report to City Council on recent developments related to the confidential instructions to staff and the authority given by Council at its meeting of June 27, 28 and 29, 2006, by the adoption of Motion J (32) in relation to the disposal of the City's biosolids generated at the Ashbridges Bay Treatment Plant.

The confidential instructions, which Council directed were to remain confidential in their entirety, as they contained information related to the security of the property of the municipality, arose as a direct result of the emergency situation created by the Republic Services' companies when they announced on May 31, 2006 their intention to stop accepting biosolids for disposal at the Carleton Farms landfill in Michigan effective August 1, 2006.

Subsequently, in order to protect the City's legal interest and position, as reported back in June 2007 to the Public Works and Infrastructure Committee, various steps have been taken. The purpose of this report is to update Council on further related legal developments.
RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations and instructions to staff in Attachment 1;

2. The confidential recommendations and information contained in Attachment 1 remain confidential as it relates to litigation that affects the City, is subject to solicitor-client privilege and contains information related to the security of the property of the City.

Financial Impact

The financial impacts are set out in the Confidential Information Attachment 1 to this report.

DECISION HISTORY

At its June 27, 28 and 29, 2006 meeting, Council adopted Notice of Motion J (32) authorizing staff in relation to biosolids management contingency issues to act in accordance with confidential instructions to staff and directing a report back on the outcome of the steps subsequently taken by staff. The decision document can be found at:


At its June 27, 2007 meeting, Public Works and Infrastructure Committee received an update on the outcome of steps taken by staff pursuant to the confidential instructions to staff and the authority given by Council, at its meeting on June 27, 28 and 29, 2006, by the adoption of Motion J (32). The decision document can be found at:


COMMENTS

On the advice of the City Solicitor, the balance of the information relating to this matter is confidential, as it relates to litigation that affects the City, is subject to solicitor-client privilege and contains information that relates to the security of the property of the City.
Additional information and confidential recommendations are contained in Attachment 1 to this report.

**CONTACT**

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**SIGNATURE**

Anna Kinastowski  
City Solicitor

**ATTACHMENTS**

Attachment 1 (Confidential): Biosolids Contractual Dispute with Republic Update