

May 6, 2013

To: City Council

From: City Clerk

Re: EY23.6 – Mimico Secondary Plan

I am writing to advise City Council that this item is improperly before City Council and should be withdrawn or ruled out of order.

At its April 9 meeting the Etobicoke York Community Council held the statutory hearing on the Mimico 20/20 Secondary Plan and deferred final consideration until the June meeting.

It also recommended that City Council:

"direct the Deputy City Manager of Cluster B, in conjunction with the Deputy City Manager of Cluster A and the Deputy City Manager and Chief Financial Officer, to explore options and actions the City could undertake to support the implementation of this new planning framework, and report back within nine months to the appropriate Standing Committee."

I have consulted with the City Solicitor and reviewed the recommendation carefully and reached the conclusion this recommendation is improperly before City Council.

First, a committee may not defer an item AND take action on it. This is a fundamental procedural principle, which if ignored, sets an unwanted precedent.

Second, the recommendation seeks a report on "this new planning framework" which I infer to mean the Mimico Secondary Plan itself. As the Mimico Secondary Plan has not yet been considered by City Council, a report on implementing it is premature and presumes the outcome of Council's deliberations on it.

If City Council wishes to request reports on implementation of the plan, it should do so when it has the secondary plan before it.

City Clerk