

CITY COUNCIL AGENDA

Consolidated as of January 24, 2014



Council Chambers, Guelph City Hall, 1 Carden Street

DATE January 27, 2014 – 7:00 p.m.

Please turn off or place on non-audible all cell phones, PDAs, Blackberrys and pagers during the meeting.

O Canada

Silent Prayer

Disclosure of Pecuniary Interest and General Nature Thereof

PRESENTATION

a) Ann Pappert, Chief Administrative Officer – CAO Progress Update

b) Presentation by Chief Shawn Armstrong and Chief Bryan Larken to Dan Mackenzie, Angelo Tassone, Frank Tassone, Mike Guerin, Ange Marcato, Joe Figliuzzi, Jon Green, Tony Capaldi, Mark Gazzola, Matt Jotham, Gino Santi, Paul Matteis, Trevor Kurtz, Darryl Keats, Sheldon Butts, John Garrafa, Bruno Muzzi, Matt Borghese and Steve Gill in recognition of skills and acute response that saved an individual's life at the West End Community Centre.

CONFIRMATION OF MINUTES (Councillor Findlay)

"THAT the minutes of the Council as the Striking Committee Meeting held December 2, 2013 and the Council Meetings held December 2, 5, and 16, 2013 and the Closed Meetings of Council held December 2, and 16, 2013 and the Closed Meeting of Council as Shareholder of Guelph Junction Railway held December 16, 2013 be confirmed as recorded and without being read."

PUBLIC MEETING TO HEAR APPLICATIONS UNDER SECTIONS 17, 34 AND 51 OF THE PLANNING ACT

Application	Staff Presentation	Applicant or Designate	Delegations (maximum of 10 minutes)	Staff Summary
95 Willow Road– Proposed Zoning By-law Amendment (File: ZC1316) Ward 3	Stacey Laughlin, Senior Development Planner			

CONSENT AGENDA – ITEMS TO BE EXTRACTED

The following resolutions have been prepared to facilitate Council's consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with separately. The balance of the Consent Agenda will be approved in one resolution.

Guelph Municipal Holdings Inc.			
Item	City Presentation	Delegations	To be Extracted
GMHI-2014.01 Shareholder Declaration Amendment and CAO By-law Amendment			

Adoption of balance of Guelph Municipal Holdings Inc. Consent Report – Mayor Farbridge, Chair

Consent Agenda:

Council Consent Agenda			
Item	City Presentation	Delegations	To be Extracted
CON-2014.1 158 Fife Road Proposed Zoning By-law Amendment (File ZC1215) – Ward 4		Correspondence: - Doris Orr	
CON-2014.2 1820 Gordon Street – Proposed Redline Revision to an Approved Draft Plan of Subdivision (Phase 2) and Zoning By-law Amendment (Files: 23T-03507/ZC1201) – Ward 6			
CON-2014.3 2013 Development Charge Background Study and 2014 By-law	Al Horsman, Executive Director, Finance & Enterprise	<ul style="list-style-type: none">Mr. Kevin Brousseau on behalf of the Guelph & District Home Builder's Association and the Guelph Wellington Development AssociationDr. Hugh WhiteleyMr. John Sloot, Sloot Construction Ltd.Ms. Susan Watson	✓

CON-2014.4 Development Charge, Provincial Consultation			
CON-2014.5 Macdonald Stewart Community Art Centre Agreement			

Adoption of balance of the Council Consent Agenda – Councillor

ITEMS EXTRACTED FROM COUNCIL CONSENT AGENDA

Once extracted items are identified, they will be dealt with in the following order:

- 1) *delegations (may include presentations)*
- 2) *staff presentations only*
- 3) *all others.*

Reports from:

- Guelph Municipal Holdings Inc. – Mayor Farbridge
- Council Consent – Mayor Farbridge

SPECIAL RESOLUTIONS

- a) Councillor Piper's Motion for which notice was given November 25, 2013:

That the regulation of large, stand-alone donation boxes on public and private land be referred to the Operations, Transit & Emergency Services Committee.

BY-LAWS

Resolution – Adoption of By-laws (Councillor Furfaro)

"THAT By-law Numbers (2014)-19681 to (2014)-19690, inclusive, are hereby passed."

By-law Number (2014)-19688 A by-law to remove: Lot 34, Plan 61M181, designated as Parts 7 and 8, Reference Plan 61R20071; Lot 41, Plan 61M181, designated as Parts 22 and 23, Reference Plan 61R20071 in the City of Guelph from Part Lot Control. (47, 49, 83 and 85 Oakes Crescent)	To remove land from part lot control to create separate parcels for semi-detached dwelling units to be known municipally as 47, 49, 83 and 85 Oakes Crescent.
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By-law Number (2014)-19689 A by-law to authorize the acquisition of property described as Part of Lot 1, Registered Plan 472, designated as Part 1, Reference Plan 61R20265, City of Guelph.	A by-law to authorize the acquisition of property.
By-law Number (2014)-19690 A by-law to confirm the proceedings of a meeting of Guelph City Council. (January 27, 2014)	To confirm the proceedings of a meeting of Guelph City Council held January 27, 2014.

MAYOR'S ANNOUNCEMENTS

Please provide any announcements, to the Mayor in writing, by 12 noon on the day of the Council meeting.

NOTICE OF MOTION

ADJOURNMENT

**CONSENT REPORT OF THE
GUELPH MUNICIPAL HOLDINGS INC.**

January 27, 2014

Her Worship the Mayor and
Councillors of the City of Guelph.

Your Guelph Municipal Holdings Inc. beg leave to present their FIRST
CONSENT REPORT as recommended at its meeting October 22, 2013.

*If Council wishes to address a specific report in isolation please identify
the item. The item will be extracted and dealt with immediately. The
balance of the Consent Report of Governance Committee will be
approved in one resolution.*

**GMHI-2014.01 Shareholder Declaration Amendment and CAO By-law
Amendment**

1. That the Shareholder Declaration dated August 16, 2011, as amended, be amended as follows:
 - (a) Section 5.6 of the Declaration shall be deleted and the following inserted:

Officers of GMHI – The officers of GMHI shall be the Persons selected by the Board of GMHI, or its delegate, from time to time. Pending selection by the Board of GMHI, the CEO of GMHI shall be the Chief Administrative Officer of the City, the Chief Financial Officer of GMHI shall be the Chief Financial Officer of the City and the General Counsel and Secretary of GMHI shall be the City Solicitor of the City. The selection of Officers of GMHI does not require the approval of the City.
 - (b) Section 5.10 of the Declaration shall be deleted and the following inserted:

Officers – Any officer of GMHI who is also a Municipal Member or an employee of, or consultant to, the City of any agency, board, commission or corporation of the City, shall receive compensation for serving in such capacity in addition to such officer's compensation, if any, as an employee of or consultant to the City, in an amount determined by the Board of GMHI.
 - (c) Section 15 of the Declaration shall be deleted and the following inserted:

GMHI and the City shall enter into a services agreement for the provision of services by City employees or the use of other resources of the City by GMHI. GMHI may have its own employees perform these services in lieu of City employees and may purchase its own resources as required.
2. That By-law Number (2011)-19310, being the by-law appointing Ann Pappert as the CAO of the City, be amended as follows:

Section 1(1) of Schedule A to By-law Number (2011)-19310 shall be deleted and the following inserted:

- (i) To serve as the Chief Executive Officer of Guelph Municipal Holdings Inc. providing leadership and direction as non-voting member of the Board of Directors unless and until the Board of Guelph Municipal Holdings Inc. selects a Chief Executive Officer other than the CAO of the City. Reasonable expenses for travel and/or training in respect of this role may be incurred in accordance with policies established by the Board and approved by Council.
- (ii) To act as the City's "Shareholder Representative" for the purpose of communicating Council decisions to the Board of Guelph Municipal Holdings Inc.

All of which is respectfully submitted.

TO City Council – As Shareholder of GMHI

SERVICE AREA Guelph Municipal Holdings Inc.

DATE January 27, 2014

SUBJECT Shareholder Declaration Amendment and CAO By-law Amendment

REPORT NUMBER GMHI – 01 - 2014

EXECUTIVE SUMMARY

PURPOSE OF REPORT

The report provides details of a request from the Board of Guelph Municipal Holdings Inc. (GMHI) to amend the Shareholder Declaration to allow GMHI to have employees and to pay such employees compensation and to provide the GMHI Board with the authority to hire all officers and employees of GMHI.

The report also provides information regarding a requested secondary amendment which is required to By-law (2011)-19310, the by-law appointing Ann Pappert as the CAO of the City.

KEY FINDINGS

The existing Shareholder Declaration does not allow GMHI to have employees and requires GMHI to use City employees for its resource requirements.

The CAO of the City is the current Chief Executive Officer of GMHI, in accordance with the Shareholder Declaration and the CAO By-law. The Shareholder Declaration provides an alternate person can be appointed as CEO by the City.

GMHI has evolved to the point where it requires a dedicated Chief Executive Officer. In accordance with best practices, the Board of GMHI should be selecting the CEO of GMHI, monitoring the CEO's performance and have the right to replace the CEO. The CEO of a corporation reports to the Board of Directors, not the shareholder. Further, the CEO, and the Board, should be hiring the employees providing services and purchasing resources for GMHI.

The Shareholder Declaration also provides that any officer of GMHI who already receives compensation from the City as an employee or consultant shall not receive any additional compensation for serving in the capacity of an officer of

GMHI. This provision unduly restricts the ability of GMHI to engage dedicated services by existing employees and consultants of the City.

The CAO By-law expressly states that one of the responsibilities of the CAO is to be the CEO of GMHI. The by-law needs to be amended to allow the appointment of someone other than the CAO as the CEO of GMHI.

FINANCIAL IMPLICATIONS

There is no financial impact to the City directly. GMHI has budgeted for the cost of a CEO in its 2014 budget. A dedicated CEO will further GMHI's business plan, ultimately providing financial and other benefits to the City. As GMHI grows, it will generate the revenue required to hire additional employees.

ACTION REQUIRED

City Council approve the requested changes to the Shareholder Declaration regarding GMHI having employees and the payment of compensation to officers of GMHI and the requested change to the CAO By-law.

RECOMMENDATION

1. That the Shareholder Declaration dated August 16, 2011, as amended, be amended as follows:

- (a) Section 5.6 of the Declaration shall be deleted and the following inserted:

Officers of GMHI – The officers of GMHI shall be the Persons selected by the Board of GMHI, or its delegate, from time to time. Pending selection by the Board of GMHI, the CEO of GMHI shall be the Chief Administrative Officer of the City, the Chief Financial Officer of GMHI shall be the Chief Financial Officer of the City and the General Counsel and Secretary of GMHI shall be the City Solicitor of the City. The selection of Officers of GMHI does not require the approval of the City.

- (b) Section 5.10 (b) of the Declaration shall be deleted and the following inserted:

Officers – Any officer of GMHI who is also a Municipal Member or an employee of, or consultant to, the City or any agency, board, commission or corporation of the City, shall receive compensation for serving in such capacity in addition to such officer's compensation, if

any, as an employee of or consultant to the City, in an amount determined by the Board of GMHI.

- (c) Section 15 of the Declaration shall be deleted and the following inserted:

GMHI and the City shall enter into a services agreement for the provision of services by City employees or the use of other resources of the City by GMHI. GMHI may have its own employees perform these services in lieu of City employees and may purchase its own resources as required.

2. That By-law Number (2011)-19310, being the by-law appointing Ann Pappert as the CAO of the City, be amended as follows:

Section 1(I) of Schedule A to By-law Number (2011)-19310 shall be deleted and the following inserted:

- (i) To serve as the Chief Executive Officer of Guelph Municipal Holdings Inc. providing leadership and direction as non-voting member of the Board of Directors unless and until the Board of Guelph Municipal Holdings Inc. selects a Chief Executive Officer other than the CAO of the City. Reasonable expenses for travel and/or training in respect of this role may be incurred in accordance with policies established by the Board and approved by Council.
- (ii) To act as the City's "Shareholder Representative" for the purpose of communicating Council decisions to the Board of Guelph Municipal Holdings Inc.

BACKGROUND

Prior to the incorporation of GMHI, the City and GHI negotiated a Shareholder Declaration which restricted certain activities of GMHI and GHI without approval by the City. As GMHI has evolved over the last two years, there have been a number of amendments to the Declaration to address issues which have arisen.

REPORT

The Mandate of GMHI as approved by the City was set out in the Business Case Study prepared prior to the incorporation of GMHI, which stated:

1. GMHI will work with operating companies, investors and private partners as appropriate to maximize the value of current and future City-owned assets for the benefit of the community as a whole.
2. In its oversight role, GMHI will act as a catalyst for operational excellence.
3. GMHI will regularly and as required, advise, inform and make recommendations to the City as Shareholder on matters and opportunities pertaining to the operating companies reporting to GMHI.

To achieve this approved mandate and meet the objectives of the City, GMHI requires the dedication of a CEO independent of the City and focused solely on the strategic objectives of GMHI, in the context of the City's strategic framework.

GMHI is now at the stage in its development where it requires dedicated resources to allow it to fulfill the strategic objectives of both GMHI and the City. In particular, GMHI is ready to receive City assets in addition to GHI into the GMHI group of companies.

In order to achieve this objective and to further the development of the Community Energy Initiative within GMHI, at the October 22, 2013 meeting of the GMHI Board, resolutions were passed to have a City employee seconded on a temporary basis as the General Manager of GMHI and for GMHI to hire a Chief Executive Officer who is not a City employee.

The General Manager has been seconded from the City, but continues to be a City employee. To implement the resolution regarding the CEO, amendments to the Declaration and the CAO By-law are required.

The existing structure of GMHI with all GMHI officers being senior level officers in the City creates an inherent conflict of interest. Unlike the *Municipal Conflict of Interest Act* provisions, the *Ontario Business Corporations Act* (OBCA) includes officers of a corporation with directors in its conflict of interest requirements. While there have been no specific instances where there has been a significant conflict of interest between the City and GMHI in regard to the officers' roles, there is a possibility that such conflict should arise.

It is considered one of the main functions of a Board of Directors to hire and to remove the CEO of the corporation. While this function may be somewhat altered in a public sector corporation, it still falls to the Board to provide direction to the CEO and to manage the CEO's performance.

In the case of GMHI, the CAO of the City is the designated CEO of GMHI. The GMHI Board has no influence over the hiring, the performance management or removal of its CEO, as all such power remains with the City. There is also difficulty in the

GMHI Board providing direction to the CEO, who is employed by and paid for solely by the City.

The inherent difficulties in continuing to have a CEO under the control of the City have become of increasing concern to the CEO/CAO and to the Board. There are some risks to GMHI Directors as the result of having employees of the corporation. However, the risk analysis concludes that these risks are minimal and able to be mitigated.

The same arguments as above apply to the other identified officers, the Chief Financial Officer and the General Counsel and Secretary. While GMHI does not at this time intend to hire full time employees to perform these roles, it is anticipated that the Board may wish in the future to have these two officers independent of the City.

Based on the above, it is recommended that the Shareholder Declaration be amended to permit GMHI to appoint its own senior officers, to hire employees as required and to compensate its officers and employees as appropriate. GHI has been consulted about this amendment and has no objection.

Corollary to the amendment to the Shareholder Declaration, the CAO By-law needs to be amended to remove the requirement that it is the responsibility of the CAO to be the CEO of GMHI. The suggested amendment is that the CAO would be the CEO of GMHI until replaced as CEO by the GMHI Board of Directors. The CAO would remain the "Shareholder Representative" for the purposes of communication between the City and GMHI.

GMHI STRATEGIC PLAN

READINESS:

GMHI will build its resources and skill sets to be in a position of readiness to deliver on initiatives.

CAPABILITY:

GMHI will put into place a collaborative structure that will take ideas and process them into outcomes.

IDENTITY:

GMHI will differentiate itself from the City and its purpose will be clearly understood by all stakeholders and the community.

CORPORATE STRATEGIC PLAN

- 2.1 Build an adaptive environment, for government innovation to ensure fiscal and service sustainability

ATTACHMENTS

GMHI Board Resolution
Relevant Sections of Shareholder Declaration
CAO By-law (2011) - 19310

'original signed by'

Report Author

Donna Jaques
Corporate Secretary
Guelph Municipal Holdings Inc.

'original signed by'

Recommended By:

Ann Pappert
CEO, Guelph Municipal Holdings Inc.
CAO, City of Guelph

GMHI Meeting Minutes

RESOLVED that:

The minutes of the meeting of the board held September 26, 2013 are approved.

GMHI Resourcing

RESOLVED that:

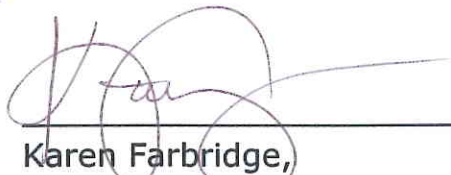
The temporary secondment position for the General Manager of GMHI not an employee of GMHI;

AND that:

the positions of the CEO of GMHI and the permanent General Manager be GMHI employees;

AND that:

the City be requested to amend the Shareholder Declaration to allow GMHI to have employees.



Karen Farbridge,
Chair of the Board



Donna Jaques,
Corporate Secretary

5. Board of Directors and Officers of Holdco

- 5.1 Qualifications – In addition to sound judgement and personal integrity, the qualifications of candidates for the Board of Holdco may include:
- (a) awareness of public policy issues related to Holdco;
 - (b) relevant business expertise and industry knowledge;
 - (c) experience on boards of significant commercial corporations;
 - (d) financial, legal, accounting and/or marketing experience; and
 - (e) knowledge and experience with risk management strategy.
- 5.2 Residency – Preference may be given to qualified candidates for a Board who are residents of the City, however non-residents of the City shall not be excluded from serving as Board members.
- 5.3 Number of Directors – The Board of Holdco shall consist of a minimum of seven (7) directors to be appointed by and approved by the City.
- 5.4 Composition of the Holdco Board – Unless otherwise determined by the City in its discretion, the Holdco Board shall consist of the Mayor, three Municipal Members, the chair of the Board of GHI, the chair(s) of the Board of any other direct Subsidiary of Holdco, and an independent member who shall not be a Municipal Member. The chief executive officer, chief operating officer, president or general manager, as the case may be, of a Subsidiary or of Holdco shall not be eligible to serve as a director on, nor chair of, the Holdco Board nor chair of the Board of GHI.
- 5.5 Chair of Holdco – The Chair of the Holdco Board shall be the Mayor.
- 5.6 Officers of Holdco – The CEO of Holdco shall be the Chief Administrative Officer of the City or such other Person as the City may determine from time to time. The Treasurer of Holdco shall be the Treasurer of the City or such other Person as the City may determine from time to time. The General Counsel and Secretary of Holdco shall be the City Solicitor of the City or such other Person as the City may determine from time to time. The CEO of GHI and the CEO of Holdco shall meet at least quarterly to discuss matters as contemplated by Section 2.2(a).
- 5.7 Term of Municipal Members – The term for each member of the Holdco Board shall be concurrent with the municipal term of each Council, and each member of the Holdco Board shall be appointed for such term, provided that:
- (a) following the expiry of such term of Council, each director shall continue to serve until replaced by the City as at the effective date of the appointment of a replacement director;

- (b) notwithstanding this Section 5.7, the City may, in its discretion, terminate the term of a member of the Holdco Board prior to the end of the municipal term of Council and appoint a replacement director; and
- (c) where a member of the Holdco Board resigns or his or her term is terminated for any reason prior to the end of the municipal term of Council then in effect, the term of the replacement director shall be concurrent with the balance of the municipal term of Council then in effect.

5.8 Successive Terms – Any member of the Holdco Board may serve for successive terms as determined by the City in its discretion.

5.9 Holdco Board Committees – The Holdco Board may establish committees of the Board in the Holdco Board’s discretion. These committees may include the following:

- (a) Audit and Finance Committee to review financial results; and
- (b) Governance Committee to address governance matters.

5.10 Compensation

(a) Directors – No member of the Holdco Board shall receive any remuneration or other compensation of any kind, other than as expressly approved by the City, for serving as a director on the Holdco Board or on any committee thereof, or carrying out any activities or providing services in relation thereto provided that each member of the Holdco Board shall be entitled to incur reasonable expenses for travel and/or training in respect of the director’s role on the Holdco Board, in accordance with policies established by the Holdco Board from time to time and approved by the City.

(b) Officers – Any officer of Holdco who is also a Municipal Member or an employee of, or consultant to, the City or any agency, board, commission or corporation of the City, shall not receive any compensation for serving in such capacity in addition to such officer’s compensation, if any, as an employee of or consultant to the City.

6. **Directors of GHI and its Subsidiaries**

6.1 Qualifications – In addition to sound judgement and personal integrity, the qualifications of candidates for the Board of GHI and of any Subsidiary may include:

- (a) awareness of public policy issues related to GHI or the Subsidiary, as applicable;
- (b) relevant business expertise and industry knowledge including, but not limited to, knowledge of electric utilities, energy conservation and demand management and electricity generation;
- (c) experience on boards of significant commercial corporations;

generation of electricity, which would require an investment, or which would have a financial impact greater than 25% of the Book Value of GHI and its Subsidiaries on a consolidated basis provided that GHI shall have the authority without seeking the approval of Holdco to approve any of the foregoing which involves a transaction with a financial impact of less than 25% of the Book Value of GHI and its Subsidiaries on a consolidated basis.

- 13.4 Declaration to GHESI and Ecotricity – GHI hereby directs each of GHESI and Ecotricity at all times to seek the approval of GHI in respect of each of the matters enumerated in Subsection 13.3 prior to such corporation undertaking or causing to be undertaken any of such matters.

14. Revisions to this Shareholder Declaration

The City acknowledges that this Shareholder Declaration may be revised from time to time as circumstances may require and:

- (a) that the City will consult with the Holdco Board; and
- (b) the City and Holdco will consult with the GHI Board.

prior to completing any revisions and will promptly provide the affected Holdco Board or GHI Board, as the case may be, with copies of such revisions.

15. Holdco Activities

Holdco shall have no employees. All activities and business of Holdco shall be carried out pursuant to a services agreement between Holdco and the City substantially in the form of Schedule C or as otherwise agreed by Holdco and the City. Holdco shall promptly prepare, finalize and execute a services agreement following the effective date of this Shareholder Declaration.

16. Notices

- (a) Any notice, designation, communication, request, demand or other document, required or permitted to be given or sent or delivered to or from the City, Holdco or a Subsidiary shall be in writing and shall be sufficiently given or sent or delivered if it is:
 - (i) delivered personally,
 - (ii) sent to the party entitled to receive it by registered mail, postage prepaid, mailed in Canada, or
 - (iii) sent by facsimile.

THE CORPORATION OF THE CITY OF GUELPH

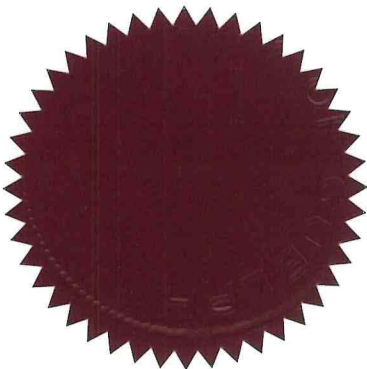
By-law Number (2011)-19310


A by-law to define the general duties, roles and responsibilities of the Chief Administrative Officer.

**THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH
ENACTS AS FOLLOWS:**

1. THAT Council shall appoint Ann Pappert as Chief Administrative Officer who shall be responsible for exercising general control and management of the affairs of The Corporation of the City of Guelph for the purpose of ensuring the efficient and effective operation of the municipality, in accordance with Schedule "A" attached hereto.

PASSED this TWENTY-EIGHTH day of NOVEMBER, 2011.




KAREN FARBRIDGE – MAYOR


TINA AGNELLO – ACTING CLERK

Schedule "A"
to By-law Number (2011)-19310

General Duties, Roles and Responsibilities

Introduction

The Chief Administrative Officer (CAO) shall carry out the general duties, roles and responsibilities set out herein in accordance with any and all relevant and applicable by-laws, resolutions, policies and guidelines that may be enacted or directed from time to time by Council.

Nothing contained in this document shall be deemed to empower the CAO to perform, do or direct any act which shall in any manner or extent whatsoever encroach upon the legislative powers of Council.

1. General Duties and Responsibilities

Subject to the provisions of the Municipal Act, and as herein provided, the duties and responsibilities of the CAO shall be as follows:

- a) To report to, be accountable to, and receive authority from the Council of the Corporation of the City of Guelph and to perform his/her duties in conformity with Council decisions;
- b) To coordinate, lead and direct the Executive Team in the administration of the business affairs of the Corporation;
- c) To delegate appropriate duties and responsibilities to the Executive Team within the organizational structure for the purpose of establishing an efficient and effective administrative structure;
- d) To be responsible for motivating and developing the skills of the Executive Team members and fostering productivity, professionalism, adherence to the corporate values and open communications;
- e) To provide hands-on direction and assistance in planning and implementing difficult and complex tasks which may cover a number of departmental disciplines and which require the co-ordination and co-operation of the various departments;
- f) To provide information and advice, in co-operation with the Executive Team, as required or as might be useful to Council for purposes of decision making and by-law approvals;
- g) To attend meetings of Council and Committees of Council as required with the right to speak, but not to vote;
- h) To present to Council, in co-operation with the Executive Team, reports and information regarding progress and accomplishments of programs and projects, the status of revenue and expenditures and the general administrative management of the Corporation;
- i) To direct the co-ordination of all policy decisions of Council and deal with matters arising from Council's decisions in accordance with such established policies without further reference to Council except to regularly report to Council upon action taken. Also, to develop and maintain, for reference purposes, a comprehensive manual of policies approved by Council;
- j) To guide the strategic process for the Corporation which includes departmental work plan development, as established by Council;
- k) To attend to the interests of the Corporation on federal, provincial, regional or local municipal intergovernmental issues and with boards, agencies and commissions at the administrative level;

- l) To serve as the Chief Executive Officer of Guelph Municipal Holdings Inc. providing leadership and direction as a non-voting member of the Board of Directors without additional remuneration or compensation, other than as expressly approved by Council. Reasonable expenses for travel and/or training in respect of this role may be incurred in accordance with policies established by the Board and approved by Council. To act as the City's "Shareholder Representative" for purposes of communicating Council decisions to the Board; and
- m) To perform any additional responsibilities and to exercise the powers incidental thereto which may, from time to time, be assigned to the CAO by Council.

2. Human Resource Management & Administration

- a) To advise Council as to the appointment, promotion, demotion, suspension or dismissal of an Executive Team member reporting directly to the CAO:
- b) To have authority and responsibility to appoint, promote, demote, suspend or dismiss any employees of the Corporation below the position of Executive Director/CFO in accordance with the lines of authority defined in the organizational structure;
- c) To have authority to appoint, promote, demote, dismiss any other employees of the Corporation in accordance with procedures contained in all collective agreement and in accordance with the lines of authority that are defined in the organizational structure;
- d) To oversee the collective bargaining process with all unionized Corporation employees and to recommend to Council collective agreements concerning wages, benefits, and terms of service and upon approval of Council, to direct the administration of such collective agreements;
- e) To administer all salaries and performance review of employees who are subject to the supervision of the CAO, within the limitation of any salary plan or salary contract agreement, in consultation with Council, as required; and
- f) To carry out an annual performance evaluation of all Executive Team members recognizing achievements, correcting deficiencies and improving overall individual or departmental performance in consultation with Council, as required.

3. Financial Management

- a) To direct, in co-operation with the Chief Financial Officer and the Executive Team, the preparation and presentation of operating and capital budgets on an annual basis;
- b) To exercise financial control over all Corporate operations in conjunction with the Chief Financial Officer, to ensure compliance with the annual estimates of revenue and expenditure approved by Council;
 - i) to adjust staffing levels to maintain the level of Council approved programs and services provided that no new costs are incurred in the current or subsequent budget years;
 - ii) where, as a result of emerging priorities (e.g. provincial initiatives, changing community priorities, Council direction) that result in the need to introduce new programs or increased service levels, or to increase staffing levels that add cost to the current or subsequent budget years, to secure Council approval;
 - iii) where service level or program reductions are contemplated, to secure Council approval;
- c) To direct the review of fiscal policy and its management;

- d) To approve all purchasing with authority to enter into contracts;
- e) To approve all tenders and quotation awards where funds are provided in the budget and established purchasing policies have been observed; and
- f) To approve all tenders and quotation awards when Council is unavailable, where funds are provided in the budget and established purchasing policies have been observed.

4. Administrative Organization and Management

- a) To create and re-organize, in consultation with the Executive Team, such departments of the City as may be considered necessary and property to fulfil obligations for the Corporation, and will report to Council on the changes;
- b) To annually meet with Council to review and assess performance during the past year and review and discuss the salary and benefit provisions as well as priorities to be pursued during the following year; and
- c) To hold office at the pleasure of Council for the agreed upon term. Council may, in its sole discretion, suspend or dismiss the CAO subject to compliance with any statutory requirements or contractual agreements, and subject to the right of the CAO to a hearing before Council or such Committee therefore as Council may by by-law authorize in respect of such suspension or dismissal, if so requested by the CAO.

RECEIVED
JAN 23 2014

CITY CLERK'S OFFICE

Doris Orr,

January 22nd, 2014.

Guelph City Clerk,
1 Carden Street
Guelph, ON. N1H 3A1.

Re: 158 Fife Road - Proposed Townhouses.

Further to your letter of January 9th, 2014. I respectfully submit a list of my concerns about this complex, which I would appreciate if you would give some thought and consideration to.

As a resident of Pamela Place for over 23 years now, I feel I must once more mention my concerns over this proposed townhouse development

You may consider that this project will not affect me or my property at all, since my property does not really border on this complex. However, I feel I must point out, again, what I consider my valid concerns for the future of the residents on Pamela Place & Gombas, in fact, even the future residents of this area altogether!

1. When we bought our house here in 1989, we were told the subject area was zoned UR (Urban reserve), and would never be built on because of that zoning, and a 'railway easement'.

2. It seems that the City has the right to change the zoning of any area at any time that is convenient to their liking, to the detriment of, and unconcern for the existing residents of this or any area. Why then has this zoning been so easily changed to allow for such building density?

3. 12 townhouses on one part and 13 townhouses on the other part of said land, (estimated population is 60 residents), this probably does not include children! There will be children - how many?

4. Since these houses will be crammed in, with a minimum amount of green space, where will these children have outdoor space to play? Or is that not of any concern?

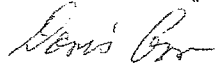
5. There will definitely be noise from this added population, daily and nightly, and the running of cars. Air pollution from at least 25 cars - or more - and the coming and going (and idling in winter), will certainly impact the quality of the air for everyone in the immediate area!

2.

6. One last concern. I have repeatedly heard that Guelph has continuing "water woes"! With all the multiple buildings being built in Guelph, how will this concern be solved? Or will it get worse?

I wonder if any of these concerns will be considered at all, or just cast aside as has happened in the past!!

Yours sincerely


Doris Orr.

To: City Clerk City of Guelph for transmission to City Council

From: H.R. Whiteley

January 23 2014

RE: Proposed Development Charges By-law

I have the following comments on the proposed Development Charges By-law and the process used to establish the content of the By-law.

My principal concern is that approval of the Development Charges By-law **does not confirm** that funds derived from Development Charges can be used to fund a relocation of a previously-existing skatepark.

It is clearly established in Council minutes (Oct 19 2009) that the only skatepark project Council has approved is the relocation of a previously-existing skatepark, located in Deerpath Park in 2008 and 2009. Furthermore it has been established in subsequent Council deliberations that the need for a skatepark was established thirty years ago (and, by the way, that an obvious and logical location, Lyons Park, had been selected in 1995).

It is clear that the existing skatepark project has no connection to any growth that has occurred since 1995 and hence is not eligible for DC funding.

I also point out an error in the Service Standard Calculation sheets for Park amenities (Appendix B to the DC report). There is no entry for Skatepark Facility (owned) as there should be to cover the skatepark facility purchased by the City in 2008, operated in Deerpath Park in 2008 and 2009, and currently in storage.

A second concern I have is that there has been no effective public engagement in the preparation of this Development Charges By-law. This contrasts with previous updates of the By-law when there have been workshops and surveys to establish community support for service standards.

In particular I am deeply concerned that the establishing of service standards for parks and trails has been determined in backroom discussions with a consortium consisting of Guelph Home Builders Association, Guelph Wellington Development Association, key non-residential developers as identified by the City's Economic Development Department, Guelph Chamber of Commerce and the Guelph Downtown Business Association.

Adam Smith, in *Wealth of Nations* (published March 9 1776) made the discerning comment that "***People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public,***". It is to guard against this tendency that public engagement in important issues, such as the establishing of standards for parks and trails, is essential if the public interest is to be served.

I remain puzzled by the antipathy of City of Guelph staff to the clearly expressed preferences of the citizens of Guelph for greatly expanded access to natural settings for recreation. This antipathy has led to the exclusion of the public from the service-standard discussion for parks and trails in the preparation of the Development Charges By-law.

The same long-standing antipathy led staff to withhold the 2009 Recreation Parks and Culture Strategic Master Plan from City Council and forced the City to operate for the last five years on an ad hoc basis in Parks and Culture planning. The apparent difficulty was that the 2009 Masterplan, responding to strongly expressed support by the public for park expansion to give priority to experiencing nature, did not align with staff-supported priorities and hence was better forgotten.

Request

I ask City Council to defer a decision on the Development Charges By-law until the error in the service standards calculations as regards skatepark facilities is remedied, a decision is reached on the eligibility of the skatepark relocation project for DC funding, and the allocation of funding in the DC By-law for park expansion for increased experiencing of nature is re-examined to bring the DC By-law into conformity with the public interest as expressed in the 2009 Recreation Parks and Culture Masterplan.