

# CITY COUNCIL AGENDA



**DATE** April 26, 2011 – 7 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**

## PRESENTATION

- a) Community Survey Summary Results: Barry Watson, President and CEO of Environics Research Group (Consent Agenda Report A-5)

## CONFIRMATION OF MINUTES (Councillor Piper)

*"THAT the minutes of the Council Meetings held March 14, 16, 28, 29, April 4 and 13, 2011 and the minutes of the Council meetings held in Committee of the Whole on March 28, 2011 be confirmed as recorded and without being read."*

## CONSENT REPORTS/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 Reports/Agenda, please identify the item. The item will be extracted and dealt with separately. The balance of the Consent Reports/Agenda will be approved in one resolution.*

### Consent Reports/Agenda from:

Community & Social Services Committee			
Item	City Presentation	Delegations	To be Extracted
CSS-1 Cultural Advisory Committee			
CSS-2 Discretionary Social Services Grants			

Adoption of balance of Community & Social Services Committee Fourth Consent Report - Councillor Dennis, Acting Chair

Corporate Administration, Finance & Emergency Services Committee			
Item	City Presentation	Delegations	To be Extracted
CAFES-1 Renewal of the Downtown			

	Coordinating Committee Mandate and Structure			
CAFES-2	Guelph Non-Profit Housing Corporation Tax Exemption Request			
CAFES-3	2011 Property Tax Policy			
CAFES-4	University of Guelph Request for Contribution to The Royal Wedding Scholarship Program			

Adoption of balance of Corporate Administration, Finance & Emergency Services Committee Third Consent Report - Councillor Hofland, Chair

<b>Operations &amp; Transit Committee</b>			
<b>Item</b>	<b>City Presentation</b>	<b>Delegations</b>	<b>To be Extracted</b>
OT -1	By-law Service Review - Update		

Adoption of balance of Operations & Transit Committee Consent Report - Councillor Findlay, Chair

<b>Planning &amp; Building, Engineering &amp; Environment Committee</b>			
<b>Item</b>	<b>City Presentation</b>	<b>Delegations</b>	<b>To be Extracted</b>
PBEE-1	Terms of Reference for the Public Advisory Committee to be Established for the Organic Waste Processing Facility		
PBEE-2	Annual Increase of Building Permit Fees		

Adoption of balance of Planning & Building, Engineering & Environment Committee Second Consent Report - Councillor Piper, Chair

<b>Governance Committee</b>			
<b>Item</b>	<b>City Presentation</b>	<b>Delegations</b>	<b>To be Extracted</b>
GOV-1	Approval of Full Time Equivalent (Full Time		

	and Regular Part-Time)			
GOV-2	Delegation of Authority – Tax Write-Offs and Increases			
GOV-3	Guelph Municipal Holding Company (GMHC) Implementation Strategy			
GOV-4	CAO Recruitment Process			
GOV-5	CAO Remuneration			
GOV-6	Standing Committee Appointment Process			
GOV-7	Delegation of Authority – Special Occasion Permits			
GOV-8	St. Joseph’s Hospital – Appointment of Councillor to the Board			
GOV-9	Family & Children’s Services – Appointment of City Councillor to Board of Directors			

Adoption of balance of Governance Committee Third Consent Report – Mayor Farbridge, Chair

<b>Council Consent Agenda</b>			
<b>Item</b>	<b>City Presentation</b>	<b>Delegations</b>	<b>To be Extracted</b>
A-1)	Proposed Demolition of 4 Floral Drive		
A-2)	Proposed Demolition of 5 Wolseley Road,		
A-3)	Proposed Demolition of 40 Derry Street		
A-4)	Annual Asphalt, Contract No. 2-1101		
A-5)	Community Survey Summary Results	Barry Watson, of Environics Research Group	✓

A-6	Purchase of Replacement Electronic Patient Care Reporting System			
B-1	The Highland Companies' Melancthon Township Quarry Proposal			

Adoption of balance of the Council Consent Agenda – Councillor

<b>Other</b>			
<b>Item</b>	<b>City Presentation</b>	<b>Delegations</b>	<b>To be Extracted</b>
(e.g. notices of motion for which notice was given)			

**ITEMS EXTRACTED FROM COMMITTEES OF COUNCIL REPORTS AND COUNCIL CONSENT AGENDA** (Chairs to present the extracted items)

*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:

- Community & Social Services – Councillor Dennis
- Corporate Administration, Finance & Emergency Services – Councillor Hofland
- Operations & Transit – Councilor Findlay
- Planning & Building, Engineering & Environment – Councillor Piper
- Governance – Mayor Farbridge
- Council Consent – Mayor Farbridge

**SPECIAL RESOLUTIONS**

**BY-LAWS**

Resolution – Adoption of By-laws (Councillor Van Hellemond)

**QUESTIONS**

**MAYOR’S ANNOUNCEMENTS**

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

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**NOTICE OF MOTION**

**ADJOURNMENT**

Committee Room 112  
March 14, 2011

**Council convened in a session at 7:00 p.m. for appeal hearing process training.**

Present: Mayor Farbridge, Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper and Van Hellemond

Absent: Councillor Burcher, Laidlaw and Wettstein

Staff Present: Ms. D. Jaques, General Manager of Legal Services/City Solicitor; Ms. S. Smith, Associate Solicitor

**DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT**

The Mayor declared a possible pecuniary interest with regards to the development charges appeal because she is part owner of a unit in the development at 60 Cardigan Street, which is the subject of the compliant under the Development Charges Act, and left the meeting.

Councillor Kovach chaired the meeting.

The General Manager of Legal Services/City Solicitor highlighted the legislative framework, the role of Council and the conduct of a hearing when Council is acting as a Tribunal under the Development Charges Act.

**ADJOURNMENT**

The meeting adjourned at 7:45 o'clock p.m.

Minutes read and confirmed April 26, 2011.

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Mayor

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Clerk Designate

Committee Room C  
March 16, 2011

**Council convened an information session at 6:00 p.m. with respect to the Community Energy Initiative and Guelph Hydro Inc.**

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper and Van Hellemond

Absent: Councillors Kovach, Laidlaw and Wettstein

Present on behalf of Guelph Hydro Inc.: Barry Chuddy, CEO; Ian Miles, CFO; Sandra Manners, Director of Communications; Seymour Trachimovsky, Corporate Secretary; Ron Collins, VP Business Development and Partnerships; and Matthew Weninger, Director of Metering and Conservation

Guelph Hydro Board of Directors: Jasmine Urisk, Chair; Jane Armstrong; Rick Thompson; Judy Fountain; Brian Cowan; William Koornstra; and Barbara Leslie

Staff Present: Dr. J. Laird, Executive Director of Planning & Building, Engineering & Environment; Mr. P. Cartwright, General Manager of Economic Development & Tourism; Mr. R. Kerr, Corporate Manager of Community Energy; and Mrs. L.A. Giles, General Manager of Information Services/City Clerk

**DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT**

The purpose of the meeting was to provide information on the Community Energy Initiative and Guelph Hydro Inc.

The Corporate Manager of Community Energy provided an overview of the Community Energy Initiative highlighting the following:

- Mayor's Task Force on Community Energy
- Planning: Energy Density Mapping
- Economic Development
- Corporate Energy Activity.

Barry Chuddy, CEO, Guelph Hydro Inc. provided information on:

- how hydro supports the community energy initiative
- the energy sector today
- what utilities are up against and the industry issues
- evolution of the electricity market

- rising electricity prices
- Guelph Hydro Electric Systems distribution rate increases

In response to questions, the presenters provided answers and clarifications.

**ADJOURNMENT**

The meeting adjourned at 8:42 o'clock p.m.

Minutes read and confirmed April 26, 2011.

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Mayor

.....  
Clerk



Council Caucus Room  
March 28, 2011 6 p.m.

**A meeting of Guelph City Council.**

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Wettstein

Staff Present: Mr. M. Amorosi, Executive Director of Human Resources & Legal Services; Dr. J. Laird, Executive Director of Planning, Engineering & Environmental Services; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. A. Pappert, Executive Director of Community & Social Services; Ms. M. Neubauer, Chief Financial Officer/ City Treasurer; Mrs. L.A. Giles, General Manager of Information Services/City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

- 1. Moved by Councillor Hofland  
Seconded by Councillor Laidlaw

THAT the Council of the City of Guelph now hold a meeting that is closed to the public with respect to:

**Litigation Status Update**

S. 239 (2) (e) Litigation or Potential Litigation, including matters before Administrative Tribunals.

**Ratification of a Labour Contract**

S. 239 (2) (d) Labour relations or employee negotiations.

**Proposed Offer to Purchase Land for Stormwater Management Pond**

S. 239 (2) (c) Proposed or pending acquisition or disposition of land

**Relocation of Facility**

S. 239 (2) (c) Proposed or pending acquisition or disposition of land

Carried

The meeting adjourned at 6:01 o'clock p.m.

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Mayor

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Clerk

Council Caucus Room  
March 28, 2011 6:02 p.m.

**A meeting of Guelph City Council closed to the public.**

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Wettstein

Staff Present: Mr. M. Amorosi, Executive Director of Human Resources & Legal Services; Dr. J. Laird, Executive Director of Planning, Engineering & Environmental Services; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. A. Pappert, Executive Director of Community & Social Services; Ms. M. Neubauer, Chief Financial Officer/ City Treasurer; Mrs. L.A. Giles, General Manager of Information Services/City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

**DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT**

There were no declarations.

**Litigation or Potential Litigation, including matters before Administrative Tribunals**

- 1. Moved by Councillor Laidlaw  
Seconded by Councillor Dennis  
Mr. M. Amorosi  
Ms. D. Jaques  
THAT the report from Legal Services, dated March 11, 2011, regarding the matter of Davis v. The Corporation of the City of Guelph, be received.

Carried

**Labour Relations or Employee Negotiations**

- 2. Moved by Councillor Findlay  
Seconded by Councillor Hofland  
Mr. M. Amorosi  
THAT the Memorandum of Agreement between the City of Guelph and Guelph Professional Firefighters Association IAFF Local 467 on file with Human Resources be received.

Carried

**Proposed or Pending Acquisition or Disposition of Land**

Mr. M. Amorosi  
Ms. D. Jaques  
Dr. J. Laird

3. Moved by Councillor Findlay  
Seconded by Councillor Burcher  
THAT the report of the Manager of Realty Services  
entitled "Elizabeth Street Storm System – Proposed Offer  
to Purchase Land for Storm Water Management Pond"  
dated March 28, 2011, be received for information.

Carried

**Proposed or Pending Acquisition or Disposition of  
Land**

Mr. M. Amorosi  
Ms. D. Jaques  
Dr. J. Laird

4. Moved by Councillor Burcher  
Seconded by Councillor Piper  
THAT the report of the Manager of Realty Services  
entitled "Transit Terminal – Relocation of Greyhound Bus  
Terminal from 141 Macdonell Street" dated March 28,  
2011, be received for information.

Carried

The meeting adjourned at 6:45 o'clock p.m.

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Mayor

.....  
Clerk

Council Chambers  
March 28, 2011

**Council reconvened in formal session at 7:00 p.m.**

Present: Mayor Farbridge, Councillors Bell, Burcher,  
Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach,  
Laidlaw, Piper, Van Hellemond and Wettstein

Staff Present: Mr. M. Amorosi, Executive Director of  
Human Resources & Legal Services; Dr. J. Laird,  
Executive Director of Planning, Engineering &  
Environmental Services; Mr. D. McCaughan, Executive  
Director of Operations & Transit; Ms. A. Pappert,  
Executive Director of Community & Social Services; Ms.  
M. Neubauer, Chief Financial Officer/ City Treasurer; Mrs.  
L.A. Giles, General Manager of Information Services/City  
Clerk; and Ms. J. Sweeney, Council Committee Co-  
ordinator

## **DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT**

There was no declaration of pecuniary interest.

## **PRESENTATIONS**

Wayne Galliher, Water Conservation Project Manager provided information with respect to the 2010 Water Conservation and Efficiency Awards being presented to:

- Residential Category - Erminio Artuso
- Business Category – Terra View Custom Homes Ltd.
- Community Education Category – Wellington Water Watchers

1. Moved by Councillor Hofland  
Seconded by Councillor Laidlaw

THAT the minutes of the Council meetings held on February 14, 15, 22, 23, 28, March 2, 3 and 7, 2011 and the minutes of the Council meetings held in Committee of the Whole on February 14, 15, 22 and 28, 2011 be confirmed as recorded and without being read.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

## **CONSENT REPORTS AND AGENDAS**

### **Councillor Laidlaw presented the Community & Social Services Committee Third Consent Report.**

2. Moved by Councillor Laidlaw  
Seconded by Councillor Guthrie

THAT the March 28, 2011 Community & Social Services Committee Third Consent Report as identified below, be adopted:

- a) **Local Immigration Partnership (LIP) Contribution Agreement 2011-2013**

Ms. A. Pappert

THAT Report #CSS-CESS-1106 entitled 'Local Immigration Partnership (LIP) Contribution Agreement 2011-2013', be received;

AND THAT the City of Guelph enters into a two year Contribution Agreement with the Government of

Canada, to receive financial support to continue with work required as part of the Implementation Phase of the Local Immigration Partnership File DK02345811;

AND THAT the Executive Director of Community and Social Services and clerk are authorized to sign the Agreement, subject to the satisfaction of the City Solicitor.

b) **New Guelph Civic Museum Update**

Ms. A. Pappert

THAT Report #CSS-ACE-1105, dated March 8, 2011 and titled "New Guelph Civic Museum Update", be received for information;

AND THAT staff report back in regard to a proposed process for the sale of the current Museum building, located at 6 Dublin Street South.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

The following items were extracted from the Planning & Building, Engineering & Environment Committee Second Consent Report to be voted on separately:

- PBEE-1 Direction to Initiate the Brooklyn and College Hill Heritage Conservation District Designation Process, Pursuant to the Ontario Heritage Act

**Councillor Bell presented the balance of the Planning & Building, Engineering & Environment Committee Second Consent Report.**

3. Moved by Councillor Bell  
Seconded by Councillor Kovach

THAT the balance of the March 28, 2011 Planning & Building, Engineering & Environment Committee Second Consent Report as identified below, be adopted:

a) **180 Gordon Street – Brownfield Redevelopment Community Improvement Plan – Financial Incentive Request**

Dr. J. Laird  
Ms. M. Neubauer

THAT Planning & Building, Engineering and Environment Report 11-22, dated March 21, 2011 regarding requests

Mr. M. Amorosi  
Ms. D. Jaques

for financial assistance pursuant to the City of Guelph Brownfield Redevelopment Community Improvement Plan for the property known municipally as 180 Gordon Street be received;

AND THAT the request for financial assistance made by 180 Gordon Street Ltd. under the Environmental Study Grant program pursuant to the Brownfield Redevelopment Community Improvement Plan for the property known municipally as 180 Gordon Street, to an upset total of \$10,000 upon the completion of a follow up Phase 2 Environmental Site Assessment and an additional grant to an upset total of \$10,000 upon the completion of a final Remedial Work Plan, be approved as previously endorsed by Council for the prior owner of the property on May 25, 2010;

AND THAT the request for financial assistance made by 180 Gordon Street Ltd. under the Tax Assistance During Rehabilitation Program pursuant to the Brownfield Redevelopment Community Improvement Plan for the property known municipally as 180 Gordon Street, for a duration of up to 3 years from the commencement of remedial work at the property subject, up to a total of \$12,873.75, be approved, as previously endorsed by Council for the prior owner of the property on May 25, 2010;

AND THAT the request by 180 Gordon Street Ltd. under the Tax Increment-Based Grant program pursuant to the Brownfield Redevelopment Community Improvement Plan for the property known municipally as 180 Gordon Street be approved to an upset total of \$156,000 subject to the program details;

AND THAT Council direct staff to prepare a by-law to implement municipal tax assistance during rehabilitation in accordance with the Municipal Act and that the appropriate information and material be sent to the Province requesting relief from the education portion of the taxes for the property known municipally as 180 Gordon Street for a duration of up to 3 years from the commencement of remedial work at the property;

AND THAT staff be directed to proceed with the finalization of Environmental Study Grant, Tax Cancellation, and Tax Increment-Based Grant Agreements with 180 Gordon Street Ltd. or any subsequent owner(s) to the satisfaction of the General Manager, Planning & Building and the Director of Corporate Services/City Solicitor;

AND THAT the Mayor and Clerk are authorized to sign the Environmental Study, Tax Cancellation, and Tax Increment-Based Grant Agreements.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

**Councillor Kovach presented the Council as Committee of the Whole Second Consent Report.**

4. Moved by Councillor Kovach  
Seconded by Councillor Van Hellemond  
THAT the March 28, 2011 Council as Committee of the Whole Second Consent Report as identified below, be adopted:

a) **Citizen Appointments to the Accessibility Advisory Committee**

Mrs. L.A. Giles

THAT Brad Howarth be appointed to the Accessibility Advisory Committee for a term expiring November 2011.

AND THAT Kyle Clements, Gertrude Robinson, Elaine Saunders and Katie Saunders be appointed to the Guelph Public Library Board for a term expiring November 2011.

b) **Citizen Appointment to the Property Standards / Fence Viewers Committee**

Mrs. L.A. Giles

THAT Marlene De Boer be appointed to the Property Standards/Fence Viewers Committee for a term ending November 2011.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

**Consent Agenda**

The following items were extracted from the March 28, 2011 Consent Agenda to be voted on separately:

- A-7 Transit Terminal – Relocation of Greyhound Bus Terminal from 141 Macdonell Street

- A-8 Japanese Support Fundraiser
- B-1 Guelph & District Multicultural Festival – Request for Fireworks Display – June 11, 2011

5. Moved by Councillor Hofland  
 Seconded by Councillor Burcher  
 THAT the balance of the March 28, 2011 Council Consent Agenda as identified below, be adopted:

a) **Special Occasion Permits for 2011 Requiring Council Approval**

Mrs. L.A. Giles  
 Ms. A. Pappert

THAT the events listed in Attachment A to the March 28, 2011 report entitled 'Special Occasion Permits for 2011 Requiring Council Approval', be approved for Special Occasion Permit status for 2011.

b) **Amending Agreement to an Offer to Purchase / Agreement of Purchase and Sale**

Mr. P. Cartwright  
 Mr. M. Amorosi  
 Ms. D. Jaques

THAT Report dated March 28, 2011 regarding an Amending Agreement to an Offer to Purchase / Agreement of Purchase and Sale from Economic Development & Tourism, be received;

AND THAT the Mayor and Clerk be authorized to execute an Amending Agreement satisfactory to the General Manager of Economic Development & Tourism and the City Solicitor, and as outlined in this report, for the lands described as Part of Lots 17 & 18, Concession 5 (former geographic Township of Puslinch and now part of the City of Guelph), and being designated as part of Part 4 on Reference Plan 61R-9655, being part of PIN 71219-0445 (LT).

c) **Development Charge Payment Agreement**

Mr. P. Cartwright  
 Mr. M. Amorosi  
 Ms. M. Neubauer  
 Ms. D. Jaques

THAT Report dated March 28, 2011 regarding a Development Charge Payment Agreement from Economic Development & Tourism, be received;

AND THAT the Mayor and Clerk be authorized to execute a Development Charge Payment Agreement between 2144113 Ontario Limited and the Corporation of the City of Guelph for a proposed shell building to be constructed at 945 Southgate Drive, Guelph and subject to the format and content of the Agreement being satisfactory to the General Manager of Economic Development & Tourism, the Chief Financial Officer and the City Solicitor.



d) **2011 Grant Recommendations**

Ms. M. Neubauer  
Ms. A. Pappert

THAT the recommendations provided by the Sector Review Groups for receipt of a 2011 City of Guelph grant as outlined in Attachments 1, 2 and 3 be approved.

e) **Davis v. The Corporation of the City of Guelph**

Mr. M. Amorosi  
Ms. D. Jaques

THAT the report from Human Resources & Legal Services, dated March 17, 2011, regarding the matter of Davis v. The Corporation of the City of Guelph, be received.

f) **Elizabeth Street Storm System Proposed Offer to Purchase Land for Stormwater Management Pond**

Mr. M. Amorosi  
Dr. J. Laird  
Ms. D. Jaques

THAT the Mayor and Clerk be authorized to execute an Offer to Purchase between the City and 813383 Ontario Limited to acquire part of the property legally known as Part of Lots 2 and 3, Range 3, Division "F", City of Guelph (formerly Township of Guelph) for stormwater management purposes and as outlined in the Closed Meeting report of the Manager of Realty Services dated March 28, 2011.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

**Councillor Bell presented Clause 1 that was extracted from the Planning & Building, Engineering & Environment Committee Second Consent Report.**

**Direction to Initiate the Brooklyn and College Hill Heritage Conservation District Designation Process, Pursuant to the Ontario Heritage Act**

6. Moved by Councillor Bell  
Seconded by Councillor Kovach

THAT the Planning & Building, Engineering and Environment Report 11-24, regarding a recommendation to initiate the Heritage Conservation District Designation Process for the Brooklyn and College Hill area pursuant to Part V, Section 40(1) of the Ontario Heritage Act, dated March 21, 2011, be received;

AND THAT Council direct staff to initiate the Heritage Conservation District Designation Process for the Brooklyn

and College Hill area pursuant to Part V, Section 40(1) of the Ontario Heritage Act;

AND THAT staff be directed to report back to Council at key decision making points in the Heritage Conservation District Designation process as identified in Attachment 6 of the report.

### **Delegations**

Daphne Wainman-Wood was present on behalf of the Old University Residents Neighbourhood Association and advised that they are in support of the Heritage Conservation District Designation for this area. She expressed concern that the Committee removed the hiring of a consultant to undertake the process and urged Council to commit appropriate funding to this project. She advised that this will be the first Heritage Conservation District done in the City and it needs to be handled well.

Paul Ross, Chair of Heritage Guelph suggested that establishing a heritage district will play an important part in preserving the heritage culture of the City. He further suggested that it is important to have an expert consultant involved in the project as this is the first heritage district for the City. He advised that very few other heritage districts in other municipalities were completed by staff. He requested that Council support the staff recommendation.

Steven Petric suggested that it is important to protect the history of Guelph and by approving the recommendation for hiring a consultant to assist with the process will likely provide answers to Council's questions. He further suggested that staff do not have the resources to do this work and also continue the heritage designation work.

7. Moved in Amendment by Councillor Piper  
Seconded by Councillor Burcher

THAT staff be directed to retain services of a consultant to undertake the Heritage Conservation District Designation process in accordance with defined terms of reference to be prepared by staff at an upset limit of \$90,000;

AND THAT if there are any unspent funds at the conclusion of this process, they be set aside for funding the next heritage district project to come forward.

VOTING IN FAVOUR: Councillors Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: Councillors Bell and Kovach (2)

Carried

Dr. J. Laird  
Ms. M. Neubauer

8. Moved by Councillor Bell  
Seconded by Councillor Kovach  
THAT the Planning & Building, Engineering and Environment Report 11-24, regarding a recommendation to initiate the Heritage Conservation District Designation Process for the Brooklyn and College Hill area pursuant to Part V, Section 40(1) of the Ontario Heritage Act, dated March 21, 2011, be received;

AND THAT Council direct staff to initiate the Heritage Conservation District Designation Process for the Brooklyn and College Hill area pursuant to Part V, Section 40(1) of the Ontario Heritage Act;

AND THAT staff be directed to retain services of a consultant to undertake the Heritage Conservation District Designation process in accordance with defined terms of reference to be prepared by staff at an upset limit of \$90,000;

AND THAT if there are any unspent funds at the conclusion of this process, they be set aside for funding the next heritage district project to come forward.

AND THAT staff be directed to report back to Council at key decision making points in the Heritage Conservation District Designation process as identified in Attachment 6 of the report.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

### **Consent Agenda**

#### **Transit Terminal – Relocation of Greyhound Bus Terminal from 141 Macdonell Street**

##### **Delegation**

Steven Petric was present and suggested that many Greyhound bus riders feel that the proposed location for the relocation of the bus terminal is adequate. He

expressed concern on the access to the relocated bus terminal due to the closure of the Neeve Street pedestrian tunnel and the pedestrian tunnel under the CN rail bridge. He suggested that signs be posted to direct people to the relocated terminal. He also expressed concern with the lack of shelter, drop off/pick up zone. He also suggested that signs be posted at the existing bus terminal advising the riders of the relocation.

9. Moved by Councillor Hofland  
Seconded by Councillor Burcher

Mr. M. Amorosi  
Dr. J. Laird  
Mr. D. McCaughan  
Ms. D. Jaques

THAT the Mayor and Clerk be authorized to execute an Agreement between the City and Greyhound Canada Transportation Corp. relating to the relocation of bus operations, subject to the terms and conditions of the agreement being satisfactory to the Manager of Realty Services, the City Engineer, and the General Manager of Transit and Community Connectivity.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

**Japanese Support Fundraiser**

10. Moved by Councillor Hofland  
Seconded by Councillor Findlay

Ms. A. Pappert  
Ms. M. Neubauer

THAT Report CSS-ACE-1112, dated March 28, 2011 and titled "Japanese Support Fundraiser", be received;

AND THAT internal expenses to a maximum of \$1,000 related to the ticketing costs for a community benefit concert on April 10, 2011 to aid the victims of the Japanese earthquake and tsunami be waived, representing the City of Guelph's contribution to community fundraising efforts.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

**Guelph & District Multicultural Festival – Request for Fireworks Display – June 11, 2011**

Mr. D. Callegari  
Mr. S. Armstrong  
Mr. B. Stewart  
Ms. A. Pappert

11. Moved by Councillor Furfaro  
Seconded by Councillor Piper

THAT the request from the Multicultural Festival Committee to provide a fireworks display at Riverside Park on Saturday June 11, 2011, be approved subject to the Multicultural Festival meeting the terms and conditions of the Guelph Fire Department;

AND THAT the Multicultural Festival obtain liability coverage in the amount of \$5,000,000 with the City of Guelph named as an additional insured party, and to provide a certificate indicating such coverage to be submitted to the City of Guelph at least two weeks prior to the event;

AND THAT the City of Guelph accepts no responsibility for any liability that arises out of granting this permission for use of City property and facilities.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

### **SPECIAL RESOLUTIONS**

#### **Davis v. The Corporation of the City of Guelph**

Mr. M. Amorosi  
Ms. D. Jaques

12. Moved by Councillor Laidlaw  
Seconded by Councillor Dennis

THAT staff be directed to proceed with an appeal and application for judicial review of the decision in the matter of Court File No. 564/09, Davis v. The Corporation of the City of Guelph.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

#### **Memorandum of Agreement between the City of Guelph and Guelph Professional Firefighters IAFF Local 467**

Mr. M. Amorosi  
Mr. S. Armstrong

13. Moved by Councillor Findlay  
Seconded by Councillor Burcher  
THAT the Memorandum of Agreement between the City of Guelph and Guelph Professional Firefighters IAFF Union Local 467 on file with Human Resources be approved.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

### **BY-LAWS**

14. Moved by Councillor Kovach  
Seconded by Councillor Bell  
THAT By-laws Numbered (2011)-19166 to (2011)-19176, inclusive, excluding By-law Number (2011)-19168, are hereby passed.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

15. Moved by Councillor Piper  
Seconded by Councillor Laidlaw  
THAT By-law Number (2011)-19168 is hereby passed.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: Councillor Van Hellemond (1)

Carried

### **MAYOR'S ANNOUNCEMENTS**

The Mayor advised of the following Ward Townhall meetings:

- Ward 1 –March 29, 2011 - 7 p.m. at the Italian Canadian Club
- Ward 2 –April 6, 2011 – 7 p.m. at the Elliott Community

- Ward 2 – April 7, 2011 – 7 p.m. at Guelph Lake Commons

**ADJOURNMENT**

The meeting adjourned at 8:05 o'clock p.m.

Minutes read and confirmed April 26, 2011.

.....  
Mayor

.....  
Clerk

Attachment A  
 Special Occasion Permits for 2011 Requiring Council Approval Report  
 March 28, 2011

**Events Requesting Community Festival/Special Occasion Permit**

<b>Organization</b>	<b>Event</b>	<b>Date(s)</b>	<b>Time(s)</b>	<b>Facility</b>
Royal City Mens' SloPitch League	Annual Opening Tournament	May 7, 2011 - May 8, 2011	11:00 a.m. - 6:00 p.m. 12:00 p.m. - 6:00 p.m.	Guelph Lake Sports Field
BOHICA	3rd Annual BOHICA Slo Pitch Tournament	June 25, 2011	11:00 a.m. - 6:00 p.m.	Guelph Lake Sports Field
Precept Insurance & Risk Management	Sunlight Music Festival	Aug. 14, 2011	11:00 a.m. - 12:00 a.m.	Riverside Park Bandshell
Private Individuals	Wedding	Aug. 13, 2011	5:00 p.m. - 7:00 p.m.	Goldie Mill Park
Private Individuals	Wedding	Sept. 3, 2011	4:00 p.m. - 10:00 p.m.	Goldie Mill Park
Ed Video	Guelph Comedy Festival	Apr. 29, 2011 Apr. 30, 2011	8:00 p.m. - 11:00 p.m.	Guelph Youth Music Centre
Kazoo Festival	Kazoo Festival	April 14, 2011 April 16, 2011	7:00 p.m. - 9:00 p.m. 7:00 p.m. - 12:00 a.m.	The Synnema 106-121 Wyndham Street North



## Appendix 1 – Health and Social Services 2011 Grant Recommendations

No.	Name of Applicant Organization	Notes	2010 Actual	2011 Request	2011 Recommended
1	Action Read	Financial need demonstrated, Effective, Quality programming	\$12,000	\$13,980	\$10,000
2	Big Brothers Big Sisters of Guelph	Need for service, Financial need demonstrated	\$5,000	\$10,000	\$5,000
3	Career Education Council	Program expansion, Financial need not demonstrated	DNA	\$4,000	\$0
4	Chalmers Community Services Centre	Financial need demonstrated. Need for service, community impact	\$5,000	\$5,000	\$5,000
5	Child Witness Centre	25% of clients Guelph Residents, Not Guelph based		\$1,500	\$0
6	Children's Foundation of Guelph & Wellington	Financial need demonstrated. Meets growing community need	\$5,000	\$10,000	\$10,000
7	Community Torchlight	Financial need demonstrated. Need for service. Works with variety of partners	\$5,000	\$10,000	\$5,000
8	Downtown Neighbourhood Association	Feasibility not demonstrated in this application	DNA	\$35,980	\$0
9	Dunara Homes for Recovery Inc.	New program. Long term sustainability not demonstrated	DNA	\$9,000	\$0
10	Future Watch Environment & Devel. Ed. Partners	Sustainability of program; significant proportion of budget is this grant request	DNA	\$19,000	\$0
11	Guelph Giants Special Hockey Foundation	Financial need demonstrated. Meets need in the community. Impact clearly demonstrated	DNA	\$5,000	\$5,000
12	K9 Helpers Service Dogs Inc.	Need for service in community. Financial need demonstrated	\$1,820	\$2,000	\$900
13	Michael House Pregnancy Care Centre	Need for service in community. Financial need demonstrated	\$7,500	\$10,000	\$5,000
14	My World My Choice	Sustainability of program not demonstrated	DNA	\$15,000	\$0

## Appendix 1 – Health and Social Services 2011 Grant Recommendations

15	St. John Ambulance	Need for service in community	\$6,000	\$6,000	\$2,000
16	Sunday Meal and Harm Reduction Team	Duplication of other organization / service provision	DNA	\$7,000	\$0
17	Victim Services Wellington	Need for funding not demonstrated	DNA	\$1,000	\$0
18	Volunteer Centre of Guelph/Wellington	Need for funding demonstrated. Provides valued and important services in community		\$10,000	\$7,000
19	Wellington Dufferin Guelph Eating Disorder Coalition	Financial need demonstrated. Meets community need.	\$2,500	\$3,000	\$1,400
20	Guelph Community Health Centre		\$3,780	DNA	\$0
<b>TOTAL</b>			<b>\$53,600</b>	<b>\$177,460</b>	<b>\$56,300</b>

**Appendix 2 – Arts / Cultural 2011 Grant Recommendations**

DNA – Did not apply

No.	Name of Organization	Notes	2010 Actual	2011 Request	2011 Recommend
<b>FESTIVALS</b>					
1.	Guelph Contemporary Dance Festival	- continues to excel – asset to City	\$11,000	\$17,000	\$11,000
2.	Guelph Jazz Festival	- continues to excel – asset to City	12,000	15,000	12,000
3.	Guelph Festival of Moving Media	- important addition to Guelph’s Festivals	3,000	5,500	3,000
4.	Hillside Community Festival of Guelph	- continues to excel – asset to City – national profile	10,000	10,000	10,000
5.	Kazoo	- innovative partnerships, connections to emerging arts	DNA	1,500	1,500
6.	Sharp Cuts Indie Film & Music Festival	- innovative programming	DNA	3,000	1,000
<b>Sub-Total Festivals</b>				<b>52,000</b>	<b>38,500</b>
<b>UMBRELLA-TYPE / EDUCATIONAL ORGANIZATIONS</b>					
7.	Guelph Arts Platform	- new project to bring together arts groups in the City around space issues – seen as project supported by City	DNA	5,000	3,000

**Appendix 2 – Arts / Cultural 2011 Grant Recommendations**

<b>No.</b>	<b>Name of Organization</b>	<b>Notes</b>	<b>2010 Actual</b>	<b>2011 Request</b>	<b>2011 Recommend</b>
8.	Ed Video Media Arts Centre	- continues to excel – unique in City	4,000	4,000	4,000
9.	eyeGO to the Arts	- important youth focus to build future audiences - Panel recommended some dollars elsewhere	2,000	2,100	1,500
10.	Guelph Youth Music Centre	- continues to excel – unique in City	4,000	6,000	4,000
<b>Sub-Total Umbrella-Type / Educational Organizations</b>				<b>17,100</b>	<b>12,500</b>
<b>COMMUNITY ORGANIZATIONS</b>					
11.	Dancetheatre David Earle	- high-calibre dance company – credit to the City	2,500	3,000	2,500
12.	Guelph Chamber Choir	- continues to excel – asset to City	2,500	2,500	2,500
13.	Guelph Concert Band	- community band with long history	2,000	2,000	2,000
14.	Guelph Creative Arts Association	- community visual arts group with long history	1,000	1,500	1,000
15.	Guelph Little Theatre	- community theatre with long history	2,000	2,000	2,000
16.	Guelph Symphony Orchestra	- continues to excel – asset to City	3,600	5,000	3,600
17.	Guelph Youth Singers	- continues to excel – asset to City	2,500	2,500	2,500
18.	Kiwanis Music Festival of Guelph	- important Youth Programming	3,000	3,000	3,000

Appendix 2 – Arts / Cultural 2011 Grant Recommendations

No.	Name of Organization	Notes	2010 Actual	2011 Request	2011 Recommend
19.	Rainbow Chorus	- fills need in the community – credit to Guelph	1,400	1,400	1,400
20.	Royal City Music Productions	- only musical theatre in City	2,000	4,000	2,000
<b>Sub-Total Community Organizations</b>				<b>28,400</b>	<b>22,500</b>
<b>OTHER</b>					
21.	Suzuki Striong School of Guelph	- Program seemed more about marketing	0	5680	0
22.	Kitchener-Waterloo Symphony	- not able to add new program dollars	0	5,000	0
23.	First Light Theatre		1500	DNA	0
<b>Sub-Total Other</b>				<b>10,680</b>	<b>0</b>
<b>TOTAL ALL CATEGORIES</b>			<b>\$70,000</b>	<b>\$108,180</b>	<b>\$73,500</b>

### Appendix 3 – Community Events – 2011 Grant Recommendations

No.	Name of Applicant Organization	Notes	2010 Actual	2011 Request	2011 Recommended
1	Faery Fest	Yearly Event at Riverside Park	\$1,200	\$8,500	\$6,000
2	Rotary club – Rib Fest	Yearly Event at Riverside Park	\$4,500	\$6,000	\$5,000
3	Guelph Ringette – 30 <sup>th</sup> Annual Tournament	Tournament	\$4,800	\$10,000	\$5,000
4	Guelph Wrestling Club – Canada Cup	Tournament	\$8,500	\$15,000	\$9,000
5	Dominion Stick Curling Provincials (Guelph Curling Club)	Provincial Event	\$5,000	\$5,000	\$4,500
6	Girls Minor Softball – Midget & Novice Provincials	Provincial tournaments	\$8,500	\$15,000	\$5,000
7	Guelph & District Multicultural Festival	25 <sup>th</sup> Anniversary Event	\$4,500	\$20,000	\$15,000
8	Ed Video- Comedy Festival	April Entertainment event	DNA	\$6,000	\$3,000
9	Ed Video – 35 <sup>th</sup> Anniversary Exhibition	35 <sup>th</sup> anniversary exhibition- September	DNA	\$4,900	\$3,750
10	Guelph Athletics Society	Waiver Only for road closures for running events.	\$15,000	\$15,000	\$3,000
11	Guelph Business Enterprise Centre	Business networking/education event	DNA	\$3,500	\$1,000
12	Hillside Inside (Community Festival of Guelph)	Waiver for River Run Facility fees	\$18,000	\$35,000	\$12,500
13	Guelph First Response Team Conference	Conference sponsorship	DNA	\$3,500	\$1,000
14	Doors Open Guelph	Free community event, provincial promotion	\$8,500	\$8,500	\$8,500

**Appendix 3 – Community Events – 2011 Grant Recommendations**

15	Sunlight Music Festival	August Community event- Riverside Park	\$1,200	\$3,000	\$2,000
16	Guelph Kinette Club	Seniors Christmas Bus Tour	DNA	\$1,100	\$550
17	University World Hunger Summit Conference	International conference sponsorship	DNA	\$10,000	\$10,000
18	Wellington Water Watchers – World Water Day Event (2012)	Event takes place in 2012. Should re-apply	DNA	\$5,000	0
19	Guelph Chinese Canadian Club		\$800	DNA	DNA
20	Guelph Horticultural Society	Annual beautification grant	\$800	\$800	\$800
21	Guelph Water Polo Club		\$3,700	DNA	DNA
22	Guelph Wrestling Club – Juvenile Championships		\$4,000	DNA	DNA
23	Human Kinetics Student Association		\$1,000	DNA	DNA
<b>TOTAL</b>			<b>\$90,000</b>	<b>\$175,800</b>	<b>\$95,600</b>

Council Chambers  
March 29, 2011

**Council convened in a session at 7:00 p.m. for a training session regarding Downtown Projects.**

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Wettstein

Staff Present: Dr. J. Laird, Executive Director of Planning & Building, Engineering & Environment; Mr. D. McCaughan, Executive Director of Operations & Transit; Mr. J. Riddell, General Manager of Planning & Building Services; Mr. I Panabaker Corporate Manager, Downtown Renewal; Ms. T. Agnello, Deputy City Clerk.

**DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT**

There were no declarations.

**INTRODUCTION**

The Corporate Manager, Downtown Renewal explained that the purpose of the workshop was to:

- \* Review and update Council on Downtown Renewal and Planning Initiatives
- \* Review the Downtown Secondary Plan Study to be released and highlight key policies
- \* Discuss approaches to the Downtown Implementation Strategy

David Degroot, Urban Designer and Tim Smith, Consultant, Urban Strategies gave an overview of the current and proposed Secondary Plan.

**The meeting recessed at 8:15p.m. and reconvened in Committee Room C at 8:25p.m.**

Councillors Kovach and Van Hellemond retired from the meeting.

The Councillors participated in a downtown renewal exercise as follows:

- They reviewed the list of projects
- They reviewed criteria and weightings to be used to prioritize the list
- They reviewed tools to be used in achieving results



**ADJOURNMENT**

The meeting adjourned at 9:30 o'clock p.m.

Minutes read and confirmed April 26, 2011.

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Mayor

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Deputy City Clerk

**Council Chambers**

April 4, 2011

**Council convened in formal session at 7:00 p.m.**

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Wettstein

Staff Present: Dr. J. Laird, Executive Director of Planning & Building, Engineering & Environment; Mr. J. Riddell, General Manager of Planning & Building Services; Ms. T. Agnello, Deputy City Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

**DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT**

Councillor Findlay declared a possible pecuniary interest with regard to 55 Yarmouth Street: Draft Plan of Condominium (Conversion) file 23CDM-11501 – Ward 1 because he has a commercial lease at an adjacent property and left the Chambers for this portion of the meeting and did not discuss or vote on the matter.

**CONSENT AGENDA**

1. Moved by Councillor Kovach  
Seconded by Councillor Furfaro  
THAT the April 4, 2011 Council Consent Agenda, as identified below, be adopted:

**A.3) Part Lot Control Exemption – Hanlon Creek Business Park (PLC1002)**

Dr. J. Laird  
Mr. J. Riddell  
Mr. P. Cartwright

THAT report (11-27) from the Planning & Building, Engineering and Environment dated April 4, 2011 regarding a proposed Part Lot Control Exemption request for portions of the Hanlon Creek Business Park from Guelph Land Holdings Inc. be received;

AND THAT City Council support the request to exempt Part of Lots 16, 17, 18 and 19, Concession 4, Geographic Township of Puslinch, now in the City of Guelph, more particularly described as Blocks 1,2,4,5,6,7,8, and 9 on the draft Registered Plan from Part Lot Control as identified on Schedule 1 and subject to the conditions set out in Schedule 3 of the Planning & Building, Engineering and Environment report (11-27) dated April 4, 2011.

**A-4) Maple Grove Co-Operative Development Corporation (35 Mountford Drive Affordable Housing – Development Charge Late Payment Agreement)**

Dr. J. Laird  
Mr. J. Riddell  
Ms. M. Neubauer

THAT the report on changes to the criteria for qualified purchasers under the Maple Grove Co-operative Development Corporation agreement (35 Mountford Drive Affordable Housing) as outlined in Report 11-39 from Planning & Building, Engineering and Environment, dated April 4, 2011, respecting an affordable ownership housing development at 35 Mountford Drive be received;

AND THAT the recommended changes to the eligibility criteria for purchasers as outlined in the accompanying report, attached hereto as Attachment 1, be approved;

AND THAT Schedule B to the agreement dated, February 22, 2008, between the City and Maple Grove Co-operative Development Corporation and Home Ownership Alternatives (HOA) Non-Profit Corporation be amended to insert the new criteria for qualified purchasers subject to the written approval of all of the original signing parties and that the agreement be amended to include the condition that at the closing of the second tranche that any remaining funds be repaid to the City.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

**PLANNING PUBLIC MEETING**

Mayor Farbridge announced that in accordance with The Planning Act, Council was now in a public meeting for the purpose of informing the public of various planning matters.

**DELEGATIONS**

**32 Watson Parkway South – Proposed Zoning By-law Amendment (File ZC1103) – Ward 1**

Mr. C. DeVriendt, Senior Development Planner, provided a brief overview of the application. He advised the application is to rezone the property to allow an industrial mall with the uses permitted in the B.3 Zone. The

development will include two industrial mall buildings with one access driveway.

Ms. Astrid Clos, on behalf of the applicant, advised that they are requesting one type of industrial zone to another to allow them to have more than one unit on the property, thus enabling them to lease units to their subtrades.

Mr. Jason Fabbian, applicant was present to answer questions and Mr. Sims was not present.

Staff were directed to review the urban design of the property.

Dr. J. Laird  
Mr. J. Riddell

- 2. Moved by Councillor Kovach  
Seconded by Councillor Findlay

THAT Report 11-31 regarding a Zoning By-law Amendment application to allow an industrial mall with the uses permitted in the Industrial B.3 Zone for property municipally known as 32 Watson Parkway South, and legally described as Part 4, Plan 61R-10856, City of Guelph, from Planning & Building, Engineering and Environment dated April 4, 2011 be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

**31-33 Farley Drive: Proposed Zoning By-law Amendment (File ZC1104) – Ward 6**

Mr. C. DeVriendt, Senior Development Planner, provided a brief overview of the application. He advised the application is to rezone the property to permit additional commercial uses.

Ms. Susan Frasson, applicant, advised the application is to simply expand the commercial uses of the property to realize the intended use.

Dr. J. Laird  
Mr. J. Riddell

- 3. Moved by Councillor Kovach  
Seconded by Councillor Piper

THAT Report 11-32 regarding a Zoning By-law Amendment application to rezone the property from the Specialized Institutional (I.1-13) Zone to the Community Commercial (CC) Zone to permit additional commercial uses for property municipally known as 31-33 Farley

Drive, and legally described as Block 70, 61M-65, City of Guelph, from Planning & Building, Engineering and Environment dated April 4, 2011 be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

**55 Yarmouth Street: Draft Plan of Condominium (Conversion) (File 23CDM-11501) – Ward 1**

Councillor Findlay left the Chambers and did not discuss or vote on the matter.

Mr. Jason Ashdown, applicant, advised they have reviewed all the conditions for approval of their application and have no concerns regarding meeting them. He also pointed out the numerous methods Skyline uses to conserve energy on their properties.

- 4. Moved by Councillor Burcher  
Seconded by Councillor Wettstein

Ms. A. Clos  
 Dr. J. Laird  
 Mr. J. Riddell  
 Mr. D. McCaughan  
 Ms. M. Neubauer  
 Mr. M. Amorosi

THAT Report 11-21 regarding a proposed Draft Plan of Condominium, applying to property municipally known as 55 Yarmouth Street from Planning, Building, Engineering and Environment, dated April 4, 2011, be received.

AND THAT the application by Astrid J. Clos Planning Consultants, on behalf of Skyline Inc. for approval of a Proposed Draft Plan of Condominium, as shown on Schedule 3, applying to property municipally known as 55 Yarmouth Street and legally described as Lots 90, 91, 92 and 93, Registered Plan 8, City of Guelph, be approved, subject to conditions outlined in Schedule 2 of Planning, Building, Engineering and Environment Report 11-21, dated April 4, 2011, attached hereto as Attachment 2.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

Councillor Findlay returned to the meeting.

**151, 205 and 251 Clair Road East (Dallan, Phase 1)  
– Proposed Draft Plan of Subdivision and Zoning By-law Amendment (23T-08503/ZC0803) – Ward 6**

Mr. Charles Cecile, on behalf of the Guelph Field Naturalists, requested a deferral of the application because they do not believe there have been sufficient studies to prove there will be no negative impact on the wildlife and natural heritage of the property. He does not believe the development will sustain the current population of amphibians. He also raised concerns regarding the EAC (Environmental Advisory Committee) approval process. They would like another environmental impact study completed to ensure the wildlife migration corridor gets surveyed correctly and that a study of movement of amphibians across the property is completed to ensure no negative impact occurs. Mr. Cecile advised that the location of the corridor is more important than width, but width is still important.

Councillor Van Hellemond arrived at the meeting.

Ms. Judy Martin, on behalf of the Sierra Club, also requested the matter be deferred. She raised concerns regarding:

- the amphibian corridor or linkage;
- the loss of 5 temporary wetlands;
- buffer requirements;
- Compliance of the Provincial Policy Statement, recommendations from the Hanlon Creek Watershed Plan and Grand River Conservation policies;
- environmental connectivity;
- destruction of trees;
- a need for a amphibian migration study;
- a need for a further Jefferson salamander study.

Ms. Laura Murr, raised the following concerns about the Hanlon Creek eco system:

- no one can predict the impacts on the overall health of Hanlon Creek ecosystem;
- monitoring has not been conducted properly since 2000 and over 314 hectares have been developed between 1995 and 2000;
- no updated overall ecosystem monitoring data.
- the natural features and areas need to be protected for the long term
- the maintenance, restoration and improvement of the biodiversity.

She stated approval is premature and more needs to be done to ensure a healthy eco system. She also raised the

issue of financial costs associated with not protecting the wetlands.

Ms. N. Shoemaker, on behalf of the applicant, advised the following:

- studies began in 2005 regarding environmental issues and servicing issues;
- the proposed design is the one preferred by city staff and the GRCA;
- the mixed uses meet intensification targets of the Official Plan and population targets and is transit-supported density;
- commercial services are within walking distance;
- over 48% of the property will be parks, open space, storm water management and linkages;
- they ensure the site will maintain the ability to maintain water discharge;
- although their application started before implementation of Official plan Amendment 42, the subdivision still complies with the Natural Heritage Study
- they believe the proposal does comply with existing policies.

Ms. Gwendolyn Weeks advised the linkage will be increased to at least 50 meters wide and 300 meters long. She stated there is little agreement on ratio but advised the corridor will provide cover, moisture and a stopover pond and provide wintering habitat for species and provide a wildlife underpass linkage.

Ms. Shoemaker advised the Environmental Impact Report (EIR) will address the quality of the linkage. She stated the developer does not currently have a specific plan, but will achieve the required density with a maximum of 8 storeys. She also advised that tree compensation will occur on a minimum ratio of 2 to 1, depending on the species.

Ms. Katie Nasswetter, Senior Development Planner, explained why they are presenting the current proposal rather than the original proposal.

Staff advised the following:

- that planning applications are forwarded to the Ministry of Municipal Affairs & Housing and they then forward to the ministries such as the Ministry of Natural Resources that they believe need to review the proposals;
- if the development is deferred the development could face major delays;

- consideration was given to whether a migration study should be done, but believe the EIR will be sufficient
- 10 meters of corridor will be added from the adjacent site;
- the initial GRCA recommendation was satisfied after they reviewed the Environmental Impact Study;
- the environmental planner advised the size of corridor depends upon the type of species and the movement that is trying to be achieved;

Ms. Weeks advised that if a migration study were requested, it would not be done until spring of 2012 because requests for studies need to be submitted in December, it would take weeks to set up and the migration may have already started for this year.

5. Moved by Councillor Burcher  
Seconded by Councillor Laidlaw

Dr. J. Laird  
Mr. J. Riddell

THAT the matter of the 151, 205 and 251 Clair Road East (Dallan, Phase 1) – Proposed Draft Plan of Subdivision and Zoning By-law Amendment be referred back to the Environmental Advisory Committee for their recommendations regarding the recommended width and location of the corridor and whether any studies are required to make their determinations;

AND THAT staff report back to Council as soon as possible with their recommendations.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: Councillor Wettstein (1)

Carried

6. Moved by Councillor Piper  
Seconded by Councillor Dennis

Dr. J. Laird  
Mr. J. Riddell

THAT the issue of the width of the buffer along the property to the east of 151, 205 and 251 Clair Road East (Dallan, Phase 1) be referred to staff in conjunction with the migration (wildlife) corridor matter;

AND THAT staff report back to council as soon as possible.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)



**BY-LAWS**

6. Moved by Councillor Laidlaw  
Seconded by Councillor Hofland  
THAT By-laws Numbered (2011) - 19177 to (2011) - 19178, inclusive, are hereby passed.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

**ANNOUNCEMENTS**

The Mayor congratulated the Ward One councillors on their successful town hall meeting on March 29th.

The Mayor advised there will be Ward 2 town hall meetings on Wednesday, April 6<sup>th</sup> at 7:00 p.m. at the Elliott at 170 Metcalfe Street and on Thursday, April 7<sup>th</sup> at 7:00 p.m. at Guelph Lake Commons at 520 Victoria Road North.

**ADJOURNMENT**

The meeting adjourned at 8:52 o'clock p.m.

Minutes read and confirmed April 26, 2011.

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Mayor

.....  
Deputy Clerk

# COUNCIL REPORT



**TO** Guelph City Council

**SERVICE AREA** Planning & Building, Engineering and Environment  
**DATE** April 04, 2011

**SUBJECT** **Maple Grove Co-operative Development Corporation (35 Mountford Drive Affordable Housing – Development Charge Late Payment Agreement)**

**REPORT NUMBER** 11-39

## SUMMARY

### **Purpose of Report:**

To recommend that the eligibility for a qualified purchaser for the Maple Grove Co-operative Development Corporation be amended to be:

- Unit purchase price to be less than or equal to \$216,300 and
- The combined annual income for the purchaser of his/her household to be less than or equal to \$68,000.

### **Council Action:**

Council is requested to decide whether to approve the report's recommendation.

## RECOMMENDATION

"THAT the report on changes to the criteria for qualified purchasers under the Maple Grove Co-operative Development Corporation agreement (35 Mountford Drive Affordable Housing ) as outlined in Report 11-39 from Planning & Building, Engineering and Environment, dated April 4, 2011, respecting an affordable ownership housing development at 35 Mountford Drive be received;

AND THAT the recommended changes to the eligibility criteria for purchasers as outlined in the accompanying report be approved;

AND THAT Schedule B to the agreement dated, February 22, 2008, between the City and Maple Grove Co-operative Development Corporation and Home Ownership Alternatives (HOA) Non-Profit Corporation be amended to insert the new criteria for qualified purchasers subject to the written approval of all of the original signing parties and that the agreement be amended to include the condition that at the closing of the second tranche that any remaining funds be repaid to the city."

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## **BACKGROUND**

On February 22, 2008, the City entered into an agreement with Maple Grove Co-operative Development Corporation (a not-for-profit co-operative) and Home Ownership Alternatives Non-Profit Corporation (a not-for-profit corporation ) to defer the payment of development charges to be applied to the provision of new residential units to purchasers at costs which were less than typical market costs for similar accommodation. Essentially, the highlights of the agreement are:

- Maple Grove would assist qualified purchasers in need of financial assistance to attain home ownership by arranging second mortgages for qualified purchasers through HOA;
- Maple Grove and HOA requested from the City a deferral of development charges which would otherwise be due and payable at or prior to the issuance of building permits;
- The deferred development charges would be secured by HOA in second mortgages to be provided to qualified purchasers;
- HOA would bear the obligation of payment to the City of the deferred development charges relating to the development;
- By deferring the payment of development charges relating to the Maple Grove Development the City would assist qualified purchasers to own housing at costs below typical market costs for similar accommodation in keeping with the objectives of the Official Plan in regards to affordable housing;
- HOA would concentrate the allocation of the deferred charges so as to assist at least forty (40) qualified purchasers.
- The amount of the development charge deferral was \$1,169,568.

See Attachments 1 and 2 containing Report No's. 08-22 (February 25, 2008) and 07-112 (December 2007) respectively for a complete outline of the background to this affordable housing project and the eligibility of qualified purchasers.

## **REPORT**

For the affordable housing project involving Maple Grove Co-operative Development Corporation (35 Mountford Drive) the criteria used to define an eligible purchaser in the agreement for the deferral of development charges in early 2008, was as follows:

1. The unit to be purchased has a purchase price of less than \$196,000.
2. The combined annual income for the purchaser and his/her household is less than or equal to \$59,000 (being the 50th percentile of gross household income for the City of Guelph, 2001 Census, and adjusted forward to 2004).
3. The purchaser is on the co-ordinated housing waiting list with the County of Wellington, Wellington and Guelph Housing Services office.
4. The purchaser's debt service to total household income ratio shall not exceed 32% of gross household income after taking into account any allocation of the Deferred Charges to the purchaser, which allocation shall not exceed \$50,000. For clarification, the debt service ratio calculation is to include monthly costs of mortgage payments, taxes and fifty percent (50%) of the condominium fee for the unit.

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The data used to calculate the housing unit price and the household income was based on 2001 census data and adjusted accordingly. At the time of the agreement, data used to calculate eligibility was the most current available. As mentioned earlier in this report, the agreement referenced that the applicant would concentrate the allocation of the deferred development charges so as to assist at least forty (40) qualified purchasers of new residential units in the Maple Grove Development.

The development was delayed because of the economic downturn of 2008-2009. All building permits were issued on October 2, 2009 after the issuance of site plan approval on October 1, 2009 for 124 housing units composed of stacked townhouse and apartment units. A plan of condominium was registered for 76 units in February 2011 with another plan to register during the spring of this year.

This month, the City received notice that the first closing of units was to take place at the end of March 2011. Fifty eight units are involved in the program. Fifty six (56) purchasers have sought to be eligible under this program: the purchase and sale agreements date to late 2007 through to January 2011. Two of the eligible units have not been sold. As a result of the lag between the agreement and the actual construction and occupancy of the units the eligibility criteria is stale dated and should be up graded. Without this update approximately 10 potential purchasers will not be eligible because of either a slightly exceeded household income or sale price of the unit. As such, Options for Homes (Waterloo) has made a request on behalf of Maple Grove Co-operative to have the development fee deferral agreement amended to the following:

- Average Household Income level to \$68,000 and
- Affordable House price level to \$216,300

In the fall of 2008, staff presented a discussion paper on affordable housing for the City of Guelph. In that paper, calculations were undertaken to define an affordable unit and the average household income required to purchase such a unit. This information was not available at the time that the agreement involving Maple Grove was signed. In the report the refined amounts for 2008 at the 50% income level were as follows:

- Average Household income (2008) – income percentile - \$ 70,693
- Affordable House price - \$209,600

When indexed to 2011 figures (2% per year for each of 2009, 2010 and 2011), based on Statistics Canada, Canada Price Index (CPI) for Ontario the amounts increase to:

- Average Household income - \$75,019 and
- Affordable House price - \$222,429

Since both adjusted amounts to 2011 levels exceed the requested adjustments, it is therefore recommended that the adjusted amounts to be included in Schedule B of the amended agreement be as follows:

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- Average Household income to less than or equal to \$68,000
  - Average Affordable House price to be less than or equal to \$216,300

It should be noted that the requested adjusted amounts are well below the Canada-Ontario Home Ownership program for 2011 amounts equaling \$78,400 for income and \$277,000 unit pricing maximums for affordable housing.

The requested adjustment will enable all 58 units to be eligible under the program and will enable the current 56 purchasers to acquire an affordable ownership unit in this project. This number exceeds the original minimum of 40 eligible units included in the agreement.

It should be noted that there still is a balance of some funds left after the program allocation to the 56 purchasers. However, there still may be purchasers who will require more funding in the second tranche. (In structured finance, a tranche is one of a number of related securities offered as part of the same transaction.) If the remaining funds are not used, HOA will pay them back to the City after the closing of the second tranche. To ensure this action, it is recommended that the agreement be amended to include this condition.

## **CORPORATE STRATEGIC PLAN**

- Goal 2 – A healthy and safe community where life can be lived to the fullest;
  - Objective 2.2 – Diverse housing options and health care services to meet the needs of current and future generations
- Goal 3 – A diverse and prosperous local economy;
  - Objective 3.3 – A diverse and skilled local workforce
- Goal 5 – A community-focused, responsive and accountable government;
  - Objective 5.4 – Partnerships to achieve strategic goals and objectives

## **FINANCIAL IMPLICATIONS**

It should be noted that the Development Charge late payment agreement, dated February 22, 2008, was equal to \$1,169,568. While the eligibility criteria has been increased slightly there is no impact to the city as far as original amount of deferred development charges. No additional funding is being requested from the City.

## **DEPARTMENTAL CONSULTATION**

Legal Services  
Finance Department

## **COMMUNICATIONS**

Nil

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## **ATTACHMENTS**

Attachment 1: Corporate Report 08-22 (February 25, 2008)

Attachment 2: Corporate Report 07-112 (December 7, 2007)

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### **Prepared By:**

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### **Recommended By:**

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and Environment  
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## **Conditions of Approval**

1. That this approval applies to the draft plan of condominium prepared by Van Harten Surveying, Project Number 19724-10, dated March 2, 2011, illustrating a total of 72 apartment units, 5 commercial or office units and 39 parking units.
2. The owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning & Building and the City Engineer, prior to the registration of the Plan of Condominium.
3. That the owner develops the property in accordance with the site plan as approved by the City, prior to the registration of the Plan of Condominium. The owner acknowledges and agrees that the City shall make a detailed site inspection at 55 Yarmouth Street to ensure the site is completed according to the plans approved by the City in condition 2 above, prior to the registration of the Plan of Condominium.
4. That the owner pays any outstanding debts owed to the City, prior to the registration of Plan of Condominium.
5. That prior to the registration of the Plan of Condominium the owner shall provide the City with a drainage certificate from an Ontario Land Surveyor or a Professional Engineer stating that the building constructed and the grading of the property is in conformity with the drainage plan and that any variance from the plan has received the prior approval of the City Engineer.
6. Prior to the registration of the Plan of Condominium, the owner shall apply to the Committee of Adjustment and receive approval of a minor variance for the minimum parking space dimensions of 2.75-metres and 5.50-metres, and a variance for vehicles parking within the driveway sight line triangle.
7. That prior to the registration of the Plan of Condominium the owner shall provide the City with a certificate from a Professional Engineer certifying that the sanitary sewers, building drains, building sewers, building storm drains, building storm sewers,

watermains, water distribution system, driveways, parking areas and sidewalks that are to become part of the common facilities and areas, *are in good repair, free from defects and functioning properly.*

8. That a Professional Engineer and/or Ontario Land Surveyor identifies all the sanitary sewers, building drains, building sewers, building storm drains, storm sewers, watermains, water distribution system, serving the property and also identifies the locations where easements are required, prior to the registration of the Plan of Condominium.
9. That prior to the registration of the Plan of Condominium the owner retains an Ontario Land Surveyor at their own expense to prepare and deposit at the Registry Office an appropriate Reference Plan to facilitate Agreements between the Owner and the City, which said Reference Plan will show the nature and extent of the encroachments upon the adjacent road allowances.
10. Prior to the registration of the Plan of Condominium, the owner shall enter into an Encroachment Agreement with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, for the use of the road allowance for parking purposes.
11. That prior to the registration of the Plan of Condominium the owner enters into an Encroachment Agreement with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, for the necessary encroachments upon the road allowances (such as planters, vault and interlocking pavers) within the same.
12. That prior to the registration of the Plan of Condominium the owner enters into a Maintenance Agreement with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, for the necessary maintenance requirements for any approved improvements (such as planters, vault and interlocking pavers) within the same.
13. That prior to the registration of the Plan of Condominium, an independent lawyer shall certify that the proposed condominium phase has easements for all the sanitary sewers, building drains, building sewers, building storm drains, storm sewers, watermains and water distribution system serving the condominium phase.



14. That prior to registration of the Plan of Condominium, a Professional Engineer and/or Ontario Land Surveyor shall identify all the rights-of-way required to provide access to the parking spaces on the site.
15. That prior to registration of the Plan of Condominium, an independent lawyer shall certify that easements for all the rights-of-way are in place to provide parking spaces and vehicular access to all the parking spaces required to be provided for the site, when the parking or vehicular access is on private lands other than the lands included in the phase being registered.
16. That prior to registration of the Plan of Condominium, that if any previously allowed reductions in parkland dedication occurred, current Parkland Dedication requirements will be met, as per the parkland By-law, to the satisfaction of the General Manager of Planning and Building.
17. That prior to registration of the Plan of Condominium, a written opinion be provided from a qualified professional engineer, stating the age and physical condition of the building and appurtenances.
18. That prior to registration of the Plan of Condominium, that the owner of 1 Douglas Street enter into an agreement with the City of Guelph, registered on title of the site known as 1 Douglas Street, requiring that 20 apartment dwelling units be made available as rental housing for a period of not less than 10 years.
19. That prior to registration of the Plan of Condominium, the owner shall pay to the City, the City's total cost of reproduction and distribution of Guelph Residents' Environmental Handbook, to all future homeowners or households within the plan, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
20. The developer agrees to provide the City's Planning Services with a digital file of the Plan of Condominium in either ARC/INFO export or ACAD2010 .dwg format containing parcel fabric, building footprints and the internal driveway network.
21. That this draft plan of condominium shall lapse on April 4, 2016.
22. Prior to the City's final approval of the plan of condominium, the City shall be advised in writing by the owner how conditions 1 through 21 have been satisfied.

Council Chambers  
April 13, 2011

**Council convened in formal session at 7:00 p.m. to provide an overview of the status of the proposed new Wellington-Dufferin-Guelph Health Facility Building**

Present: Mayor Farbridge, Councillors Bell, Burcher (arrived at 6:15 p.m.), Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach (departed at 6:55 p.m.), Laidlaw (arrived at 7:18 p.m.), Piper, Van Hellemond and Wettstein

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Human Resources & Legal Services; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. A. Pappert, Executive Director of Community & Social Services; Ms. M. Neubauer, Chief Financial Officer/ City Treasurer; Ms. D. Jaques, General Manager, Legal/Realty Services/City Solicitor; Mr. C. Walsh, General Manager, Wastewater Services; Mr. J. Stokes, Manager of Realty Services; Ms. T. Agnello, Deputy Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

**DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT**

There was no declaration of pecuniary interest.

**PRESENTATIONS**

Mark Amorosi, Executive Director, Human Resources and Legal Services, advised the purpose of the meeting was to apprise Council and the public of the status of the proposed new public health facility and provided a brief history of the situation.

Donna Jaques, General Manager, Legal/Realty Services/City Solicitor advised of the legal and governance issues of the board of health. She stated that one issue that needs to be resolved is the definition of real property; and another is the municipal consent required to make decisions regarding property. She also advised that there are governance issues of transparency and accountability due to the fact that board meetings are held in closed session.

Councillor Burcher arrived at the meeting.

Jim Stokes, Manager of Realty Services, provided information regarding the site of the proposed facility. He

advised City staff have not been provided the agreements between the board of health and the university. He addressed issues regarding the terms of the lease. He advised there will be an examination of the tax exemption option.

Staff were requested to obtain more information regarding the actual size of the current space being utilized by the health unit at all of their locations.

Margaret Neubauer, Chief Financial Officer/City Treasurer advised the board of health currently leases six facilities. She outlined the financial impacts of the proposal of the new building facility. She stated the City's preferred alternative is to continue commercial leases because it would maintain municipal costs because there would be funding from the province and no impact on the City's capital projects or the City's debt. She said another option would be to have the host municipality build and then they would have title and potential revenue.

Councillor Kovach left the meeting at 6:55 p.m.

Ann Pappert, Executive Director, Community & Social Services addressed the need for community engagement and accessibility considerations when developing public facilities. She questioned the alignment of current and new facilities with the board of health's strategic plan and their principles that were established in 2008. She stated that minimizing accessibility, education, literature, and discrimination, geographical, mental and physical barriers is vital when determining location. She advised the City cannot find reference to public involvement, how the priority groups were identified or how they were engaged. She raised the issue of the key space factors considered when determining needs and questioned the large increase from current staffing and space levels. She stated consideration must be given to the benefits and drawbacks of consolidation and centralization of services versus decentralization. She referred to Shelldale Community Centre as an excellent example of multiple partners sharing a location in the neighbourhood they serve.

Councillor Laidlaw arrived at the meeting at 7:18 p.m.

Councillor Wettstein confirmed there has been a lawyer present for the past three meetings of the Board of Health.

The Mayor advised staff will be report back before the permanent injunction hearing is held.

Councillor Laidlaw made an apology to the Mayor, fellow Councillors and community for her choice of language at the council budget meeting.

**ADJOURNMENT**

The meeting adjourned at 7:22 o'clock p.m.

Minutes read and confirmed April 26, 2011.

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Mayor

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Deputy Clerk

**CONSENT REPORT OF THE  
COMMUNITY & SOCIAL SERVICES COMMITTEE**

April 26, 2011

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

Your Community & Social Services Committee beg leave to present their  
FOURTH CONSENT REPORT as recommended at its meeting of April 12, 2011.

*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 the Community &  
Social Services Committee will be approved in one resolution.*

**1) Cultural Advisory Committee**

THAT report #CSS-ACE-1111 titled "Cultural Advisory Committee" dated April 12,  
2011, be received;

AND THAT the River Run Centre Board of Directors be formally dissolved effective  
April 30, 2011 and the current members be formally thanked by City Council;

AND THAT Council approves the establishment of the Cultural Advisory Committee;

AND THAT the proposed Terms of Reference for the Cultural Advisory Committee as  
outlined in this report be approved;

AND THAT staff begin the process of recruiting members to the Cultural Advisory  
Committee;

AND THAT the matter of the reporting structure and the role and function of the  
Committee be referred to the Governance Committee for review.

**2) Discretionary Social Services Grants**

THAT Report #CSS-CESS-1113 entitled "Discretionary Social Services Grants"  
dated April 12, 2011, be received;

AND THAT the City assume responsibility for administering the funding directly for  
the two programs, being the City of Guelph Neighbourhood Support Coalition and  
the Wellington-Dufferin-Guelph Public Health Wee Talk/Action Read, that are 100%  
funded by the City of Guelph.

All of which is respectfully submitted.

Councillor Dennis, Acting Chair  
Community & Social Services Committee

***Please bring the material that was distributed with the Agenda for the  
April 12, 2011 meeting.***

# COMMITTEE REPORT



**TO** **Community & Social Services Committee**

**SERVICE AREA** Community & Social Services – Arts, Culture & Entertainment Division

**DATE** April 12, 2011

**SUBJECT** **Cultural Advisory Committee**

**REPORT NUMBER** CSS-ACE-1111

## SUMMARY

**Purpose of Report:** To report on the process under which staff have consulted on and made recommendations regarding the dissolution of River Run Centre’s Board of Directors and the creation of a Cultural Advisory Committee.

**Council Action:** Staff is seeking Council approval for to dissolve the River Run Centre Board of Directors and establish the Cultural Advisory Committee

## RECOMMENDATION

THAT report # CSS-ACE-1111 titled “Cultural Advisory Committee” dated April 12, 2011 be received;

AND THAT the River Run Centre Board of Directors be formally dissolved effective April 30, 2011 and the current members be formally thanked by City Council;

AND THAT Council approves the establishment of Cultural Advisory Committee;

AND THAT the proposed Terms of Reference for the Cultural Advisory Committee as outlined in this report be approved;

AND THAT staff begin the process of recruiting members to the Cultural Advisory Committee.

## BACKGROUND

In 1990, the City passed a by-law authorizing the construction of a performing arts centre pursuant to the “special undertakings” legislation of the Municipal Act. This facility was subsequently referred to as the Guelph Civic Centre, and in 1994, a management board was established with a principle purpose to maintain, operate, manage, market and promote the centre. This provision to the Municipal Act allowed municipalities to create entities to act on their behalf as a board of

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management for the special undertaking. This provision of the Act was repealed in 2003.

Since that time, the River Run Board has continued to exist but has transitioned into an advisory body. Since the beginning, the Centre has operated as a City run facility; all staff are employees of the City of Guelph; and the responsibility for its operation resides in the Community and Social Services Department.

Today, thanks to the efforts of the Board, the community and the professional staff of the City, River Run Centre is viewed as a responsible and responsive performing arts centre that has met the objectives of the original 1994 management board. Further, the arts and cultural community of Guelph has continued to evolve, diversify and grow.

In 2009, the City of Guelph completed an extensive consultation with the community as per the Recreation, Parks and Culture Master Plan. Recommended new strategic objectives drive the need to muster a 'more targeted approach' to arts and cultural development. In response to this Master Plan, City staff have been exploring the development of a 'City Cultural Advisory Committee' whose mandate would be to galvanize community actions to address these strategic themes.

In September 2010, the Governance Committee approved a report, regarding all of the City's Advisory Committees, that gave direction that staff should:

- a) continue to investigate the potential of a City Cultural Advisory Committee in 2011 and
- b) pause any new recruitment to the River Run Advisory Board to allow for further consultation

## **REPORT**

Staff undertook an extensive consultation with members of the current River Run Centre Advisory Board of Directors over the course of the monthly board meetings in September, October and November 2010 and February 2011. Board members provided feedback into the proposed committee structure and reviewed the draft terms of reference. The agenda and minutes for the meetings were posted publically on the City of Guelph's website.

Further to the consultation with the River Run Centre Advisory Board of Directors, staff in both the Community and Social Services Department and Clerks Office were consulted and provided input into the terms of reference.

Based on the outcomes of this consultative process, staff are recommending that Council approve the establishment of a Cultural Advisory Committee.

The following Terms of Reference for a new Cultural Advisory Committee have been developed and are recommended for Council's approval:

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**Advisory Committee Name:** Cultural Advisory Committee

**Relevant Standing committee of Council:** through staff reports, the advice of the Cultural Advisory Committee is conveyed to the Community & Social Services (CSS) Committee. An annual report on the activities of the Advisory Committee will be prepared by staff, based on input from the committee, and brought to the CSS Committee. If at any time, the opinion of the Advisory Committee differs from the opinion of staff in relation to a recommendation or report, staff will include the Committee's opinion in the report. The Chair or other representative of the Advisory Committee will be asked to attend the CSS Committee meeting to speak to the report, and to provide the CSS Committee with the Advisory Committee's feedback.

**Sub Committees:** From time to time, specific projects may require the striking of ad hoc committees or sub committees. Membership on such a committee may be extended to community representatives and experts outside the committee's membership.

**Department Linkage:** Community & Social Services – Arts, Culture & Entertainment Division

**Total Number of Members:** Nine public appointees

**Staff Resources:** The Arts & Culture Program Officer will provide the required support to the Committee. The General Manager of Arts, Culture & Entertainment and the Arts & Culture Program Officer will normally attend the committee meetings. Occasionally, additional staff from the Community & Social Services Department and/or those involved with related initiatives may be requested to participate in meetings as determined by the Committee's work-plan.

**Meeting Frequency:** The Committee will meet a minimum of four times during the year. Meetings will be held quarterly at a date and time to be determined by the Committee and staff liaisons. Additional meetings will be called to address specific agenda items.

**Mandate:** To give guidance and input to staff on arts, culture and entertainment matters to further the City's strategic goals.

**Goals/Objectives:**

- To assist and advise staff on the development and review of policy relating to cultural development;
- To assist staff on establishing priorities for cultural development and identifying potential resources;
- To provide input into the Arts, Culture & Entertainment Division's long-term strategic planning;
- To help develop ongoing connections between community cultural groups, individuals, and the City in order to enhance and promote effective communication;



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- To assist staff in connecting with community businesses and organizations to develop new partner and sponsorship opportunities, and;
  - To champion the integration of arts and culture development plans into related City plans, such as the Official Plan and various master plans.

**Qualifications for members may include:**

- Active experience in community cultural development
- Awareness of public policy issues related to arts and culture
- Specialized knowledge of creative arts disciplines
- Experience in areas of business, education, marketing, promotion, development and/or fundraising

**CORPORATE STRATEGIC PLAN**

Goal 4: A vibrant and valued arts, cultural and heritage identity.

**FINANCIAL IMPLICATIONS**

None

**DEPARTMENTAL CONSULTATION**

City Clerk

**COMMUNICATIONS**

Public notices will go in the City News section of the Guelph Tribune indicating the opportunity for interested citizens to apply to sit on the Cultural Advisory Committee.

**ATTACHMENTS**

None



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**Recommended By:**

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Memorandum/Comment

2011, Apr 06

To: the Guelph City Council, Community and Social Services Committee  
cc: as appropriate please  
From: Walt Palmer

The River Run Centre Board – of which I am a member – was asked by staff to provide comment on the possible terms of reference of a new arts, culture and entertainment advisory committee. I participated in those talks but missed the final meeting that dealt with our recommendations. However, I submitted written input. Having seen what is now proposed, I feel that I should offer further comment

The largest difference between my view and that of staff and the rest of the Board on this matter is that of reporting relationships.

The draft ToR suggests that Advisory Committees should report through staff. But an Advisory Committees Policy document, dated 28 Sept 2009 (a copy of which is provided) describes the reporting relationship in different terms. In fact that policy document is very clear that such committees are set up to report to Council, generally through a Standing Committee of Council. At para (2), Introduction, of the policy document the requirement of the Advisory committee to report to Council is clear and the rest of the document supports that structure.

The policy document states – and it is self-evident – that an advisory committee would normally have a relationship with a department of city staff. It seems logical that an advisory committee would keep staff apprised of their views on the relevant matters – no debate there. In fact the policy document outlines how staff would be required to bring Advisory committee decisions forward to Council on an ongoing basis and to provide a staff report on the activities of the Advisory committee. Staff is responsible to Council: They certainly should be providing their views on the work and progress of the Advisory committee. Apart from anything else, staff has a responsibility, clearly described in the policy, to help Council decide about the ongoing need for the Advisory Committee. But the words in the policy document that describe how staff must report to Council do not change the fact that the Advisory committee itself was constituted specifically to report to Council.

My concern with the draft ToR brought forward to you in this case (and perhaps in others) is this: Establishing that the normal reporting mechanism to Council is through staff means that there can never be an assumption that the advisory committee's views and advice arrive unmediated and uncoloured. Lack of such clarity is, in my view, an error and can prove unfair to staff because doubts – even if they are unfounded – may arise about their completely fair communication of committee views. And it will prove unfair to committees and their members who may, from time to time, feel the need to

clarify or restate what staff have reported – in fact the current draft states just that. Situations like this can be awkward, intimidating, and destructive and are a completely unnecessary barrier to useful information flow.

One of the principal reasons for having such committees (as stated in the policy document) is that Council's workload can be reduced: Hardly anything that an Advisory Committee does could not be done by Council, or a committee of Council – *if* Council had the time. But it is also true that once Council looks at their own resources and staff resources in terms of time and knowledge and then decides to strike an Advisory Committee, the amount of staff work must increase incrementally in order support that committee's work. Staff may (understandably) wish to manage this workload by somewhat 'managing' the committee. Having the committee report to Council *through* staff will exaggerate any problems that this tendency creates.

In my view the best arrangement – as the policy in fact sets out – is for Council to establish the advisory committees that they need and have those committees report to them. Since there is normally a staff liaison person in attendance at meetings of such committees, staff should have no trouble keeping up to date with what the committee is discussing and keeping Council apprised of progress. But that does not obviate the requirement for an Advisory committee to offer a consolidated account of their work and bring that forward to council annually or as required by special circumstances.

The opinions that I present here were well aired; staff and other members of the RR Board were aware of my feelings on this when working on the draft and I thank them for their patient attention to my concerns. Normally I would simply accept the majority view but I am writing because I feel that the RR Board, in their suggestions to staff, and staff in their draft of the terms, missed an essential element in defining how such a body would most usefully function. I am of the conviction – having seen lots of examples of policy weakness in a long career that saw many policy drafting efforts – that documents, such as the draft terms of reference under consideration, should adhere to the policy that applies and that such policy should be fairly bulletproof. I think that the policy document is quite good. It may be that the 'Role of Staff' section needs a little clarification but I still think that a more careful reading of the totality of the current text would lead to a different draft of the committee's terms of reference.

If I ask myself – knowing lots of the staff people and councilors who are now involved and community volunteers who might be involved – whether the terms of reference as drafted could produce a useful result, the answer is, yes. But if you were just doing this for yourselves as the councilors in place and the staff who are currently on the payroll and the volunteers whom you intended to select, you would need neither a guiding policy nor any terms of reference at all. This committee policy and these terms of reference should serve an idea and any contingencies – not this particular circumstance. The other question is whether the best people in the community will motivated to participate with a rather limited portfolio.

You will see, in my earlier memo to the River Run board, that the comments that I offered intending to address the weakness that I perceived were quite modest in scope and applied to this particular circumstance. I wonder, though, if other committees are being struck with similar mandates and I wonder if Council should not review this topic more broadly.

Thank you,

Walt Palmer

Appended here:

- Staff-generated draft Cultural Advisory Committee Terms of Reference (annotated *[italics]* with my comments)
- My 19 Feb memo to the River Run Board prior to their last meeting with staff on this subject and commenting on an earlier draft.

Attached:

- Advisory Committees Policy document, Sep '09

DRAFT TERMS OF REFERENCE (developed by staff and as at Tue 5 Apr)

Advisory Committee Name: Cultural Advisory Committee

Relevant Standing committee of Council:

Through staff reports, the advice of the Cultural Advisory Committee is conveyed to the Community & Social Services (CSS) Committee. An annual report on the activities of the Advisory Committee will be prepared by staff, based on input from the committee, and brought to the CSS Committee. If at any time, the opinion of the Advisory Committee differs from the opinion of staff in relation to a recommendation or report, staff will include the Committee's opinion in the report. The Chair or other representative of the Advisory Committee will be asked to attend the CSS Committee meeting to speak to the report, and to provide the CSS Committee with the Advisory Committee's feedback.

*[It should not be necessary to cater for the Advisory Committee's wish to offer a differing opinion. This is supposed to be the report of that Advisory Committee. Likewise, I don't think that it should be necessary for the Advisory Committee's chairperson to offer 'feedback' on the report presented by staff; the 'feedback' comment points out that the report would not necessarily reflect the views of the Advisory Committee. Staff should produce their own report to Council on the affairs of the Advisory Committee: progress, effectiveness, need for continuation, etc.]*

Sub Committees:

From time to time, specific projects may require the striking of ad hoc committees or sub committees. Membership on such a committee may be extended to community representatives and experts outside the committee's membership.

Department Linkage:

Community & Social Services - Arts, Culture & Entertainment Division

Total Number of Members: Nine public appointees

Staff Resources:

The Arts & Culture Program Officer will provide the required support to the Committee. The General Manager of Arts, Culture & Entertainment and the Arts & Culture Program Officer will normally attend the committee meetings. Occasionally, additional staff from the Community & Social Services Department and/or those involved with related initiatives may be requested to participate in meetings as determined by the Committee's work-plan.

**Meeting Frequency:**

The Committee will meet a minimum of four times during the year. Meetings will be held quarterly at a date and time to be determined by the Committee and staff liaisons. Additional meetings will be called to address specific agenda items.

**Mandate:**

To give guidance and input to staff on arts, culture and entertainment matters to further the City's strategic goals.

**Goals/Objectives:**

- \* To assist and advise staff on the development and review of policy relating to cultural development;
- \* To assist staff on establishing priorities for cultural development and identifying potential resources;
- \* To provide input into the Arts, Culture & Entertainment Division's long-term strategic planning;
- \* To help develop ongoing connections between community cultural groups, individuals, and the City in order to enhance and promote effective communication;
- \* To assist staff in connecting with community businesses and organizations to develop new partner and sponsorship opportunities, and;
- \* To champion the integration of arts and culture development plans into related City plans, such as the Official Plan and various master plans.

*[Note in both 'Mandate' and 'Goals/Objectives' a complete absence of any reference to the need to advise and support Council]*

**Qualifications for members may include:**

- \* Active experience in community cultural development
- \* Awareness of public policy issues related to arts and culture
- \* Specialized knowledge of creative arts disciplines
- \* Experience in areas of business, education, marketing, promotion, development and/or fundraising

19 Feb 2011

Memo

To: River Run Centre Board

From: Walt Palmer

Here are a few brief comments on the draft ToR for the proposed ACE C'tee:

My assumption here is that our city's councilors want a group to help and advise Council and staff on the whole arts, culture and entertainment file.

I note that the reporting relationship of the proposed committee is to a committee of Council – Community and Social Services Committee. We talked a little about that at the last RRC BoD meeting. And I really think that the draft mandate should be amended to reflect the obligation to report to Council.

I would propose the following, the main point being that the ACE Committee should provide a written report at least annually including all significant comments and concerns about how the arts, entertainment and culture activities and facilities are performing.

Possible wording:

'Mandate:

- To give guidance and input to staff on arts, culture and entertainment matters to further the City's strategic goals.
- To report to the Community and Social Services Committee of Council (CSSC) in writing, annually at (time/date) and otherwise as in the view of the CSSC required, on the effectiveness of the City's arts culture and entertainment activities and other particular matters in that regard.'

'Meeting Frequency:

- The Committee will meet a minimum of four times during the year. Quarterly meetings will be held on the fourth Wednesday of February, May, September and November at 5:00 p.m. Additional meetings may be called to address specific agenda items.
- Appearance before the CSSC of Council will be scheduled as required but one fixed date will be set ten working days after presentation of the annual report to that body.'

As the meeting frequency and description responds to the mandate I would propose inverting the two items as shown above: Mandate first, Meeting Frequency next.

I would also propose an additional and first bullet under 'Goals and Objectives' to reflect the reporting relationship:

- ‘To be an effective resource to Council and its Community and Social Services Committee.’

As regards the section labeled:

‘Special Skills for members may include:’

The bullets in this section list experience, awareness, and knowledge – which are not really skills. Perhaps the section heading could be reworded:

‘Desirable attributes for members may include’.

Also, I do understand that by phrasing this section in terms of ‘... may include ...’ we are acknowledging that Council can make any determination as to whom they would like to see on the committee but it would not hurt to add an additional bullet such as:

- ‘Other qualities or assets deemed desirable by Council in the circumstances’

One additional thing:

The wording on Sub-Committees is as follows:

‘Sub Committees: From time to time, specific projects may require the striking of ad hoc committees or sub committees. Membership on such a committee may be extended to community representatives and experts outside the committee’s membership.’

If the Arts, Culture, and Entertainment Committee is to be effective, I think that it will have to actively engage expertise from within the community and even outside of the community on a routine, continuing and ongoing basis. I think that the general impression that is left by wording that suggests nine people meeting four times per year and the occasional special sub-committee makes the ACE committee sound pretty ineffectual.

So, I suggest new wording that reflects the intent to secure required expertise and support a level of activity that makes the ACE committee relevant:

- ‘Sub-Committees: Inasmuch as the Arts, Culture, and Entertainment Committee has a broad and demanding mandate, a key part of its activity and structure will be to strike and support ad hoc groups for special events or issues but also standing sub-committees to address ongoing areas of responsibility. The membership of these groups and sub-committees will include members of the ACE Committee but also others from the community and elsewhere who have the requisite competencies and interest regarding the group or sub-committee mandate. The membership, schedule, and resources will be set by the ACE Committee.’

Have a great meeting,

Walt



<b>Information Services/Clerks</b>	
<i>Subject:</i>	<b>Advisory Committees Policy</b>
<i>Section:</i>	Information Services
<i>Revision Date:</i>	
<i>Approval Date:</i>	September 28, 2009

**INDEX:**

- 1) Definitions**
- 2) Introduction**
- 3) Purpose**
- 4) Creation, Amendment or Dissolution**
- 5) Committee Administration**

*Appendix A: Template for Terms of Reference*

*Appendix B: Nominating Panel Interview Guide*

**1) DEFINITIONS**

*Resident* means all persons who reside in Guelph, and includes permanent residents, refugees, refugee claimants and residents without homes and who are at least 18 years of age (unless otherwise specified and approved in the terms of reference). For the purpose of this policy resident also includes any person who owns property in the City of Guelph.

*Advisory Committee* means a committee established to provide advice to Council as mandated in the Terms of Reference. They are ongoing and do not have a finite term. Some advisory Committees may be "Ad Hoc" which means that they are for a specific purpose and have a mandate with a finite end.

*Agencies, Boards, Commissions/Committees (ABC's)* are usually established through legislation that mandates the composition whether it is elected members or resident members or both, have responsibility for the management and administration of certain public services, are appointed in whole or in part by Council and have such authority as is delegated to them by the relevant by-laws of Council or by an Act of the provincial or federal government.

*Nominating Panel* means the Standing Committee under whose jurisdiction the Advisory committee reports to Council or a sub- group chosen from amongst its membership for the purpose of recommending appointees to Council. This may include reviewing applications and holding interviews.

*Special Purpose Bodies* means Advisory Committees or Agencies, Boards / Committees (ABC's).

*Sunset Clause* means a clause in the terms of reference which states that the committee has a limited term of office because it has been established for a special purpose and once the mandate of the committee is completed, the committee ceases to exist. This may include an expiration of term of the Committee based on the completion of task or mandate or the resolution of issues for which it was formed.

## **2) INTRODUCTION**

Advisory committees report to a specific Standing Committee and have a relationship with a specific City Department. Advisory Committees enlist persons with special knowledge or interest in a particular topic to give representation to such interests. They report on a regular basis to the Standing Committee.

These committees can be responsible for making recommendations to Council or the Standing Committees on matters relating to specific subject areas, while in other cases, the committees are aligned with a corporate service area. The advantages of Advisory committees are numerous, and can be briefly summarized as follows:

- Because Advisory committee members aren't directly involved in a service area, they feel free to raise critical questions that may prompt Guelph City Council and staff to re-evaluate traditional outlooks on certain issues.
- Being people with substantial experience themselves, they contribute fresh ideas that often work well.
- Ease the meeting workload of Standing Committees and Council.
- Provide for improved community outreach within their mandated areas.

Effective with the 2010-14 term of Council, members of Council will no longer be appointed to Advisory committees. This avoids placing councillors in the position of being not only the givers and the recipients of advice, but the decision makers as well. The advantages of no longer having councillors serve on Advisory committees include:

- Will not add to the already very heavy workload for councillors.
- Council's focus remains with its important governance role.

The volume of Advisory committees directly impacts the capacity of the governance system overall. The number of meetings currently being held restricts Council's our capacity to deal with new and emerging issues. Before creating new Advisory committees, serious consideration must be given to availability of resources and time in Council's legislative calendar.

Notwithstanding the foregoing, members of Council may attend the public meetings of the Advisory committees if they so choose.

### **3) PURPOSE**

The purpose of these guiding principles is to support the creation, amendment, dissolution of Advisory committees, and the framework for Advisory committees authorized by Council and associated with the City.

The City of Guelph acknowledges the value of Advisory committees and the advice they provide to Council. The creation, amendment, dissolution and administration of Advisory committees shall be conducted in a fair and equitable manner and in accordance with applicable legislation or Council-approved procedures.

The principles serve as a guide for Council Members and City staff involved in the process to ensure consistency, integrity, and fairness in administering the process and provides information about how the City's process works for those who are interested in applying.

### **4) CREATION, AMENDMENT OR DISSOLUTION OF ADVISORY COMMITTEES**

#### **Procedure for creation of a new committee**

- a) When the creation of an Advisory committee is being considered, Council shall take the following into consideration:
  - i. Is the existence of this Advisory committee required by legislation and regulation (Federal/Provincial/Municipal);
  - ii. Is this Advisory committee's mandate relevant;
  - iii. Is this Advisory committee's mandate achievable;
  - iv. Is this Advisory committee's mandate unique;
  - v. Is this Advisory committee's mandate aligned with the corporate strategic plan and/or the priorities plan;
  - vi. Is there another Advisory committee in existence that could deal with the matter;
  - vii) Is the issue of sufficient public Interest, community support or feedback.

The appropriate department shall prepare a staff report which shall include the following:

- a) Link to the City's Strategic Plan, Council Priorities and Departmental work plans.
- b) Financial considerations;
- c) Availability of staff resources;
- d) Impact on other Departments and users;

- e) Proposed Terms of Reference using the Council approved template **(Appendix A)**.

After Council has approved the creation of a new Advisory Committee and its terms of reference, the Clerk's division will facilitate the appointment process, in accordance with guiding principles for appointments to Advisory Committees.

### **Changes to Terms of Reference**

Changes to Terms of Reference of an Advisory Committee requires the approval of Council.

The following factors may be considered by Council when amending an Advisory committee's term of reference:

- a) Measurement of progress towards original mandate;
- b) Lack of material purpose, function or public interest;
- c) New priorities established by Council;
- d) Changes to legislation;
- e) Advisory committee sunset clause.

Staff will report to the appropriate standing committee on the need to amend the terms of reference for an Advisory Committee, and shall include such information as:

- a) Indication of which factor led to the amendment;
- b) Supporting information;
- c) cause/effect;
- d) cost analysis, and;
- e) resources required.

### **Dissolution of an Advisory Committee**

Dissolution of an Advisory committee may be triggered by one of the following:

- a) Expiration of term;
- b) Completion of task or mandate;
- c) Resolution of issues;
- d) Legislative requirement no longer exists;
- e) Merger with another Advisory committee;
- f) Following a review process by Council.

Regardless of an Advisory committee sunset clause, all Advisory committees created by Council will formally be dissolved by Council resolution.

The following steps will be taken following the dissolution of an Advisory committee:

- a) Advisory committee will be designated as inactive;

- b) Thank you letters on behalf of Council will be sent to Advisory committee members;
- c) Relevant staff members will be informed.

## **5) ADVISORY COMMITTEE ADMINISTRATION**

### **Roles**

#### *Role of Standing Committee Members:*

- To act as Nominating Panel for recommendation of appointments to Council;
- To review applications and conduct interviews as required (with the use of the Interview Guide: **Appendix B**);
- To receive advice and information from the Advisory committee.

#### *Role of Advisory Committee Members:*

- To provide needed skill/knowledge areas;
- To provide desired representation of interests in the community.

#### *Role of Advisory committee Chair:*

- To facilitate and chair the Advisory committee meetings;
- To speak as the official representative of the Advisory committee on Advisory committee approved statements.

#### *Role of Staff*

A staff liaison required to support an Advisory committee will be assigned by the Director of the relevant Department or by the Chief Administrative Officer:

- To submit an annual report to the Standing Committee and Council
- To submit the annual schedule of meetings for inclusion in the Council information package.
- To submit a staff review of the mandate and terms of the Advisory committee prior to the end of each Council term
- To provide special skills and expertise required to be listed in the notice for vacancy in the selection of Advisory committee members
- To act as a resource in the selection and interview process, including a briefing.
- To prepare reports to bring Advisory committee decisions forward to Council on behalf of the Advisory committee
- To provide orientation at the first meeting of the Advisory committee and when there is a turnover of a majority of members
- To provide clerical, administrative and/or technical support to the Advisory committee as required including the preparation and distribution of minutes and agendas
- To communicate the Corporate Strategic Plan, Advisory committee related policies and information items, departmental goals and objectives as required

- To provide guidance regarding timelines, workplan initiatives
- To incorporate formal Advisory committee comments and resolutions into Staff Reports where appropriate or where Advisory committee advice has been sought

Staff are not formal members of Advisory committees and have no voting privileges.

Advisory Committees do not have the authority to commit City resources or direct the work of staff.

### **Rules of Procedure**

The Rules of Procedure for Advisory committees shall be same as Council as set out in the City of Guelph Procedural By-Law.

### **Frequency of Meetings**

The meeting frequency will be dictated in the Council approved Terms of Reference.

### **Quorum**

A quorum of half plus one of the total members of an Advisory committee is required for an Advisory committee meeting.

### **First Meeting**

At the first meeting of an Advisory committee term the Advisory committee will elect a Chair and Vice-Chair. The Vice-Chair will act in the stead of the Chair, when required, due to the Chair's absence or resignation mid-term. Unless otherwise specified in the Council approved Terms of Reference, the Chair and Vice-Chair will be resident representatives.

Following the election of the chair and vice chair, the staff liaison shall provide an orientation and training session to clarify goals and objectives.

Upon the request of an Advisory committee member, meetings may be scheduled so that they do not conflict with major cultural holidays.

Meetings are to be held in accessible locations.

### **Agenda and Minutes**

Advisory committees may meet to discuss matter pertinent to their Council approved Terms of Reference or as referred to the Advisory committee by Council. The Agenda will be developed in conjunction with the staff liaison and Chair of the Advisory committee.

Advisory Committee Agendas and Minutes shall be distributed to the Advisory Committee by the staff liaison and posted on the City website.

Agendas, Minutes and relevant discussion items shall be distributed to all Advisory committee members in advance of the meeting.

### **Closed Meetings**

All meetings are open to the public unless closed by resolution of the Advisory committee in accordance with the *Municipal Act, 2001* as amended.

### **Reporting to Council**

Advisory Committees exist to serve in an advisory capacity to Council. Advisory committee members should not present themselves as spokespersons on behalf of the City.

Advisory Committees will submit an annual report to the standing committee and Council.

The annual report will include:

- 1) An overview of the activities of the Advisory committee during the previous year.
- 2) Where applicable, activities planned for the next year in keeping with the Advisory committee's mandate.
- 3) Where applicable, measurement of progress towards mandate.

The staff liaison shall submit a staff review of the mandate and terms of the Advisory committee prior to the end of each Council term.

Council upon receiving the annual reports and term reports may provide direction to the Advisory committee, determine if amendments to the Terms of Reference are required or determining if the Advisory Committee should be dissolved.

### **Recommendation to Council Re: Forfeited position**

If a resident misses three consecutive meetings without a resolution of the Advisory committee allowing such, the appointee will be deemed to have forfeited their Advisory committee position subject to an opportunity for the member to address the Advisory committee in writing regarding their absenteeism. The staff liaison will advise the standing committee as such with a recommendation to the Advisory committee. Council reserves the right to make the final decision regarding ending appointments.

### **Budget**

Funding for Advisory committees will be established in the Council-approved Terms of Reference and included in the affiliated department's budget.

TEMPLATE FOR TERMS OF REFERENCE

<b>Advisory committee Name:</b>		<b>Type: (see definitions)</b>	
Standing committee to which it reports:			
Sub Committees:			
Date of Formation:		Sunset Date:	
Staff liaison Position:		Department Linkage:	
Applicable Legislation/By-Law:			
Total # of Members	Public:		Other (specify):
Staff resources:			
Meeting Frequency:			
Budget::		Top Expenditures:	
<b>Describe how this ties into the City of Guelph Strategic Plan and Priorities Plan</b>			
	Attractive/Well-functioning/Sustainable City		Vibrant/valued Arts Culture & Heritage Identity
	Healthy & Safe Community		Community-focused/responsive/accountable Govn't
	Diverse & Prosperous Economy		Leader in conservation/resource protection/enhancement
Explain:			
Relationship to Council Priorities:			
Frequency of Reporting:			
<b>Mandate:</b>			
<b>Goals/Objectives:</b>			
<b>Special Skills required for members:</b>			
<b>Budget:</b>			



# Nominating Panel INTERVIEW GUIDE

Candidate :	
Position :	
Interviewer :	
Date :	

**Opening Criteria:**

- Provide Committee mandate/goals/objectives
- Provide Committee time commitments i.e., date and time of meetings, number of meetings
- Provide introduction and outline format of interview(s)

**Potential Questions:**

**1. Interest**

- What about this committee (or Agency/Board/Commission) most interests you?

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**2. Experience**

- What in your past experience and education relates to the work of this committee?

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**3. Skills – (General) Liaison, Communication, Negotiation, Decision Making**

- Give examples of strategies you have used to communicate effectively with people who have different points of view
- Please give us an example of when you have thought outside the box, what were the associated challenges?
- How do you go about making important decisions?

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**4. Skills (specific to the position)**

- What skills do you bring to the table?
- Please explain your skills related to ..... ( details to be provided by staff liaison)

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**5. Problem Solving & Conflict**

- Give an example of a difficult interaction or conflict you have had and how you dealt with it.
- Describe a creative solution that you have developed to solve a problem.
- How would you define a good working atmosphere?

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**6. Potential conflict of interest**

- ! Are you, your partner or children:
  - currently doing business with, or working as a consultant for the agency or the City?
  - have any conflict of interest direct or indirect, in outstanding litigation involving the City?

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**7. Meeting commitment**

- Are you able to attend meetings on .....(state the time dates and locations as per the Notice of vacancy ;the staff liaison may provide additional information)

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**Closing:**

- Solicit questions or additional comments from the candidate
- Ask any follow up questions
- Provide candidate with a timeline to conclude interviews and make a selection decision

**Interview Synopsis:**

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# COMMITTEE REPORT



TO **Community and Social Services Committee**

SERVICE AREA Community Engagement and Social Services Liaison  
DATE April 12, 2011

**SUBJECT Discretionary Social Services Grants**  
REPORT NUMBER CSS-CESS-1113

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## **SUMMARY**

Purpose of Report: To provide an update on the discretionary social services grants review process with the County of Wellington, and to seek Council direction to assume responsibility for administering the funding directly for programs that are 100% city funded.

### **Committee Action**

To approve the staff recommendation that the City assume responsibility for administering the funding directly for the two programs that are 100% funded by the City of Guelph.

## **RECOMMENDATION**

THAT Report # CSS-CESS-1113 entitled "Discretionary Social Services Grants," dated April 12, 2011 be received;

AND THAT the City assume responsibility for administering the funding directly for the two programs that are 100% funded by the City of Guelph.

## **BACKGROUND**

The Discretionary Social Services Programs Report Fin-10-05 was approved by Council on February 22, 2010 and Council directed staff: "THAT, where practical to do so, and does not reduce provincial subsidy, payments for discretionary grants and programs be made directly to grant recipients and agencies by the City of Guelph". City and County staff have maintained the status quo for the 2011 funding and current negotiations are underway for the 2012 allocations.

## **REPORT**

City and County staff have begun deliberations on a process to determine how the discretionary grants should be administered. The overarching principle guiding this discussion is that neither the City nor the County can make decisions about the other's funding.

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County staff has provided a breakdown of the discretionary social services grants, or 'non prescribed services', into seven categories as follows: (see Appendix 1 for a complete listing of programs and funding amounts).

Category A

100% provincially paid through agreement with the Consolidated Municipal Service Manager (CMSM).

Category B

Cost shared programs with the province through agreements with the CMSM. The Province will only enter into these agreements with the CMSM, and the CMSM reports that "these programs are critical to assist the marginalized population that we serve and if not delivered by the County the Ministry share of the expenditures would be lost".

Category C

100% County funded programs.

Category D

100% municipally funded programs delivered by the CMSM. The CMSM reports that "these programs are critical to assist the marginalized population that we serve in helping with providing basic needs. A financial eligibility test is performed."

Category E

100% City funded programs.

Category F

100% municipally funded programs that fund staffing positions with other agencies. The CMSM reports that "these programs provide planning and/or direct support to programs they deliver".

Category G

100% municipally funded programs to agencies.

At this point in the deliberations, staff is recommending that the City assume responsibility for administering the funding directly to the two programs that are 100% funded by the City of Guelph, (Category E). Likewise the County would assume responsibility for the five programs funded 100% by the County (Category C).

Staff intends to work through the negotiation of the balance of the categories in the following order:

- Categories F & G and then Category D.

This review will be enabled by County's provision of detailed program descriptions and service contracts that include the negotiated deliverables and timelines.

Furthermore, City staff wants to engage in discussion on Categories A & B to have input, together with County staff, into the planning and delivery of these services to

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Guelph citizens even though they are provincially funded and delivered through the CMSM.

City staff is committed to ensuring there is timely communication and a smooth transition for the groups impacted by the discretionary grants review.

Council has directed that the review of the discretionary grants is within the scope of the Guelph Investment Strategy (CSS-CESS-1103) and further adjustments will be made in that context.

### **CORPORATE STRATEGIC PLAN**

Goal 2: A healthy and safe community where life can be lived to the fullest

Goal 5: A community- focused responsive and accountable government

### **FINANCIAL IMPLICATIONS**

The City's contribution to discretionary social services in 2010 is \$1,055,559.

### **ATTACHMENTS**

Appendix 1: Discretionary Social Services



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#### **Prepared By:**

Barbara Powell  
General Manager, Community  
Engagement and Social Services Liaison  
519-822-1260 ext. 2675  
Barbara.powell@guelph.ca

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#### **Recommended By:**

Ann Pappert  
Executive Director  
Community & Social Services  
519-822-1260 ext. 2665  
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Non-Prescribed Services

	<u>2010</u> <u>Expenditure</u>	<u>Net Cost</u> <u>to City</u>	<u>Net Cost</u> <u>to County</u>
<b>Category A</b>			
Emergency Energy Fund			To be clarified
Rent Supplements Strong Communities			
Housing Rent Bank			
Housing Help Centre			
Affordable Housing Home Ownership			
Affordable Housing Allowances			
Affordable Housing Rental - Fergus			
Social Housing Capital Repairs			
Portion of CHPP			
total			
<b>Category B</b>			
Domiciliary Hostels	\$940,000	\$138,000	\$41,000
Willowdale Child Care and Learning Centre	\$839,000	\$142,000	\$0
total	<u>\$1,779,000</u>	<u>\$280,000</u>	<u>\$41,000</u>
<b>Category C</b>			
Rural Women's Shelter Programme	\$56,000	\$0	\$56,000
County Transportation Programme	\$191,000	\$0	\$191,000
Mount Forest Child Care and learning Centre - Early Years in East Wellington	\$771,000	\$0	\$117,000
County of Wellington Child Care Service - Recreation Tickets			
total	<u>\$1,018,000</u>	<u>\$0</u>	<u>\$364,000</u>
<b>Category D</b>			
Discretionary Benefits*	\$204,000	\$130,000	\$74,000
Rent Supplements Housing Strategies	\$70,000	\$53,000	\$17,000
total	<u>\$274,000</u>	<u>\$183,000</u>	<u>\$91,000</u>
<b>Category E</b>			
Seniors at Risk Coordinator	\$78,000.00	\$52,000	\$26,000.00
Wellington-Guelph Drug Strategy Coordinator	\$111,000	\$86,000	\$25,000
Guelph Community Health Centre-Data Analysis Coordinator	\$20,130	\$15,098	\$5,032
Growing Great Kids Network	\$12,000	\$9,613	\$2,387
Total	<u>\$221,130</u>	<u>\$162,711</u>	<u>\$58,419</u>
<b>Category F</b>			
City of Guelph Neighbourhood Support Coalition	\$75,000	\$75,000	\$0
Wellington-Dufferin-Guelph Public Health Wee Talk/Action Read	\$18,000	\$18,000	\$0
Total	<u>\$93,000</u>	<u>\$93,000</u>	<u>\$0</u>
<b>Category G</b>			
Give Yourself Credit Programme	\$82,000	\$62,000	\$20,000
United Way Poverty Task Force	\$84,000	\$63,000	\$21,000
Children's Foundation Recreation Funding	\$29,000	\$21,748	\$7,252
Guelph Community Health Centre-Early Learning Programmes	\$89,000	\$80,100	\$8,900
Guelph Community Health Centre-Garden Fresh Box	\$30,000	\$27,000	\$3,000
Wellington-Dufferin-Guelph Public Health-Dental Programme	\$14,000	\$10,500	\$3,500
Guelph Wellington Women in Crisis	\$18,000	\$13,500	\$4,500
Portion of CHPP	\$75,000	\$59,000	\$16,000
Total	<u>\$421,000</u>	<u>\$336,848</u>	<u>\$84,152</u>
<b>Grand Total</b>	<u>\$3,806,130</u>	<u>\$1,055,559</u>	<u>\$638,571</u>

Notes

\* Discretionary Benefits - People who received this type of assistance are not in receipt of OW or ODSP are on fixed income ie: CPPD, OAS, CPP, WSIB, EI, or low income. There is a financial assessment completed to determine eligibility. Medical information and estimates are required depending on the item requested. There is often a cost sharing with ADP, March of Dimes or other depending on the cost of the item. We require cost sharing be explored if item over \$300,00, manager approval if over \$1,000 and Committee approval over \$5,000. Discretionary Benefits are also used to prevent eviction or establish housing. Here is a list of items, but this is not an exhaustive list since it is discretionary - case by case basis: incontinence pads, dentures, dental emergency, medication, assistive devices (bath chairs, grab bars, ceiling lifts, bath lifts etc), wheelchairs, eyeglasses, walkers, orthotics, hearing aids, medical transportation, scooters, moving expenses, rent/utilities/household items

**CONSENT REPORT OF THE  
CORPORATE ADMINISTRATION, FINANCE  
& EMERGENCY SERVICES COMMITTEE**

April 26, 2011

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

Your Corporate Administration, Finance & Emergency Services Committee beg leave to present their THIRD CONSENT REPORT as recommended at its meeting of April 11, 2011.

*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 the Corporate Administration, Finance, & Emergency Services Committee will be approved in one resolution.*

**1) Renewal of the Downtown Coordinating Committee Mandate and Structure**

THAT the committee report dated April 11, 2011, prepared by the Downtown Renewal regarding the City of Guelph's renewal of the Downtown Advisory Committee (DAC) Mandate and Structure, be received;

AND THAT Guelph City Council adopt the new mandate and structure for the Downtown Advisory Committee as attached to the report;

AND THAT the City Clerk commence the committee recruitment process for the renewed Downtown Advisory Committee;

AND THAT the existing Downtown Coordinating Committee (DCC) members be thanked for their efforts and the DCC be formally dissolved upon the appointment of the new DAC membership.

**2) Guelph Non –Profit Housing Corporation Tax Exemption Request**

THAT Report FIN-11-15, dated April 11, 2011 regarding Guelph Non-Profit Housing Corporation's tax exemption request, be received;

AND THAT Guelph Non-Profit Housing Corporation's request for exemption of education taxes be deferred pending further investigation and discussion with the County of Wellington and the Ministry of Municipal Affairs and Housing;

AND THAT Guelph Non-Profit Housing Corporation's request to extend the current tax exemption to end of December 31, 2025, be approved to coincide with the existing mortgage and the requirement to remain an affordable housing project and owned by the Guelph Non-Profit Housing Corporation;

AND THAT staff be directed to prepare the necessary by-law.



### **3) 2011 Property Tax Policy**

THAT the following tax policies be incorporated into the tax rate and ratio by-laws:

1. Tax Ratios: Reduce the multi-residential tax ratio from 2.452950 to 2.309425 with all other class ratios and vacancy discounts remaining the same as in 2010.
2. That the capping parameters used for 2010 be adopted for 2011;
3. That all other tax policies, including optional property classes, graduated tax rates, relief to charities, low income and disabled persons (as detailed in Schedule 1 to Report FIN-11-14) remain the same as 2010.

### **4) University of Guelph Request for Contribution to The Royal Wedding Scholarship Program**

THAT no action be taken on the request of the University of Guelph for a contribution to The Royal Wedding Scholarship Program.

All of which is respectfully submitted.

Councillor June Hofland, Chair  
Corporate Administration, Finance &  
Emergency Services Committee

***Please bring the material that was distributed with the Agenda for the April 11, 2011 meeting.***

# COMMITTEE REPORT



**TO** Corporate Administration, Finance & Emergency  
Services Committee (CAFES)

**SERVICE AREA** Downtown Renewal – The Office of the CAO

**DATE** April 11, 2011

**SUBJECT** Renewal of the Downtown Coordinating Committee  
Mandate and Structure

**REPORT NUMBER** 11-03

## RECOMMENDATION

**“That the Committee Report dated April 11, 2011, prepared by the Downtown Renewal regarding the City of Guelph’s renewal of the Downtown Advisory Committee (DAC) Mandate and Structure BE RECEIVED;**

**AND THAT Guelph City Council adopt the new mandate and structure for the Downtown Advisory Committee as attached to this report;**

**AND THAT the City Clerk commence the committee recruitment process for the renewed Downtown Advisory Committee;**

**AND THAT the existing Downtown Coordinating Committee (DCC) members be thanked for their efforts and that the DCC be formally dissolved upon the appointment of the new DAC membership.”**

## BACKGROUND

The Downtown Coordinating Committee (DCC) was established in 2007 to assist and advise the Manager of Downtown Economic Development and Staff on the implementation of the Downtown Investment Action Plan 2007-2011. At the time, the committee was established in an advisory role to staff and included both external volunteer appointments as well as internal departmental, agency and Councillor positions. The last DCC meeting was held on February 17, 2010.

In 2009, new Council policy on advisory committees was adopted creating a new framework for volunteer advisory committee structures.

The City’s corporate restructuring took place over the course of 2010 wherein the Downtown Renewal Office was established.

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On September 13, 2010, the 'Advisory Committees Review of Mandates' report moved that "staff not proceed with recruitment for the Downtown Coordinating Committee at this time, and that staff undertake a further review and consultation process with the Downtown stakeholders regarding Downtown Coordinating Committee and report back with recommendations."

Beginning in January 2011, the Downtown Renewal Office began meeting with the existing members of the DCC and other downtown stakeholders regarding the potential updating and renewal of the structure and mandate of a renewed Downtown Advisory Committee (DAC).

## **REPORT**

Over the course of the three DAC meetings held in 2011, the members were asked to consider the following:

- 1) Terms of Reference
- 2) Committee Composition
- 3) Roles in the Downtown Implementation Strategy development (update to Downtown Investment Action Plan 2007-2011)

The DCC reviewed the existing 2007 terms of reference (see Attachment 1) and felt they did not fully address the strategic direction of the committee.

The committee considered various criteria when exploring the renewed committee composition for the DAC. Key factors included focusing on fields of expertise, individual attributes, and representation from outside of Downtown Guelph.

The committee proposed the need for a sector-based approach where priority investment areas for Downtown Guelph could be addressed. Furthermore, the committee felt this new composition would still capture key representation from downtown organizations and stakeholders as previously outlined in the DCC format.

Efforts were taken to work within the 2009 Advisory Committees Policy which outlines the procedure for changes to the terms of reference for advisory committees. The following outlines the key factors:

- a) Indication of which factor led to the proposed amendment –

Significant changes to the advisory committee structure and internal role of Downtown Renewal had taken place within the City of Guelph from 2009-2010. The DAC needs to respond to these changes and work to effectively respond to downtown priorities.

In addition, the need to update the Downtown Investment Action Plan 2007 – 2011 was another key factor for the reestablishment of the DAC. The group felt there were outstanding downtown priorities that urgently need to be addressed. Reviewing, revising and developing actionable items within the plan could only be accomplished with a renewed mandate, terms of reference and committee in place positioned to implement the plan. The group, with the assistance of Downtown Renewal, has framed the update of

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the Downtown Action Plan into the “Downtown Implementation Strategy (DIS)” that will set out priority areas and will work in coordination with the release of the Downtown Secondary Plan and Official Plan update during the course of 2011.

b) Supporting information

The meeting materials for the three 2011 DAC meetings can be found at <http://www.guelph.ca/cityhall.cfm?subCatID=2278&smocid=2849>

The group reviewed best practices from neighbouring Ontario communities to develop the renewed terms of reference for the DAC. There was significant interest in positioning visioning, prioritization, and funding mechanisms and options within the terms of reference. In addition, the group was keen to delve into the development of deliverables within the Downtown Implementation Strategy. With regards to the committee composition, the group was interested in exploring how the Guelph Economic Development Advisory Committee (GEDAC) and DAC membership could be coordinated with key linkages. Downtown Renewal and Economic Development & Tourism will develop a model to ensure each group can effectively address economic development priorities without duplicating efforts.

c) Cause/effect

In order to advance the development of the Downtown Implementation Strategy and address pressing downtown issues, it is critical to re-establish the DAC with a renewed mandate to attract and invite members of the community focussed on elevating downtown investment.

d) Cost analysis

Further exploratory work on financial models for projects as well as an effective committee will be conducted as the Downtown Implementation Strategy is being developed.

e) Resources required

The DAC will work with the Downtown Renewal Office and reports to the CAFES standing committee. The DAC will make recommendations to Council through CAFES.

The Downtown Implementation Strategy will be reviewing priority areas where staff resources may be required. The target date for adoption of the Downtown Implementation Strategy is December 2011.

The renewed Downtown Advisory Committee (DAC) will commence the committee recruitment process and look to the downtown and city-wide stakeholders for

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interested, qualified and passionate individuals focused on playing a vital role in downtown initiatives.

## **CORPORATE STRATEGIC PLAN**

The renewal of the Downtown Coordinating Committee Mandate and Structure will contribute to the following strategic goals and objectives:

Goal 1: An attractive, well-functioning and sustainable city

- 1.5 The downtown as a place of community focus and destination of national interest

Goal 2: A healthy and safe community where life can be lived to the fullest

- 2.1 A complete community with services and programs for children, youth and adults of all ages

Goal 3: A diverse and prosperous local economy

- 3.2 One of Ontario's top Five and Canada's top ten places to invest
- 3.6 The city as a tourist destination of choice

Goal 4: Vibrant/valued Arts Culture & Heritage Identity

- 4.5 Capitalize on our cultural and heritage assets to build economic prosperity, quality of life and community identity

Goal 5: A community-focused, responsive and accountable government

- 5.2 A consultative and collaborative approach to community decision making
- 5.4 Partnerships to achieve strategic goals and objectives

## **FINANCIAL IMPLICATIONS**

No funds have been budgeted for the Downtown Advisory Committee for 2011.

## **DEPARTMENTAL CONSULTATION**

Economic Development & Tourism  
Planning & Building, Engineering and Environmental Services  
Operation & Transit Services  
Realty Services

## **EXTERNAL CONSULTATION**

Downtown Guelph Business Association (DGBA)  
Heritage Guelph  
University of Guelph  
Guelph Downtown Neighborhood Association (DNA)

## **ATTACHMENTS**

**Attachment 1:** 2007 Downtown Coordinating Committee (DCC) Terms of Reference

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**Attachment 2:** Proposed new Downtown Advisory Committee (DAC) Mandate, Terms of Reference and Composition



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**Prepared By:**

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**Recommended By:**

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**2007  
Downtown Coordinating Committee**

**Terms of Reference**

the development and implementation to programs designed to address ongoing issues of operation/design/safety/maintenance/use of downtown area;

the development, implementation to plans and programs for improvements in the downtown area;

to improve the scheduling and operating of events and programs in the downtown area between stakeholders; and

To coordinate communications amongst the municipal and stakeholders groups.

To monitor the results of the Action plan and to provide recommendations for any required amendments to the plan.

**Composition of the DCC:**

Appointed representatives from Guelph City Council (2)

Appointed representative from the Downtown Board of Management (2)

Appointed member from the Guelph Police Services (1)

Appointed member from Guelph Development Association (1)

Citizen appointments (2)

Guelph Chamber of Commerce (1)

## Attachment 2

### TERMS OF REFERENCE:

Advisory Committee Name: <b>Downtown Advisory Committee</b>		Type: <b>Advisory Committee</b>	
Standing committee to which it reports: Corporate Administration, Finance & Emergency Services Committee (CAFES)			
Sub Committees: As needed			
Date of Formation: April 2011			
Staff Liaison Position: Corporate Manager, Downtown Renewal		Department Linkage: Downtown Renewal/CAO's Office	
Applicable Legislation/By-Law: City of Guelph Advisory Committees Policy			
Total # of Members	Public: 11	Other (specify): None	
Staff resources: As needed, including Executive Director of the DGBA.			
Meeting Frequency: monthly			
Budget: \$0		Top Expenditures: None	
<b>Describe how this ties into the City of Guelph Strategic Plan and Priorities Plan</b>			
X	Attractive/Well-functioning/Sustainable City	X	Vibrant/valued Arts Culture & Heritage Identity
X	Healthy & Safe Community	X	Community-focused/responsive/ accountable Govn't
X	Diverse & Prosperous Economy		Leader in conservation/resource protection/enhancement
Explain: A vibrant Downtown is a key priority in the City's strategic planning.			
Relationship to Council Priorities: Supports update of Downtown Investment Action Plan 2007-2011/Downtown Implementation Strategy 2011-2015, Prosperity 20/20, Agri-Innovation Cluster Strategy, Downtown Secondary Plan (2011)			
Frequency of Reporting: At minimum once annually. In addition, as required.			
<b>Mandate:</b>			
The Downtown Advisory Committee will provide strategic input and advice to Council and Staff on matters pertaining to issues impacting the economic, social, cultural, environmental, physical and educational conditions in Downtown Guelph.			
<b>Goals/Objectives:</b>			
<p>Act as a strategic advisor to facilitate visioning, planning and coordination on projects/issues/plans within Downtown Guelph</p> <p>Advise in the preparation, maintenance, and updating of the Downtown Implementation Strategy outlining key priority areas promoting city-wide economic development efforts</p> <p>Work with Staff and Council to ensure the Downtown Implementation Strategy supports priorities with appropriate funding mechanisms and options</p> <p>Act as a champion for Downtown Guelph supporting collaboration, entrepreneurship and investment</p> <p>Form subcommittee(s) of its members and/or including other interest groups or individuals to respond with specific issues/projects.</p>			
<b>Special Skills required for members:</b>			
<ul style="list-style-type: none"> <li>• Individual attributes - Entrepreneurial spirit, strategic thinking skills, board experience, business development expertise, leadership skills, a passion for Downtown Guelph</li> <li>• Fields of Expertise or Sector -             <ul style="list-style-type: none"> <li>• Business Management or Finance (1)</li> <li>• IT/Innovation (1)</li> <li>• Developer or Property/Facilities Management (1)</li> <li>• Storefront Retail (1)</li> <li>• Arts and Culture/ Tourism/Entertainment (1)</li> <li>• Real Estate Sector (1)</li> <li>• Marketing and Promotion (1)</li> <li>• Education/Research sector (1)</li> <li>• Major Industry Anchor (1)</li> <li>• Resident/s in Downtown and Surrounding Community (2)</li> </ul> </li> </ul>			
<b>Budget:</b>			
\$0 (No request for 2011)			



# COMMITTEE REPORT



TO **Corporate Administration, Finance and Emergency Services Committee**

SERVICE AREA Finance Department  
DATE April 11, 2011

**SUBJECT Guelph Non- Profit Housing Corporation Tax Exemption Request**

REPORT NUMBER FIN-11-15

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## **RECOMMENDATION**

That Report FIN-11-15 dated April 11, 2011 regarding Guelph Non-Profit Housing Corporation's tax exemption request be received;

That the Guelph Non-Profit Housing Corporation's request for exemption of education taxes be deferred pending further investigation and discussion with the County of Wellington and the Ministry of Municipal Affairs and Housing;

That Guelph Non-Profit Housing Corporation's request to extend the current tax exemption to end of December 31, 2035 be approved to coincide with the existing mortgage and the requirement to remain an affordable housing project.

That staff be directed to prepare the necessary by-law.

## **BACKGROUND**

On October 6, 2003, City Council approved the provision of financial incentives for three affordable rental housing projects under the Wellington - Guelph Affordable Rental Housing Program (jointly funded programs with the federal and provincial governments). This Program is being administered by the County of Wellington's Housing Services Department which acts as the "Service Manager" for the County and for the City of Guelph in respect of this Program. The three projects were:

- Guelph Non-Profit Housing Corporation, 747 Paisley Road (33 units)
- 805395 Ontario Limited, 371 Waterloo Ave (44 units) and
- Guelph Unit 344 Army, Navy & air Force Veterans of Canada in partnership with Matrix Affordable Homes for the Disadvantaged, 32 Gordon St (7 units).

The City's financial contribution for all three projects as previously approved by Council, is relief in respect of municipal taxes and development charges. Section 110(9) of the Municipal Act (attached) provides the authority for a municipality which is not the "Service Manager" to provide these forms of financial assistance to any person providing municipal capital facilities located within that municipality.

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## **REPORT**

The Guelph Non-Profit Housing Corporation (GNPHC) was incorporated in Nov 4, 1988 to provide affordable, safe housing to residents in the City of Guelph. They currently own and operate nine housing projects within the City. The project at 747 Paisley Rd was the first project built since 1995 and was made possible because of the Federal-Provincial-Municipal Affordable Housing Program. Because of the different rules and funding set out for this project, GNPHA authority has met with some financial difficulties unique to this project only. To continue with the successful operation of the Affordable Housing Project at 747 Paisley Rd, The GNPHC made presentation to Council on February 22, 2011, requesting further financial assistance with a request to broaden the current tax exemption to include education taxes and to further extend this tax exemption for both municipal and education taxes to the end of December 31, 2035 to coincide with the end of the mortgage amortization.

Staff from the City, Wellington County and GNPHC met to discuss the possibility of their request. The City currently has a bylaw in place which provides for tax exemption for municipal purposes on 747 Paisley Rd for a period of ten years. This exemption period will expire at end of 2015. Section 110(9) (a) of the Municipal Act provides for the exemption of municipal taxes only. At present, there is no authorization for the City to exempt the education taxes. County staff is presently investigating means to provide for the education exemption. In the event that such legislation may be forthcoming, the City will revisit this request.

Upon review, it was decided to extend the tax exemption of the municipal taxes to December 31, 2035 to coincide with the mortgage amortization. This measure would demonstrate the City's commitment in continuing with its participation in the affordable housing program thus meeting one of the City's strategic plan goals, that of diverse housing options to meet the need of current and future generations.

## **CORPORATE STRATEGIC PLAN**

- 2.2 Diverse housing options to meet need of current and future generations
- 5.3 An open, accountable & transparent conduct of municipal business

## **FINANCIAL IMPLICATIONS**

Currently the Guelph Non-Profit Housing Corporation is realizing approximately \$27,000 annually in savings from the exemption of municipal taxes. The \$6,000 annual education tax is not within the City's power to exempt.

## **DEPARTMENTAL CONSULTATION**

Community & Social Services

## **COMMUNICATIONS**

Timothy McGurrin, Chair, Guelph Non-Profit Housing Corporation has been advised that a report is forthcoming on April 11, 2011

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## **ATTACHMENTS**

Appendix 1: Excerpts from the Municipal Act 2001

Appendix 2: Bylaw Number (2005) – 17709

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### **Prepared By:**

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### **Recommended By:**

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## Excerpt from the Municipal Act 2001

### Agreements for municipal capital facilities

110. (1) A municipality may enter into agreements for the provision of municipal capital facilities by any person, including another municipality. 2001, c. 25, s. 110 (1).

### Contents of agreements

(2) An agreement may allow for the lease, operation or maintenance of the facilities and for the lease payments to be expressed and payable partly or wholly in one or more prescribed foreign currencies. 2001, c. 25, s. 110 (2).

### Assistance by municipality

(3) Despite section 106, a municipality may provide financial or other assistance at less than fair market value or at no cost to any person who has entered into an agreement to provide facilities under this section and such assistance may include,

- (a) giving or lending money and charging interest;
- (b) giving, lending, leasing or selling property;
- (c) guaranteeing borrowing; and
- (d) providing the services of employees of the municipality. 2001, c. 25, s. 110 (3).

### Restriction

(4) The assistance shall only be in respect of the provision, lease, operation or maintenance of the facilities that are the subject of the agreement. 2001, c. 25, s. 110 (4).

### Notice of agreement by-law

(5) Upon the passing of a by-law permitting a municipality to enter into an agreement under this section, the clerk of the municipality shall give written notice of the by-law to the Minister of Education. 2001, c. 25, s. 110 (5).

### Tax exemption

(6) Despite any Act, the council of a municipality may exempt from taxation for municipal and school purposes land or a portion of it on which municipal capital facilities are or will be located that,

- (a) is the subject of an agreement under subsection (1);
- (b) is owned or leased by a person who has entered an agreement to provide facilities under subsection (1); and

(c) is entirely occupied and used or intended for use for a service or function that may be provided by a municipality. 2001, c. 25, s. 110 (6).

#### Development charges exemption

(7) Despite the *Development Charges Act, 1997*, a by-law passed under subsection (6) may provide for a full or partial exemption for the facilities from the payment of development charges imposed by the municipality under that Act. 2001, c. 25, s. 110 (7).

#### Notice of tax exemption by-law

(8) Upon the passing of a by-law under subsection (6), the clerk of the municipality shall give written notice of the contents of the by-law to,

- (a) the assessment corporation;
- (b) the clerk of any other municipality that would, but for the by-law, have had authority to levy rates on the assessment for the land exempted by the by-law; and
- (c) the secretary of any school board if the area of jurisdiction of the board includes the land exempted by the by-law. 2001, c. 25, s. 110 (8).

#### When agreement entered into

(9) If a municipality designated as a service manager under the *Social Housing Reform Act, 2000* has entered into an agreement under this section with respect to housing capital facilities, any other municipality that has not entered into an agreement under this section with respect to the capital facilities and that contains all or part of the land on which the capital facilities are or will be located may exercise the power under subsections (3), (6) and (7) with respect to the land and the capital facilities but,

- (a) a tax exemption under subsection (6) applies to taxation for its own purposes; and
- (b) clauses (8) (b) and (c) do not apply. 2001, c. 25, s. 110 (9).

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2005) – 17709

A By-law to declare the housing project by Guelph Non-Profit Housing Corporation at 747 Paisley Road, Guelph, as a municipal housing project facility and to authorize the provision of certain financial assistance and tax and development charge exemptions in respect of the facility pursuant to Section 110 of the Municipal Act.

WHEREAS the Corporation of the County of Wellington (the “County”) and the Corporation of the City of Guelph (the “City”) are participating in the Affordable Housing Programme – Community Rental Housing Funding (the “Programme”) pursuant to the Social Housing Reform Act, 2000;

AND WHEREAS the County is designated as the Consolidated Municipal Service Manager (“CMSM”) for the Programme under the Social Housing Reform Act, 2000;

AND WHEREAS the County issued a tender call for proposals, County Tender P.T. 03-3, in respect of the Programme;

AND WHEREAS a tender submission dated September 18, 2003 from Guelph Non-Profit Housing Corporation for a 33 unit affordable rental housing project at 747 Paisley Road, Guelph (the “GNPHC Municipal Housing Project Facility”) was received and approved by the County as CMSM subject to conditions;

AND WHEREAS Guelph Non-Profit Housing Corporation is the registered owner of the property described in Schedule “A” attached hereto;

AND WHEREAS Section 110(1) of the Municipal Act allows a municipality to enter into agreements for the provision of municipal capital facilities by any person and Ontario Regulation 46/94, amended to Ontario Regulation 401/02 (the “Regulation”),

provides that “municipal housing project facilities” are within the class of municipal capital facilities for which a municipal council may enter into an agreement under Section 110(1) of the Municipal Act, S.O. 2001, c. 25;

AND WHEREAS the County passed Municipal Housing Facility By-law 4548-03 (the “Municipal Housing Facility By-law”) pursuant to the Regulation;

AND WHEREAS the County as CMSM will enter into a facility agreement in respect of the GNPFC Municipal Housing Project Facility (the “Facility Agreement”) pursuant to Section 110 of the Municipal Act and the Municipal Housing Facility By-law;

AND WHEREAS Section 110 (9) of the Municipal Act provides that if a municipality designated as a service manager under the Social Housing Reform Act, 2000 has entered into an agreement under Section 110 with respect to housing capital facilities, any other municipality that has not entered into an agreement under Section 110 with respect to capital facilities and contains all or part of the land on which the capital facilities are or will be located may exercise the power under Section 110(3), (6) and (7) with respect to the land and the capital facilities;

AND WHEREAS Sections 110(3), (6) and (7) permit a municipality to provide certain financial and other assistance at less than fair market value or at no cost to any person who has entered into an agreement to provide municipal capital facilities and permits certain municipal tax and development charge exemptions subject to the notice provisions, limitations and requirements set out in the Municipal Act;

**NOW THEREFORE THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:**

1. The City resolves that the GNPFC Municipal Housing Project Facility meets the criteria for affordable housing set out in the Programme and the Municipal Housing

Facility By-law and is within the class of municipal capital facilities as prescribed by paragraph 18 of Section 2 of the Regulation.

2. The City is authorized to waive the collection of municipal development fees, including but not limited to building permit application and site plan application fees, in respect of the GNPHC Municipal Housing Project Facility.

3. The GNPHC Municipal Housing Project Facility property, as described in Schedule A attached hereto, is hereby exempted from taxation for municipal purposes as of the effective date of the first supplementary or omitted assessment notice on the property as issued by the Municipal Property Assessment Corporation pursuant to the Assessment Act (the "Start Date") and ending on the day which is ten (10) years following the Start Date. The municipal tax exemption provided herein shall only apply if the Facility Agreement is in good standing and not in default.

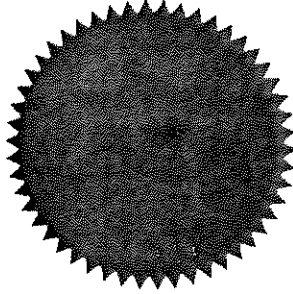
4. Development charges imposed by the City under City of Guelph By-law (2004)-17361, as amended from time to time, in respect of the GNPHC Municipal Housing Project Facility are payable in accordance with the terms, conditions and provisions of the Development Charge Late Payment Agreement which was registered against title of the said property as Instrument Number WC86857 on December 23, 2004 and, further, the GNPHC Municipal Housing Project Facility will be exempted from the payment of the said development charges if and when the amount of the Loan is fully forgiven in strict accordance with the terms, conditions and provisions of the Facility Agreement. For purposes of this By-law, "Loan" means the Loan provided for and described in the Facility Agreement.

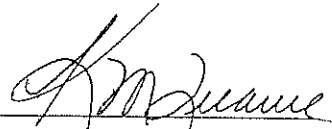
5. The Mayor and Clerk are authorized to execute under seal all documents required to give effect to the provisions of this By-law.



6. This By-law shall come into effect upon the full execution of the Facility Agreement between the County as CMSM and Guelph Non-Profit Housing Corporation and provided such Facility Agreement is fully executed by no later than August 26, 2005.

PASSED this FOURTH day of APRIL, 2005.



  
K.M. QUARRIE -MAYOR

  
LOIS A. GILES -CITY CLERK

SCHEDULE "A" TO BY-LAW (2005) – 17709

Legal Description

Block 133, Plan 61M8  
City of Guelph  
County of Wellington

Property Identifier Number: 71260-0118 (LT)

# COMMITTEE REPORT



TO **Corporate Administration, Finance & Emergency  
Services Committee**

SERVICE AREA Finance Department  
DATE April 11, 2011

**SUBJECT 2011 Property Tax Policy**  
REPORT NUMBER FIN-11-14

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## RECOMMENDATION

That the following tax policies be incorporated into the tax rate and ratio bylaws and submitted to Council on April 26, 2011.

1. Tax Ratios: Reduce the multi-residential tax ratio from 2.452950 to 2.309425 with all other class ratios and vacancy discounts remaining the same as in 2010;
2. That the capping parameters used for 2010 be adopted for 2011 and
3. That all other tax policies, including optional property classes, graduated tax rates, relief to charities, low income and disabled persons (as detailed in Schedule 1 to Report Fin-11-14) remain the same as 2010.

## SUMMARY

Municipal Councils are required to make a number of tax policy decisions annually. Among these are establishing tax ratios which determines how the property tax levy approved in the annual budget will be distributed across residential and non-residential classes. Even if there are no changes, tax ratios must be established each year and since tax ratios directly impact the tax rates, the ratios have to be set before the rating bylaw can be adopted. The following summarizes four types of tax policy decisions in this report:

1. In 2009, Council approved a reduction in the multi-residential ratio with an option to further reduce over the next three years to roughly the average of those communities with which Guelph has consistently used for benchmarking tax ratios. Staff is recommending implementing phase 3 of the incremental reduction of the multi-residential tax ratio established in 2009.
2. Each year the Province has established, by regulation, options for municipalities with respect to the degree with which capping protection is provided to the non-residential classes. Capping was introduced to

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limit tax increases on properties in the multi-residential, commercial and industrial property classes. This report recommends that the maximum use of these tools be implemented, consistent with the City's approach in previous years. The rationale is provided in this report.

3. Legislatively, Council has the option of making decisions on several tax tools. Consistent with the treatment in prior years, no changes are being recommended to the following tax tools. These tools do not affect the total amount of tax collected by the City, but redistribute it between taxpayers within a class:
  - Graduated commercial/industrial tax rates
  - Optional property classes (new multi-residential class adopted as per prior years, with same tax rate as residential class)
4. Finally, Council has adopted bylaws for tax relief to low-income seniors, disabled persons and charities. No changes to these bylaws are being recommended.

Utilizing, the 3.14% levy increase, the 2011 prescribed education tax rates and reducing the multi-residential tax ratio, the average residential taxpayer, with a 2011 assessment of \$281,702 would realize an increase of \$57 or 1.61% from 2010.

The bylaw for approval of 2011 tax policies and tax rates is set for the April 26 Council meeting to allow sufficient time to prepare the final tax bills for the June 30 instalment.

## **REPORT**

The attached policy report (Schedule 1) provides an overview of the tax policy decisions already made and to be made by City Council and is broken down into the following sections:

- Staff recommendation by policy area
- Overview/description of the policy
- Analysis and/or additional background information
- Policy considerations: factors such as economic impact, equity/fairness and administrative impact

Staff is recommending only one change to the 2011 Tax Policy – that is to the multi-residential tax ratio.

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## **Tax ratios**

The current tax ratios were approved by Council in 2010. Established ratios will ultimately govern the relationship between the rate of taxation for each affected class and the tax rate for the residential property class. The tax ratio for the residential class is legislated at 1.0, while the farm and managed forest classes have a prescribed tax ratio of 0.25. For all other classes, Council may choose to adopt either the current tax ratio or establish a new tax ratio for the year that is closer to or within the Range of Fairness as set out in Table 1.

**Table 1  
City of Guelph Tax Ratio Summary**

<b>Class</b>	<b>2010 Actual</b>	<b>Range of Fairness</b>	
		<b>Lower Limit</b>	<b>Upper Limit</b>
Residential	1.000000	1.000000	1.000000
Multi-residential	2.452950	1.000000	1.100000
New multi-residential	1.000000	1.000000	1.100000
Commercial	1.840000	1.000000	1.100000
Industrial	2.630000	1.000000	1.100000
Pipeline	1.917500	0.600000	0.700000
Farm	0.250000	0.000000	0.250000
Managed Forest	0.250000	0.000000	0.250000

Tax ratio reductions are typically approved to relieve tax burden that is perceived to be creating competitive disadvantage or inequity for properties in one or more classes. A reduction in tax burden for one tax class will result in increased tax burden for properties in other classes as illustrated in Appendix 1. Once a reduction has been passed on, tax ratios above the "Range of Fairness" may not be increased to their former levels. The decision to reduce carries with it a degree of permanence.

Guelph continues to have one of the highest multi-residential tax ratios in the area as identified in the 2010 BMA Study (See Table 2). In 2009, Council approved in principal a long term tax ratio strategy resulting in a multi-residential tax ratio of 2.1659 over a period of four years matching to the timing of property value assessments subject to review.

**Table 2 – Comparison of 2010 Tax Ratios**

<b>Municipality</b>	<b>Multi-Residential</b>	<b>Commercial</b>	<b>Industrial</b>
Barrie	1.0590	1.4331	1.5163
Brantford	2.1355	1.9360	2.8678
Burlington	2.2619	1.4565	2.3599
Cambridge	2.1500	1.9500	2.2800
<b>Guelph</b>	<b>2.4530</b>	<b>1.8400</b>	<b>2.6300</b>

Oakville	2.2619	1.4565	2.3599
London	2.1240	1.9800	2.6300
St Catharines	2.0600	1.7586	2.6300
Kingston	2.5473	1.9800	2.6300
Waterloo	1.9500	1.9500	1.9500
<b>Average</b>	2.1003	1.7741	2.3854
<b>Minimum</b>	1.0590	1.4331	1.5163
<b>Maximum</b>	2.5473	1.9800	2.8678
<b>Provincial Threshold</b>	2.7400	1.9800	2.6300

As shown on comparison Table 2, all municipalities have a multi-residential tax ratio at or below the Provincial Threshold of 2.74. Four of the ten municipal comparables decreased their multi-residential tax ratio in 2010 including Barrie, Guelph, Kingston, and Waterloo.

To assist Council in evaluating the impact of continuing with the phase-in to reducing the multi-residential tax ratio, staff have modeled the effects of moving to that target by 1) maintaining the same ratio as 2010 and 2) reducing the multi-residential ratio by a further one quarter (0.143525) from the 2010 ratio.

The results of these scenarios have been set up to demonstrate impacts that they may have on the multi-residential class, other classes and the base residential tax rate.

**Scenario One: Maintaining the same Multi-Residential Tax ratio as 2010**

Scenario One has been generated using the City’s 2011 preliminary tax rates and 2011 Phased-in assessment as returned by MPAC and keeping all ratios constant at their 2010 level. The results of this analysis set out in Appendix 1 quantify the inter-class tax shifts that may occur as a result of this change both in terms of dollar and per cent change and also illustrates the anticipated change to the preliminary tax rate for each class.

**Scenario Two: Incremental Reduction of Multi-Residential tax ratio: 2009-2012 – Phase 3**

Scenario two represents implementing the third phase of an incremental decrease over the course of four taxation years the same as the reassessment. In this scenario, staff has modeled the impact of reducing the multi-residential tax ratio by 0.143525, a further one-quarter of the difference between the current ratio and the targeted ratio of 2.1659. The multi-residential class will benefit from a shift of \$748,924 off of the class while the remaining classes will have to absorb this shift through a rate increase of 0.48%.

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## **Tax Impact**

Appendix 1 outlines the tax impacts to the average residential taxpayer using both scenarios.

Under scenario one, the combined effect of maintaining the existing ratios, the 2011 education tax rate, the budgeted levy increase of 3.14%, factoring in the reassessment impact and using the average residential assessment of \$271,802, the average residential taxpayer would see an increase of \$43 or 1.21%.

Using the same factors, but phasing in the multi-residential tax ratio under scenario two, the average taxpayer would realize an increase of \$57 or 1.61%.

If Council chooses to continue to reduce the multi-residential ratio the impact would be an additional \$14 to the average residential homeowner. Furthermore, in accordance with the *Tenant Protection Act*, local municipalities are required to provide notice of mandatory rent reductions to landlords and tenants of multi-unit residential complexes for any year in which the property taxes decrease by more than 2.5% from one year to the next. As a result of the multi-residential tax ratio reduction in 2010, of the 248 properties in the multi-residential class, 111 of these properties had their taxes reduced and more than 5,200 tenants were subject to rent reductions.

Given Council's wish to reduce the multi-residential tax ratio in keeping with Guelph's Long Term Financial Strategy, staff recommends reducing the multi-residential tax ratio to 2.309475. The recommendation to reduce the multi-residential ratio demonstrates the City's commitment in moving towards meeting the City's Strategic Plan goals, being "a balanced tax assessment ratio" and "a community-focused, responsible and accountable government." Making the tax ratio for this class more competitive is also consistent with the local growth strategy, which support higher density in the residential sector. The impact on the average residential taxpayer still remains below the 3.14% budget limitation as set by Council.

## **Mandatory Capping Parameters**

Council must limit the assessment related tax increases on multi-residential, commercial and industrial properties by a mandatory cap of up to 5% of the previous years' CVA taxes. In 2005, the Province provided increased flexibility for municipalities with establishing additional optional capping parameters. Municipalities could now increase the assessment-related tax increases of up to 10% of the previous year's annualized capped taxes or 5% of the previous year's annualized CVA taxes, whichever was greater. Properties with taxes within \$250 of their CVA taxes could also be moved to

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full CVA tax. Beginning in 2009, municipalities added the option of permanently excluding properties from the capping once they reached their CVA destination. Under this feature, a property that reaches CVA tax in one year can be excluded from the capping program the next year. The implementation of all of the capping options (refer to Schedule 1, Pg11) to their maximum would provide the City with the necessary tools to move these capped classes closer to CVA taxation much quicker – the objective of reform. It would provide for greater stability and predictability. It is perceived to be fairer and equitable to taxpayers. Properties in the same class with the same CVA will pay the same tax; will provide municipalities with the flexibility to end the tax capping program and rely on the assessment phase-in as the sole means of providing tax protection.

Impacts on affected classes are as follows:

**Commercial:** There are currently 1,221 commercial properties. 1002 of these properties would now be taxed at their full CVA tax as compared with 501 if set at the 5% mandatory capping parameter. The dollar value of those properties requiring protection falls from \$ 443,502 to \$258,862. The claw back rate falls from 50.49% to 37.10%.

**Industrial:** There are currently 322 industrial properties within the City of Guelph. 279 properties would now be taxed at CVA tax as compared to 96 properties if the capping parameters were not implemented. The dollar value of required protection falls from \$74,640 to \$48,820 and the claw back rate falls from 10.86% to 20.80%.

**Multi-residential:** There are currently 246 multi-residential properties. All 246 of these properties would now be taxed at CVA taxes as compared to 68 properties if maintaining the 5% mandatory cap only. The claw back percentage falls from 1.08% to 0.00% with the dollar value of required protection falling from \$3,573 to \$0.00 dollars.

As in previous years, the overall principle for tax policy is to promote and adopt positions that shorten the time frame to achieve full CVA taxation and that simplify the complexities of the tax system. Fair tax policies and a balanced tax ratio form an integral part of the City's Strategic goals.

#### **CORPORATE STRATEGIC PLAN**

1.6 – A balance tax assessment ratio

3.4 – Fair tax policies and streamlined processes across all levels of government

5.3 – Open, accountable & transparent conduct of municipal government



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## **FINANCIAL IMPLICATIONS**

There would be no financial implication to changing the tax ratio as no additional revenue would be realized, Changing the tax ratio merely shifts the tax burden from one class to another.

There would be no financial implication as the capping impact would be achieved from within the class itself.

## **DEPARTMENTAL CONSULTATION**

N/A

## **COMMUNICATIONS**

N/A

## **ATTACHMENTS**

Appendix 1 – Multi residential ratio impact  
Schedule 1 – 2011 Property Tax Policy Report

Original Signed by:

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Property Class	2010 Preliminary Levy				Inter-Class Tax Shifts		Effective Tax Rates		
	Scenario 1		Scenario 2		\$	%	Existing Ratios	Multi-res ratio @2.309475	Tax Rate Change %
	Existing Ratios Ratios	% of Total Tax Levy	Multi-residential Ratios set at 2.309475	% of Total Tax Levy					
<b>Taxable</b>									
Residential	\$106,123,417	62.65%	\$106,634,565	62.95%	\$511,148	0.48%	1.039394%	1.044400%	0.48%
Farm	\$11,075	0.01%	\$11,128	0.01%	\$53	0.48%	0.259848%	0.261100%	0.48%
Managed Forest	\$1,702	0.00%	\$1,711	0.00%	\$9	0.53%	0.259848%	0.261100%	0.48%
New Multi-Residential	\$314,988	0.19%	\$316,505	0.19%	\$1,517	0.48%	1.039394%	1.044400%	0.48%
<b>Multi-residential</b>	<b>\$13,897,068</b>	<b>8.20%</b>	<b>\$13,148,144</b>	<b>7.76%</b>	<b>-\$748,924</b>	<b>-5.39%</b>	<b>2.549581%</b>	<b>2.411964%</b>	<b>-5.40%</b>
Commercial	\$27,594,533	16.29%	\$27,727,444	16.37%	\$132,911	0.48%	1.912485%	1.921696%	0.48%
Industrial	\$17,877,958	10.55%	\$17,964,067	10.61%	\$86,109	0.48%	2.733606%	2.746772%	0.48%
Pipeline	\$483,888	0.29%	\$486,219	0.29%	\$2,331	0.48%	1.993038%	2.002637%	0.48%
<b>Subtotal Taxable</b>	<b>\$166,304,629</b>	<b>98.18%</b>	<b>\$166,289,783</b>	<b>98.17%</b>	<b>-\$14,846</b>	<b>-0.01%</b>			
<b>Payments in Lieu</b>									
Residential	\$11,847	0.01%	\$11,904	0.01%	\$57	0.48%	1.039394%	1.044400%	0.48%
Commercial	\$2,995,070	1.77%	\$3,009,496	1.78%	\$14,426	0.48%	1.912485%	1.921696%	0.48%
Industrial	\$75,439	0.04%	\$75,802	0.04%	\$363	0.48%	2.733606%	2.746772%	0.48%
<b>Subtotal PIL</b>	<b>\$3,082,356</b>	<b>1.82%</b>	<b>\$3,097,202</b>	<b>1.83%</b>	<b>\$14,846</b>	<b>0.48%</b>			
<b>TOTAL</b>	<b>\$169,386,985</b>	<b>100.00%</b>	<b>169,386,985</b>	<b>100.00%</b>	<b>\$0</b>	<b>\$0</b>			

<b>Property Tax using current City Ratios</b>			
<u>Taxation Year</u>	<u>Average Assessment</u>	<u>Tax Rate</u>	<u>Residential</u>
2010	269,167	1.314016%	\$3,537
2011	281,702	1.270394%	\$3,579
Increase/(Decrease) in Taxes 2009 & 2010			<b>\$43</b>
Impact on average residential taxpayer			1.21%
<i>(budget, reassessment &amp; education)</i>			
<b>Property Tax using Changed Ratios</b>			
2010	269,167	1.314016%	\$3,537
2011	281,702	1.275400%	\$3,593
Increase/(Decrease) in Taxes 2009 & 2010			<b>\$57</b>
Impact on average residential taxpayer			1.61%
<i>(budget, reassessment &amp; education)</i>			
<b>Total impact on average residential taxpayer</b>			<b>\$14</b>



**Making a Difference**

**CORPORATION OF THE  
CITY OF GUELPH**

**2011 PROPERTY TAX  
POLICY REPORT**

**Prepared by  
Finance Department  
Taxation and Revenue**

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## **INTRODUCTION**

The *Municipal Act* sets out the parameters to be followed by municipalities when setting property tax policies.

These parameters include:

- Establishing tax ratios and discounts
- Graduated taxation and optional classes
- Capping options on multi-residential, commercial and industrial properties
- Levy restrictions which prevents municipalities from passing on levy increases to capped classes which have tax ratios in excess of provincial averages

Annual tax policy decisions establish the level of taxation for the various property classes. This report provides an overview of the tax policy decisions that must be made by Guelph City Council for the 2011 taxation year.

Each policy area is broken down into the following sections:

- Staff recommendation
- Overview / description of the policy
- Analysis and/or additional background information
- Policy considerations: in order to provide a basis for evaluating each policy decision, staff has considered factors such as economic impact, equity/fairness, and administrative impact.

The deadline (Sec 308(4) of Municipal Act) for establishing tax ratios is April 30<sup>th</sup>.

**SUMMARY OF RECOMMENDATIONS FOR THE 2011 TAXATION YEAR**

<i><b>POLICY</b></i>	<i><b>STAFF RECOMMENDATION</b></i>
<b>Tax Ratios, Class Discounts and Tax Rates</b>	THAT the 2011 City tax ratios, class discounts and tax rates be approved as set out in Appendix 1; and THAT staff be directed to prepare the necessary tax ratio and tax rating by-laws
<b>Graduated tax rates</b>	Not recommended for 2011
<b>Optional classes</b>	Not recommended for 2011
<b>New Multi-Residential Properties</b>	THAT the Multi-residential property class continue as per By-law (2002)-16852 Refer to Appendix 2.
<b>Mandatory Capping</b>	THAT the following parameters be established for the purposes of calculating the 2011 capping claw back rates in accordance with section 329.1 of the Municipal Act: (Refer to Appendix 3) <ol style="list-style-type: none"> <li>1. Cap limit of 10% of 2010 annualized taxes</li> <li>2. Minimum tax increase of 5% of 2010 CVA(Current value assessment)</li> <li>3. Move capped /claw back properties to CVA tax if the capped /claw back taxes are within a maximum of \$250 of CVA taxes without creating a shortfall</li> <li>4. Exclude properties previously at CVA tax</li> <li>5. Exclude properties that cross CVA tax</li> <li>6. Set a minimum tax level of 100% of CVA tax for new construction and new to class for business properties(multi-residential, commercial &amp; industrial)</li> </ol> THAT staff be directed to prepare the necessary by-law.
<b>Municipal Tax Reduction</b>	Not recommended for 2011
<b>Tax relief for low- income seniors and persons with disabilities</b>	THAT the tax relief program for low-income seniors and low-income persons with disabilities be continued as adopted by By-law (2005)-17727. Refer to Appendix 4.
<b>Tax relief for charities and other similar organizations</b>	THAT the tax relief program for charities be continued for the 2011 taxation year in accordance with By-law (2002) – 16851. Refer to Appendix 5.

## TAX RATIOS, CLASS DISCOUNTS and TAX RATES

### STAFF RECOMMENDATION

*THAT the 2011 City tax ratios, class discounts and tax rates be approved as set out in Appendix 1; and  
THAT staff be directed to prepare the necessary tax ratio and tax rating by-laws.*

### OVERVIEW / DESCRIPTION

- Legislative reference : *Municipal Act 2001 Section 308*
- Most significant tax policy decision is that of tax ratios
- Tax rates are measured as a percentage of the assessed value of a property
- Tax ratios show how the tax rate for a property class compares with the residential rate. If a property class has a ratio of 2, then it is taxed at twice the rate of the residential class
- Municipalities can set different tax ratios for different classes of property
- Transition ratios were calculated initially in 1998 by the Province and reflected the level of taxation by class at that time
- Tax ratios must be approved annually by City Council. The issue is whether the tax ratios for each class should be changed

#### Changing Tax Ratios

- Changing ratios shifts the relative burden of property taxes between property classes
- The City's ability to adjust tax ratios and redistribute the tax burden between property classes is limited by the "ranges of fairness" established by the Province (see Appendix 1 attached) which help protect property classes that are taxed at higher rates
- If the ratio for a property class is outside the "range of fairness" a municipality can either maintain the existing ratio or move towards the "range of fairness" but may not move further from the fairness range
- If a tax ratio is above the provincial threshold average a levy increase cannot be passed on to that class. However, since 2004 the province has allowed municipalities to pass along up to 50% of a levy increase to those restricted classes ( classes which have ratios in excess of the threshold)
- The City of Guelph ratios are currently at or below the provincial threshold and therefore can pass along all of the budgetary increases to all property classes

#### Class Discounts

- The Municipal Act also sets out the provisions for taxing farmland pending development which are as follows:
  1. On registration of the plan of subdivision, property assessment changes from being based on farm use to zoned use and a tax rate of between 25% and 75% of the relevant rate will apply. Guelph is currently at the maximum of 75%
  2. When a building permit is issued the tax rate may change from 25% to 100% of the rate that would apply to the property's zoned use. Guelph currently charges the maximum of 100%.

## POLICY CONSIDERATIONS

### **Economic impact:**

- Any adjustment to the tax ratios involves shifting the tax burden to the other property classes. Any tax ratio changes would result in a shift of taxation onto the residential class and increase in municipal taxes paid by the residential taxpayer.
- The range of fairness and levy restriction rules are a clear indication that the province wishes to see taxes on commercial, industrial and multi-residential properties reduced and shifted onto residential properties. The fact that the low end of the fairness ranges for commercial/industrial classes is below the residential tax ratio indicates the former government felt the property taxes for businesses should be less than property taxes for residential properties.
- The farmland awaiting development properties are taxed at the maximum allowable rate with discounts of 25% for sub class 1 and 0% for subclass 2

### **Equity/fairness:**

- Higher tax ratios could be perceived as discriminatory by multi-residential, commercial and industrial property owners who may feel that they are overtaxed relative to residential properties
- The disparity between the commercial and industrial tax ratios is difficult to justify
- Non residential and multi-residential properties have historically been taxed at higher rates in most municipalities across the province
- Multi-residential properties are assessed on a different basis than residential properties and most often will attract a lesser amount of assessment per unit
- Non residential properties pay property taxes using pre-tax income which is not the case for residential property owners and therefore supports the concept of differential tax rates

### **Administrative impact:**

None



## GRADUATED COMMERCIAL/INDUSTRIAL TAX RATES

### STAFF RECOMMENDATION

*Not recommended for 2011*

### OVERVIEW / DESCRIPTION

- Legislative reference: *Municipal Act 2001 Section 314*
- Municipality establishes bands of assessment and then taxes the portion of each commercial/industrial property's assessed value within each band at a different rate – the rate applied to the lower band(s) will be the lower rate
- Banding must apply to all commercial/industrial properties
- Either two or three bands of assessment are allowed for this purpose
- Must be self-financing within the class – i.e. no tax impact on other property classes
- The intention of this policy would be to benefit small businesses in lower-valued commercial/industrial properties

### SAMPLE GRADUATED COMMERCIAL TAX SCENARIO

Class	<u>Band 1</u> \$0 to \$1,000,000 of CVA	<u>Band 2</u> \$1,000,001 to \$2,500,000 of CVA	<u>Band 3</u> Greater than \$2,500,000 of CVA
Commercial occupied	50% of full commercial rate	75% of full commercial rate	Full commercial rates

### SAMPLE TAX BILL CALCULATION

Commercial occupied CVA of \$5,000,000, full tax rate = 3%

	Assessment	Tax rate	Taxes
Band 1	\$1,000,000	1.5%	\$15,000
Band 2	\$1,500,000	2.25%	\$33,750
Band 3	\$2,500,000	3%	\$75,000

## POLICY CONSIDERATIONS

### **Economic impact:**

- Tax reduction for lower valued properties
- Tax increase for higher valued properties

### **Equity/fairness:**

- Could be perceived as moving away from “fairness”, as each commercial/industrial property would have a different effective tax rate
- Higher valued commercial/industrial property owners would subsidize lower valued properties by paying a higher effective tax rate
- Graduated tax rates would in some cases adversely affect smaller tenants, since graduation applies to the entire property
- Difficult to target assistance for specific types of properties or geographic areas
- Results in a competitive advantages/disadvantages
- Designed for the commercial/industrial property classes. These classes already receive preferential treatment relative to tax ratios and the continued capping of tax increases.
- Another level of complexity that has no real benefit.

### **Administrative impact:**

- Minor impact on layout of tax bill for commercial/industrial properties
- Can become very confusing when layered with the capping parameter options

## OPTIONAL PROPERTY CLASSES

### STAFF RECOMMENDATION:

*Not recommended for 2011*

## OVERVIEW / DESCRIPTION

- Legislative reference: *Municipal Act 2001 Section 308 and O.Reg 282/98*
- Council may by by-law establish new property classes for shopping centres, office buildings, parking lots and large industrial properties
- Allows for a redistribution of tax burden within the broad commercial and industrial classes based on surface area of buildings.

### DETAILS

1. Shopping centres: rentable area of a shopping centre (at least three units) that exceeds 25,000 square feet – the first 25,000 square feet remains in the commercial class
2. Office buildings: rental area of an office building that exceeds 25,000 square feet – the first 25,00 square feet remains in the commercial class
3. Parking Lots: entire assessment of such properties is included in this class
4. Large industrial properties: buildings in excess of 125,000 square feet – entire assessment is included in this class

## POLICY CONSIDERATIONS

### Economic impact:

- Establishing separate classes of commercial and industrial property will result in some properties subsidizing others, as the tax rates for these classes would be different from the main class. For example, establishing a separate class for shopping centres would result in a lower tax rate for shopping centres than for all other commercial properties

### Equity/fairness:

- Use of separate classes could be seen as discriminatory and moving away from fairness, and contrary to basic premise of reassessment

### Administrative impact:

- Adopting an optional class requires a by-law to be prepared and notification to the Municipal Property Assessment Corporation

## NEW MULTI-RESIDENTIAL PROPERTY CLASS

### **STAFF RECOMMENDATION:**

*THAT the Multi-residential property class continue as per By-law (2002)-16852  
Refer to Appendix 2.*

## OVERVIEW / DESCRIPTION

- Legislative reference: *Municipal Act 2001 Section 308 and O. Reg 282/98*
- Council may by by-law establish new property class for new multi residential properties
- New multi-residential : applies to new multi-residential construction (7 or more rental units) or the conversion from a non-residential use pursuant to a building permit issued after date on which the bylaw adopting the new class of property was approved
- Allows for new multi residential properties to be taxed at the lower residential tax rate for a thirty five year period

## POLICY CONSIDERATIONS

### **Economic Impact:**

- May assist in promoting an adequate supply of affordable rental housing units by attracting new developments

### **Equity/Fairness**

- Lends support to often raised arguments that the tax ratio for multi-residential class should not be significantly different than that of the residential class. On the basis that tenants do not consume more services than homeowners nor are they better able to pay the taxes.

### **Administrative Impact:**

- Minimal staff time and costs

## MANDATORY CAPPING

### STAFF RECOMMENDATION:

*THAT the following parameters be established for the purposes of calculating the 2010 capping claw back rates in accordance with section 329.1 of the Municipal Act:*

- 1. Cap limit of 10% of 2010 annualized taxes or*
- 2. Minimum tax increase of 5% of 2010 CVA taxes, whichever is greater*
- 3. Move capped/claw backed properties to CVA tax responsibility if the capped taxes/claw back taxes are within a maximum of \$250 of CVA taxes without creating a shortfall*
- 5. Exclude properties previously at CVA tax*
- 6. Exclude properties that cross CVA tax in*
- 7. Set a tax level of 100% of CVA tax for new construction & new to class business properties (multi-res, commercial & industrial )*

*THAT staff be directed to prepare the necessary by-law.*

## OVERVIEW / DESCRIPTION

- Legislative reference: *Municipal Act 2001 Part IX*
- Council must limit the assessment related tax increases on multi residential, commercial and industrial properties
- Council must decide how to finance the cap, which can be done by capping decreases as well, by using general revenues or reserves, or a combination of the two.

The Province has provided increased flexibility for municipalities commencing in 2005, with the following options available:

- Maintaining the mandatory cap of up to 5%
- Increasing the cap between 5% and 10%, or selecting 5% of CVA tax (whichever is higher)
- If an increasing/decreasing property is within \$250 of CVA taxation, then it may be billed the full amount
- Appendix 3 attached illustrates the impact of adopting all of the capping options

## POLICY CONSIDERATIONS

### **Economic impact:**

- The mandatory capping (without any minimum \$ amount) means that some properties will not reach their full taxation levels for many, many years, if ever
- Shortfalls cannot be shared with school boards
- Mandatory capping enables the City to move capped classes closer to CVA taxation more quickly resulting in greater stability and predictability in property taxation.
- Having properties at or close to their CVA taxes can reduce the tax capping impacts resulting from reassessment
- The best method to avoid capping shortfalls requires the use of the highest allowable percentage for capped tax increases

### **Equity/fairness:**

- Funding the cap through means other than capping decreases results in either a long term drain on reserve balances (as the cap is now indefinite) or subsidization of tax increases by other classes
- Adopting these capping options is perceived to be fair and equitable to taxpayers because properties in the same class with the same CVA should pay the same tax.

## MUNICIPAL TAX REDUCTION

### **STAFF RECOMMENDATION:**

*Not recommended for 2011*

## OVERVIEW / DESCRIPTION

- Legislative reference: *Municipal Act 2001 Section 362*
- Permits the City to reduce the taxes of a property which is subject to capping limitations by the amount that would otherwise have been a capping adjustment
- This reduction would be applied as a tax rate reduction and not an after the fact rebate
- Has limited usefulness – essentially a means of removing a property requiring a large capping adjustment from the capping calculation in order to make the capping work
- Cost of the program is not shared with the school boards

## POLICY CONSIDERATIONS

### **Economic impact:**

- This can be a very costly tool to the City's operating budget to fund the total cost of the tax reduction since the province has excluded school boards from participating in this policy

### **Equity/fairness:**

- Provides specific preferential treatment to an individual property or properties, and therefore goes against the overriding principle of fairness

**TAX RELIEF FOR LOW-INCOME SENIORS  
AND LOW-INCOME PERSONS WITH DISABILITIES**

**STAFF RECOMMENDATION:**

*THAT the tax relief program for low-income seniors and low-income persons with disabilities be continued as adopted by By-law (2005)-17727. Refer to Appendix 4*

**OVERVIEW / DESCRIPTION**

**OVERVIEW / DESCRIPTION**

- Legislative reference: *Municipal Act 2001 Section 319*
- Upper tier and single tier municipalities **MUST** provide a program of tax relief for “relief of financial hardship”
- Relief can be in the form of a deferral or cancellation of tax increases
- The tax increase to be deferred or cancelled is calculated as the difference between the current year’s taxes levied and the previous year’s taxes levied on a property (subject to provincial regulation)
- The by-law also applies to tax increases for education purposes
- The amount deferred or cancelled is withheld by the lower tier municipality from amounts levied for school board purposes
- A tax certificate must show any deferrals and the priority lien status of real property taxes in accordance with Section 349 of the Municipal Act applies to any such deferrals
- The intent of this policy is to provide a mechanism to assist those least able to pay a significant increase in taxes



## POLICY CONSIDERATIONS

### **Economic impact:**

- Taxes are deferred and recovered when the property is sold or the eligible applicant ceases to be eligible
- Interest may not be charged on deferred taxes
- Each year the potential deferral must be paid for by other taxpayers. This results in a levy increase to fund the shortfall

### **Equity/fairness:**

- Cancellation of taxes does result in some minor taxpayer subsidization, and effectively reduces the province's obligation under the Property Tax Credit program

### **Administrative impact:**

- Additional staff time to administer the rebates

## CURRENT TAX RELIEF PROVISIONS FOR LOW INCOME SENIORS AND LOW INCOME PERSONS WITH DISABILITIES

### **GENERAL PARAMETERS**

- Tax relief is in the form of a deferral of taxes
- The amount eligible for deferral is the portion of any increase greater than or equal to \$300 annually. No tax relief applies if the amount of the tax increase is less than \$300.
- Eligibility is as set out below

### **ELIGIBILITY CRITERIA (for receipt of property tax relief):**

#### **A) LOW-INCOME SENIORS**

- Means a person who on December 31<sup>st</sup> of the year of application has attained the age of 65 years and is in receipt of benefits under *Guaranteed Income supplement (GIS)* program or has attained the age of 65 years and is in receipt of benefits under the *Guaranteed Annual Income* system (*GAINS*) program for Ontario Senior Citizens.

#### **B) LOW-INCOME DISABLED PERSONS**

- Means a person who is in receipt of benefits under the *Ontario Disability Support Program (ODSP)* or in receipt of disability amounts under the current *Family Benefits Act (FBA)* or in receipt of benefits under the *Guaranteed Annual Income System (GAINS) for the Disabled* and be eligible to claim a disability amount as defined under the *Income Tax Act*.

## **OTHER PROVISIONS**

- To qualify for tax assistance, applicants must have been owners of real property within the City for a period of one (or more) year(s) preceding the application.
- Tax assistance is only allowed on one principal residence of the qualified individual or the qualifying spouse.
- Application for tax deferral must be made annually to the City to establish eligibility or continued eligibility. Applications must include documentation in support thereof to establish that the applicant is an eligible person and that the property with respect which the application is made is eligible property. Applications must be submitted to the City on or before the last day of December in the year for which the application applies on a form prescribed by the City for this purpose.
- Tax relief applies to current taxes only and is only deferred after payment in full is received for any current or past year amounts payable.
- Applicant responsible to refund any overpayment of tax rebate granted if property assessment is reduced by the Assessment Review Board or Municipal Property Assessment Corporation
- For properties that are jointly held or co-owned by persons other than spouses, both or all co-owners must qualify under applicable eligibility criteria in order to receive tax relief.
- Tax relief begins in the month in which the low income senior attains the age of 65 or in which the low income disabled person becomes disabled

## **OTHER BACKGROUND INFORMATION ON TAX RELIEF FOR LOW INCOME SENIORS AND LOW INCOME PERSONS WITH DISABILITIES**

### **GUARANTEED INCOME SUPPLEMENT**

The *Guaranteed Income Supplement (GIS)* is a federal program administered by Human Resources Development Canada, in conjunction with the Old Age Security (OAS) program. The Guaranteed Income Supplement is an income-tested, monthly benefit for Old Age Security pensioners with limited income apart from the Old Age Security pension.

To qualify for the *GIS*, an individual must:

- be receiving the Old Age Security pension;
- be resident in Canada; and
- have an income at or below the qualifying level, as established by regulation. (For married couples, the combined income of both spouses must be below the qualifying level).

Provisions of the *GIS* are established under the Old Age Security Act (Canada), and regulations made quarterly under this Act. Application, eligibility determination and payment of benefits under this program are administered by Human Resources Development Canada, thereby eliminating the need for individual municipalities to establish criteria and eligibility for applicants. Applicants need only demonstrate proof of GIS benefits to qualify for municipal tax relief.

### **ONTARIO DISABILITY SUPPORT PROGRAM**

The Ontario Disability Support Program (*ODSP*) is a provincial program administered by the Ontario Ministry of Community & Social Services (*MCSS*). The *ODSP* was introduced in legislation in June 1997 (Bill 142), and was created to remove people with disabilities from the Welfare system to more effectively meet their needs.

Eligibility under the *ODSP* is determined by staff of the *MCSS*, according to criteria which considers, among other things, the nature of the disability, the extent to which daily activities are affected by the

disability, income level from all sources (including receipt of benefits under other income support programs such as *GAINS*, *Canada Pension Plan*, *Workers Compensation*), etc.

Application, eligibility determination and payment of benefits under the *ODSP* are administered by the *MCSS*, using information supplied by applicants. This eliminates the need for individual municipalities to establish criteria and eligibility for applicants. Applicants need only demonstrate proof of *ODSP* eligibility to qualify for municipal tax relief.

## TAX REBATES FOR CHARITIES

### **STAFF RECOMMENDATION:**

*THAT the tax relief program for charities be continued for the 2011 taxation year in accordance with By-law (2002)- 16851. Refer to Appendix 5.*

## OVERVIEW / DESCRIPTION

- Legislative reference: *Municipal Act 2001 Section 361*
- The original intent of the program was to address certain tax impacts relating to the elimination of the Business Occupancy Tax (BOT) – register charities that previously did not pay the BOT on leased commercial/industrial properties were put in a position of paying a higher (blended) rate on such properties
- All municipalities must have a rebate program in place
- An eligible charity is a registered charity as defined in subsection 248(1) of the Income Tax Act (Canada) that has a registration number issued by the Canada Customs and Revenue Agency
- A property is eligible if it is in one of the commercial or industrial property classes within the meaning of subsection 308(1) of the Municipal Act

### **Program requirements include:**

- The amount of rebate must be at least 40% of tax paid
- One half of the rebate must be paid within 60 days of receipt of the application and the balance paid within 120 days of receipt of the application
- Applications for a rebate must be made between January 1 of the taxation year and the last day of February of the following taxation year
- The program must permit the eligible charity to make application based on an estimate of the taxes payable
- The program must provide for final adjustments to be made after the taxes have been set

### **Program options include:**

- Other similar organizations may also be provided with rebates
- Rebates can be provided to properties in classes other than the commercial and industrial classes
- The rebate % can vary for different charities or other similar organizations and can be up to 100% of taxes paid
- Cost of the rebate is shared between City and school boards
- The organization receiving the rebate shall also be provided with a written statement showing the proportion of costs shared by the school boards
- Any overpayment of rebated amount to be refunded by Charity if property assessment is reduced by the Assessment Review Board (ARB) or Municipal Property Assessment Corporation (MPAC)

## **POLICY CONSIDERATIONS**

### **Economic impact:**

- This by-law provides relief for organizations which were previously exempt from paying the Business Occupancy Tax - results in similar tax treatment before and after reform

### **Equity/fairness:**

- The cost of rebates is built in to the City budget

### **Administrative impact:**

- Results in some additional staff time to administer the rebates

## **CURRENT TAX RELIEF PROVISIONS FOR REGISTERED CHARITIES**

The City's by-law includes all mandated provisions as well as the following optional provisions:

- Rebates set at 40% of taxes paid
- Rebate set at 100% for those properties that are used and occupied as a memorial home, clubhouse or athletic grounds by those organizations whose persons served in the armed forces of Her Majesty or Her Majesty's allies in any war (i.e.- Legion, Army & Navy)
- Types of Charitable organizations benefitting from the rebate program include Gamily & Children Service, Canadian Mental Health, Second Chance, St. John's Ambulance, Salvation Army, etc.
- For 2010 the City processed approximately 40 applications for a total dollar amount of \$176,823

**Appendix 1**

**2010 CITY OF GUELPH - TAX RATIOS, DISCOUNTS AND RATES**

PROPERTY CLASS	PROVINCIAL RANGE OF FAIRNESS	CITY OF GUELPH TRANSITION RATIOS	PROVINCIAL THRESHOLD RATIOS	GUELPH'S 2010 TAX RATIOS	RECOMMENDED CITY OF GUELPH 2011 TAX RATIOS	TAX RATE REDUCTIONS 2011	TAX RATES 2011
Residential	n/a	1.000000	1.000000	1.000000	1.000000		1.044400%
Residential - Farmland 1	n/a	1.000000	1.000000	1.000000	1.000000	25%	0.783300%
Residential - Farmland 11	n/a	1.000000	1.000000	1.000000	1.000000		1.044400%
New Multi-residential	1.0 to 1.1	1.000000	1.000000	1.000000	1.000000		1.044400%
Multi-residential	1.0 to 1.1	3.089700	2.740000	2.452950	2.309425		2.411964%
Multi-residential - Farmland 1	1.0 to 1.1	3.089700	2.740000	1.000000	1.000000	25%	0.783300%
Multi-residential - Farmland 11	1.0 to 1.1	3.089700	2.740000	2.452950	2.309425		2.411964%
Commercial	0.6 to 1.1	1.840000	1.980000	1.840000	1.840000		1.921696%
Commercial - Farmland 1	0.6 to 1.1	1.840000	1.980000	1.840000	1.000000	25%	0.783300%
Commercial - Farmland 11	0.6 to 1.1	1.840000	1.980000	1.840000	1.840000		1.921696%
Commercial - Excess Land	0.6 to 1.1	1.840000	1.980000	1.840000	1.840000	30%	1.345187%
Commercial - Vacant Land	0.6 to 1.1	1.840000	1.980000	1.840000	1.840000	30%	1.345187%
Commercial- New Constr- Full	0.6 to 1.1	1.840000	1.980000	1.840000	1.840000		1.921696%
Commercial-New Constr- excess	0.6 to 1.1	1.840000	1.980000	1.840000	1.840000	30%	1.345187%
Industrial	0.6 to 1.1	3.271100	2.630000	2.630000	2.630000		2.746772%
Industrial - Farmland 1	0.6 to 1.1	3.271100	2.630000	2.630000	1.000000	25%	0.783300%
Industrial - Farmland 11	0.6 to 1.1	3.271100	2.630000	2.630000	2.630000		2.746772%
Industrial - Excess Land	0.6 to 1.1	3.271100	2.630000	2.630000	2.630000	35%	1.785402%
Industrial - Vacant land	0.6 to 1.1	3.271100	2.630000	2.630000	2.630000	35%	1.785402%
Industrial - New Constr- Full	0.6 to 1.1	3.271100	2.630000	2.630000	2.630000		2.746772%
Industrial- New Constr- Excess	0.6 to 1.1	3.271100	2.630000	2.630000	2.630000	35%	1.785402%
Pipelines	0.6 to 0.7	1.917500	1.917500	1.917500	1.917500		2.002637%
Farmlands	n/a	0.250000	0.250000	0.250000	0.250000		0.261100%
Managed Forests	n/a	0.250000	0.250000	0.250000	0.250000		0.261100%

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2002) - 16852

A by-law to amend By-Law (1998)-15832,  
being a by-law to establish a separate  
property class for new multi-residential  
properties.

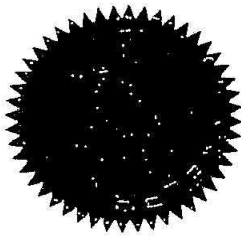
WHEREAS By-law (1998)-15832 provides for the establishment of a separate  
property class for new multi-residential properties;

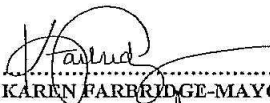
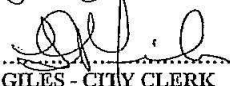
AND WHEREAS, it is deemed desirable that property in the new multi-  
residential class be taxed at the lower residential/farm rate for the first 35 years.

NOW THEREFORE the Council of the Corporation of the City of Guelph  
enacts as follows:

1. That Section 2 of By-Law (1998)-15832 be amended by deleting the words "for the  
first eight years" and inserting the words "for the first thirty five years"

PASSED this 6<sup>th</sup> day of May, 2002



  
.....  
KAREN FARBRIDGE-MAYOR  
  
.....  
LOIS GILES - CITY CLERK

## Capping Analysis

<u>Capping and Threshold Parameters Used</u>	<u>No Changes -Mandatory 5%</u> Using Current Ratios			<u>New Capping Tools</u> Using Current Tax ratios		
	<u>Multi-Residential</u>	<u>Commercial</u>	<u>Industrial</u>	<u>Multi-Residential</u>	<u>Commercial</u>	<u>Industrial</u>
Annualized Tax Limited	5%	5%	5%	10%	10%	10%
Prior Year CVA Tax Limited	0%	0%	0%	5%	5%	5%
CVA Tax Threshold - Increasers	0	0	0	250	250	250
CVA Tax Threshold - Decreasers	0	0	0	250	250	250
Exclude Properties Previously at CVA Taxes	N	N	N	Yes	Yes	Yes
Exclude Properties that cross CVA Taxes	N	N	N	Yes	Yes	Yes
Total Properties	246	1221	322	246	1221	322
Number of Properties Capped	1	136	34	0	27	4
% of Properties Capped	0.41%	11.14%	10.56%	0.00%	2.21%	1.24%
\$ Value of Protection	\$3,573	\$443,502	\$74,640	\$0	\$256,862	\$48,820
<b>Net class Impact</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Number of Properties Clawed back	177	584	192	0	192	39
% of Properties Clawed back	71.95%	47.83%	59.63%	0.00%	15.72%	12.11%
Clawback Percentage	1.08%	50.49%	10.86%	0.00%	37.10%	20.80%
Number of Properties at CVA	68	501	96	246	1002	279
<b>% of Properties at CVA</b>	<b>27.64%</b>	<b>41.03%</b>	<b>29.81%</b>	<b>100.00%</b>	<b>82.06%</b>	<b>86.65%</b>





# City of Guelph

## FINANCE

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**TO:** Finance, Administration & Corporate Services Committee

**DATE:** March 7, 2007

**SUBJECT: PROPERTY TAX DEFERRAL FOR SENIORS AND  
HOMEOWNERS ON A FIXED INCOME**

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**RECOMMENDATION:**

That the report dated March 7, 2007 entitled "Property Tax Deferral for Seniors and Homeowners on a Fixed Income" be received for information.

**BACKGROUND:**

City Council adopted a resolution on January 23<sup>rd</sup>, 2007 asking staff to examine the feasibility of deferring tax increases to senior citizens and homeowners on a fixed income.

This program has been available to taxpayers since 1998 when Current Value Assessment was implemented. In 1998 the City of Guelph approved By-Law 15831 amended by By-Law 17727 in 2005 as required by Section 319 of the Municipal Act.

Since 1998 few taxpayers in the City have inquired about the program and no one has ever applied for tax relief. There seems to be three reasons for this. Taxpayers:

1. Did not qualify for relief.
  2. Would not provide the required documentation.
  3. Did not want a lien on their property.
- 

*A Great Place to Call Home*

The potential costs of the program are as follows:

1. Taxes are deferred and recovered when the property is sold or the eligible applicant ceases to be eligible.
2. Interest may not be charged on deferred taxes.
3. Each year the potential deferral must be paid for by other taxpayers. This results in a levy increase to fund the shortfall.

All Municipalities are required to have this program per the Municipal Act.

On average the eligible amount is \$100-\$150 in other Municipalities compared to \$300 which is the eligible amount for the City of Guelph..


A survey of Kitchener, Waterloo and Oakville indicates that only five taxpayers in all enjoy this program. The City of Cambridge received three applications for 2003 and 2004 but none of these qualified for the deferral. The City of Guelph has never received any applications for deferred taxes.


**IMPLICATIONS:**


The City approved By-law 17727-(2005) as required by Section 319 of the Municipal Act.

**ATTACHMENTS:**

By-law Number: (2005) - 17727

  
Prepared By:  
Marco Farinha  
Manager of Taxation and Revenue  
519 837 5610 ext. 2383  
marco.farinha@guelph.ca

  
Recommended By:  
David A. Kennedy, C.A.  
Director of Finance  
837 5610 ext. 5606  
david.kennedy@guelph.ca

  
Approved for Presentation:  
Larry Kotseff  
Chief Administrative Officer

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Page 2 of 2

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2005) – 17727

A by-law to provide for deferrals of tax increases on property in the residential property class for low-income seniors and low-income persons with disabilities and to repeal by-law number (1998)-15831.

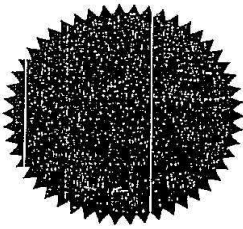
WHEREAS the Council of the Corporation of the City of Guelph, pursuant to Section 319 of the *Municipal Act, 2001, S.O.20901, c.25*, as amended, shall pass a by-law providing for deferrals or cancellation of, or other relief in respect of, all or part of a tax increase on property in the residential property class for low-income seniors and low-income persons with disabilities.

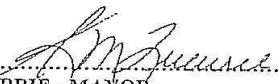
NOW THEREFORE the Council of the Corporation of the City of Guelph enacts as follows:

1. In this by-law:
  - a) "*Eligible amount*" means the total tax increase over the previous year which is equal to or greater than \$300 annually.
  - b) "*Eligible person*" means a low-income person with disabilities or a low-income senior or the spouse of such eligible person.
  - c) "*Low-income person with disabilities*" means a person who is in receipt of benefits under the *Ontario Disability Support Program (ODSP)* or in receipt of disability amounts under the current *Family Benefits Act (FBA)* or in receipt of benefits under the *Guaranteed Annual Income System (GAINS)* for the Disabled and be eligible to claim a disability amount as defined under the *Income Tax Act*.
  - d) "*Low-income senior*" means a person who on December 31<sup>st</sup> of the year of application has attained the age of 65 years and is in receipt of benefits under the *Guaranteed Income Supplement (GIS)* program or has attained the age of 65 years and is in receipt of benefits under the *Guaranteed Annual Income System (GAINS)* program for Ontario Senior Citizens.
2. Tax Relief granted pursuant to this by-law shall be in the form of a deferral of the annual eligible amount provided that:
  - a) Either the owner or spouse of the owner has been assessed as the owner of, and has occupied the property for a period of one or more years preceding the date of application.
  - b) For properties which are jointly held or co-owned by person other than spouses, all co-owners must qualify under applicable eligibility criteria in order to receive tax relief.
3. Deferred amounts shall continue until the property is sold or until the eligible applicant ceases to be eligible, at which time the total deferred amounts become a debt payable to the Corporation of the City of Guelph.
4. Tax relief amounts provided pursuant to this by-law are not transferable to the estates of deceased owners.
5. The amount of tax relief granted pursuant to this by-law shall represent a lien against the property.

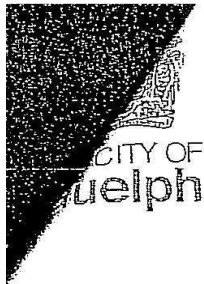
5. The amount of tax relief granted pursuant to this by-law shall represent a lien against the property.
6. Tax relief is only allowed on one principal residence of the qualified individual or the qualifying spouse.
7. Application for tax relief must be made annually to the City to establish eligibility or continued eligibility. Applications must include documentation in support thereof to establish that the applicant is an eligible person and that the property with respect which the application is made is eligible property. Applications must be submitted to the City on or before the last day December in the year for which the application applies, on a form prescribed by the City for this purpose.
8. Tax relief applies to current taxes only and are only deferred after payment in full is received for any current or past year amounts payable.
9. This by-law shall come into force and take place immediately.

PASSED this SECOND day of MAY, 2005.



  
.....  
K.M. QUARRÉ - MAYOR

  
.....  
V. CHARLENE LAVIGNE-DEPUTY CITY CLERK



INFORMATION SERVICES DEPARTMENT  
CITY CLERK'S DIVISION  
City Hall, 59 Carden Street  
Guelph, Ontario, Canada N1H 3A1  
Telephone: (519) 837-5603 Fax: (519) 763-1269  
Website: [guelph.ca](http://guelph.ca)

January 30, 2007

Councillor Karl Wettstein

Dear Councillor Wettstein,

---

At a meeting of Guelph City Council held on January 23, 2007 the following resolution was adopted:

"THAT Finance, Administration & Corporate Services Committee examine the issue of offering to senior citizens and homeowners on fixed income, the option of deferring any future tax increases until such time as they sell their homes, at which time the City will collect those deferred taxes;

AND THAT staff report to the Finance, Administration & Corporate Services Committee with regard to the feasibility, costs and practices in other municipalities of such a program."

Yours truly,

Lois A. Giles,  
City Clerk/Manager of Council  
Administrative Services

cc.: Mr. D.A. Kennedy  
Ms. L.E. Payne

\*nlm



THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2002) - 16851

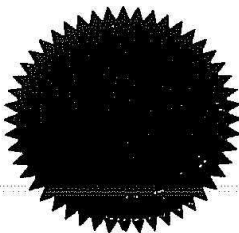
A By-law to provide for relief from taxes for charitable organizations and to repeal by-law number (1998)-15834.

WHEREAS Section 442.1 of the *Municipal Act* as amended provides that every municipality shall have a tax rebate program for eligible charities for the purpose of giving them relief from taxes on eligible property they occupy;


THEREFORE THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

1. In this by-law, eligible charity means a registered charity as defined in subsection 248(1) of the *Income Tax Act (Canada)* that has a registered number issued by the Canada Customs and Revenue Agency.
2. A property is eligible if it is in one of the commercial classes or industrial classes, within the meaning of subsection 363(20) of the *Municipal Act* as amended.
3. A property is eligible if it is actually used and occupied as a memorial home, clubhouse or athletic grounds by those organizations whose persons served in the armed forces of *Her Majesty* or *Her Majesty's* allies in any war.
4. The rebate shall be 40% of the taxes payable by the eligible charity on the eligible property it occupies for those properties in one of the commercial or industrial classes.
5. The rebate shall be 100% of the taxes payable by those organizations whose persons served in the armed forces on the eligible property it occupies .
6. An eligible charity shall make application to the municipality each year for which a rebate of taxes is requested, such application to be made on the prescribed form after January 1 of the year and no later than the last day of February of the following year.
7. This By-law shall come into force and take effect immediately.
8. By-law Number (1998) -15834 is hereby repealed.

PASSED this 6<sup>th</sup> day of May, 2002.



  
KAREN BARBRIDGE-MAYOR

  
LOIS A GILES-CITY CLERK

# UNIVERSITY of GUELPH

March 25, 2011

Ms June Hofland  
Chair CAFES Committee  
City of Guelph  
Carden Street  
Guelph, ON

Dear Ms Hofland, ~~June,~~

I write to you today to ask that you partner with the University to present a wedding gift to HRH Prince William and Ms Catherine Middleton.

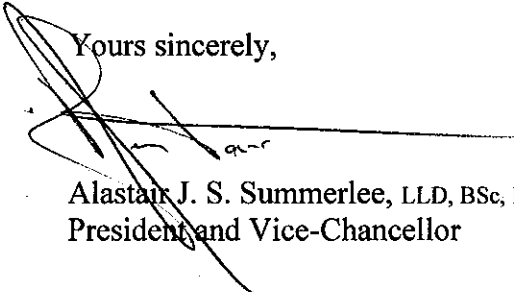
The University proposes to create a graduate scholarship program in the name of the royal couple for students from the UK to attend the University of Guelph. Given that Guelph is "The Royal City", I thought this might be a fitting tribute, in which you would be interested.

The Royal Wedding scholarship program would include a combination of tuition waivers, Graduate Student Research Assistantship stipends and travel bursaries. The University is requesting \$10,000. from the City as a contribution toward the scholarship package.

This partnership would provide the City and the University many opportunities for joint promotion and media coverage, including the development of the terms and conditions of the Royal Wedding scholarship program. The quality of undergraduate education in the UK is excellent, but the recent significant increases in graduate tuition fees will create barriers to advanced education for many capable students. I am sure we will attract students who will be a charismatic spokespersons for the internationalization of post secondary education, as well as assist the City and the University forge stronger links to the UK.

I look forward to your response to this proposal at your earliest convenience.

Yours sincerely,

  
Alastair J. S. Summerlee, LL.D, BSc, BVSc, PhD, MRCVS  
President and Vice-Chancellor



**CONSENT REPORT OF THE  
OPERATIONS & TRANSIT COMMITTEE**

April 26, 2011

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

Your Operations & Transit Committee beg leave to present their THIRD CONSENT REPORT as recommended at its meeting of April 18, 2011.

*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 the Emergency Services, Community Services & Operations Committee will be approved in one resolution.*

**1) By-law Service Review - Update**

THAT Report OT041111 "Bylaw Service Review – Update" dated April 18, 2011 be received;

AND THAT the recommendations contained within Attachment A of Report OT041111 "By-law Service Review – Update" be implemented with the exception of the maps to the firearms by-law which are to be updated.

All of which is respectfully submitted.

Councillor Findlay, Chair  
Operations & Transit Committee

***PLEASE BRING THE MATERIAL THAT WAS DISTRIBUTED WITH THE  
AGENDA FOR THE APRIL 18, 2011 MEETING.***



# COMMITTEE REPORT



TO **Operations and Transit Committee**

SERVICE AREA Operations and Transit Department  
DATE April 18, 2011

**SUBJECT Bylaw Service Review - Update**

REPORT NUMBER OT041111

---

## RECOMMENDATION

"THAT Report OT041111 Bylaw Service Review - Update dated April 18, 2011 be received;

AND THAT the recommendations contained within Attachment A of Report OT041111 Bylaw Service Review- Update be implemented"

## BACKGROUND

Committee Report OT021104, (Attachment B), was deferred for additional information at the February 2011 meeting of Committee. A number of questions were subsequently asked by the Committee that were not identified in the October 2, 2008 Information Report wherein the question structure for the bylaw review process was provided to staff. While all questions have been attached (Attachment A), we believe that two of the questions are significant enough to be included in all future Bylaw Service Review reports. They were:

- What strategies might be considered to promote a reduction in the number calls for service?
- How can the burden on the taxpayer for bylaw compliance and enforcement be reduced?

## REPORT

Staff further reviewed the Bylaws in report OT021104 and, where necessary, spoke with the administrative "owner" of the Bylaw in order to answer these new questions. The answers are contained in Attachment A.

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As everyone recognizes, this review process will take considerable time to complete. It is quite likely additional questions will arise as the reviews are tabled. Staff suggest that additional questions be answered at time of presentation, whenever possible. However, as appropriate, Committee should consider and direct when additional questions should be added to this process such that the information required is presented at time of distribution of the update report.

**ATTACHMENTS:**

Attachment A - Summary of questions with respect to Fireworks, Outside Water Use and Firearms Bylaw

Attachment B - Report dated February 22, 2011

**CORPORATE STRATEGIC PLAN**

To enhance Community Wellness

**FINANCIAL IMPLICATIONS**

All financial requirements have been provided for in the approved 2011 Budget.

**DEPARTMENTAL CONSULTATION**

Water Services

Fire Department



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**Prepared and Recommended:**

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Manager, Bylaw Compliance and Security  
Operations and Transit Department  
(519) 822-1260 ext 2520  
Doug.Godfrey@guelph.ca



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**Recommended By:**

Derek J. McCaughan  
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Derek.McCaughan@guelph.ca

**BYLAW SERVICE REVIEW REPORT UPDATE – OT041111**  
**Attachment A**

**Bylaw (1993)-14362**

Fireworks Bylaw

A bylaw to regulate the display, sale and setting off of fireworks

**What strategies might be considered to promote a reduction in the number calls for service?**

- Staff will review the dates, times and locations of past calls to determine if there are any common locations associated with calls for service. If a common location is identified, Bylaw Compliance staff during the course of their regular patrols will be directed to proactively monitor these locations.
- As indicated in report OT021104, staff recommend that Bylaw Compliance staff along with Fire staff inspect vendors to ensure that fireworks are only sold on dates permitted by the Bylaw. Ensuring that vendors comply with the dates in which fireworks are sold may reduce the number of calls.
- The licensing of vendors may also assist to control dates in which fireworks are sold.
- As indicated in report OT021104, staff recommend that vendors be provided educational material with respect to the sale of fireworks. This educational campaign can be expanded to include materials for potential consumers educating them on the dates and times when fireworks may be discharged. It should be noted that under the requirements of Natural Resources Canada, vendors must already supply safety information to purchasers but not information on the City's Bylaw.

**How can the burden on the taxpayer for bylaw compliance and enforcement be reduced?**

- Staff believe that implementing the strategies above may lessen the burden on the taxpayer.
- Administrative fees could be considered to recover the costs associated with required inspections conducted by the Fire Department of authorized firework work events.

## **Additional Questions Raised**

### ***How many of the calls for enforcement actually resulted in contact with the offender?***

- Of the 74 calls for service received in 2010, 9 calls resulted in an interaction with persons discharging fireworks.

### ***Would an educational campaign through vendors reduce the calls for service?***

- Staff are recommending an educational campaign as above.

### ***If we cannot effectively enforce the Bylaw (i.e. make contact with those responsible) should staff be dispatched to attend?***

- Yes, having staff respond to these calls may interrupt or stop the continued discharge. Staff's presence may affect whether the location is used again for such purposes and calms or addresses the public's expectation of service.

## **Staff Recommendations with respect to the Fireworks Bylaw**

(in addition to Report OT021104)

1. That an educational campaign for fireworks vendors and consumers be created.
2. That Clerks staff investigate the possibility of business licensing fees for vendors that sell fireworks to recover vendor inspection costs.
3. That Fire Department staff investigate the possibility of administration fees to recover the cost associated with firework events.

### **Report OT021104:**

1. That Bylaw Compliance staff (in addition to the Fire Inspectors) be directed to proactively conduct inspections of vendors selling fireworks to ensure their proper storage and handling and to ensure that sale of fireworks only occurs on permitted dates.
2. That the Fireworks Bylaw be amended to reflect wording in the Natural Resources Canadian Explosives Regulations, specifically change the reference of High hazard fireworks display to Explosive Act.

3. That Council consider delegating their authority to approve the use of Explosive Acts to the Fire Chief or their Designate to allow requests to be processed quickly without endangering public safety.
4. That set fines be created to allow enforcement staff the ability to issue Provincial Offence Notices (tickets) in addition to summonses.

### **Bylaw (2003)-17106**

#### Outside Water Use

A bylaw to prescribe outside water use restrictions within the City of Guelph

#### **What strategies might be considered to promote a reduction in the number calls for service?**

- The number of calls for service (1 – 2 annually) is low, given this information staff recommend no changes to the current enforcement/education practices. Acknowledging that this bylaw is largely influenced by local seasonal weather and drought conditions, the number of calls relating to this service have been relatively low over the past 2 seasons. However, in the case of local drought conditions, staff do increase the educational and enforcement activities should outside water program levels becomes more restrictive.

#### **How can the burden on the taxpayer for bylaw compliance and enforcement be reduced?**

- Given that the number of calls for service is low, staff recommend no changes to the current enforcement/education practices.
- Staff will continue to review the set fines for the various offences to ensure that they are consistent with best practices.

#### **Additional Questions Raised**

##### ***How many outside water permits are issued annually?***

- Approximately 100 permits are issued annually at a cost of \$10.00 per permit

##### ***If there is value in issuing permits, why does the report not recommend an appropriate fee?***

- There is value in the issuance of permits for the outdoor use of water outside of the set dates and times of the general bylaw. The cost of individual permits has been based on cost recovery relating to the administrative requirements in processing and issuing permits to local constituents. As the processing and issuance of permits is completed by seasonal temporary staff, the costs associated with administration of this service remain low. Furthermore, this administrative fee remains consistent with that of other Ontario municipalities who have like Outside Water Use provisions in place.
- Future reports will indicate whether the current administrative fee is appropriate from an enforcement perspective (i.e. is the current fee too low to discourage abuse or is the fee too high and as a result encourages non-compliance). With respect to the outside water use fee, Bylaw staff believe that a modest increase to the fee would not affect compliance with the Bylaw.
- Further, where a Bylaw does not have any administrative fees, staff will consider whether an administration fee should be implemented when responding to lowering the tax burden question.

**Staff Recommendations with respect to Outside Water Use Bylaw**  
(in addition to Report OT021104)

1. That Waterworks staff continue to investigate the current fees associated with outside water use to ensure that they are appropriate.

Report OT021104:

1. That there be no change to current enforcement/education practices.

## **Bylaw (1994)-14738**

### Discharge of Firearms

A bylaw to regulate the discharge of firearms within the City of Guelph

### **What strategies might be considered to promote a reduction in the number calls for service?**

- This question would be more appropriately answered by the Guelph Police Service and has been forwarded to Guelph Police staff. e.

### **How can the burden on the taxpayer for bylaw compliance and enforcement be reduced?**

- This question would be more appropriately answered by the Guelph Police Service and has been forwarded to Guelph Police staff.

### **Staff Recommendations with respect to Discharge of Firearms Bylaw**

#### Report OT021104:

1. That public consultation be conducted to review the reasons in which the discharge of a firearm by the public within City Limits would be permitted.
2. That public consultation be conducted to determine if any of the Firearms Discharge Areas mapped out in the Bylaw are still required.
3. That staff prepare amendments to the Bylaw with input from the public consultation.

# COMMITTEE REPORT



**TO** Operations and Transit Committee

**SERVICE AREA** Operations and Transit Department

**DATE** February 22, 2011

**SUBJECT** Bylaw Service Review

**REPORT NUMBER** OT021104

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## RECOMMENDATION

"THAT Operations & Transit Committee Report Bylaw Service Review OT021104 dated February 22, 2011 be received;

"AND THAT the recommendations contained within Attachments B, C, D of the Operations & Transit Report Bylaw Service Review OT021104 be implemented"

## BACKGROUND

On October 2, 2008 an Information Report (Attachment A) was presented to Council outlining the format staff would undertake to review existing Corporate Bylaws. Specifically, the report speaks to the philosophical approach that should be used to achieve by-law compliance and identifies the following questions to be answered with the administrative "owner" of each of the various bylaws:

- What is the purpose of the bylaw? (reason for its implementation)
- Are the reasons for its implementation still relevant today?
- Are amendments required to the bylaw? (is the by-law still current?)
- Are there fees associated with the bylaw? Are they set at an appropriate level?
- How are infractions currently managed? Should the approach be changed?
- Should infractions of the bylaw be managed on a pro-active or reactive basis?
- Are there any other agencies/departments involved with the enforcement of the bylaw?
- If enforcement will be shared, to what extent will the Bylaw Compliance and Enforcement staff enforce this bylaw?
- What is the estimated or actual number of calls received regarding infractions of the bylaw?
- What is the estimated or actual number of charges issued per year?

Given the number of the bylaws to be reviewed, interim Committee reports are being tabled after major bylaws are reviewed or when a number of minor ones have been completed. This is the first such report.



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## REPORT

Staff have completed a review of the Fireworks Bylaw, Outside Water Use Bylaw and Firearms Bylaw with their administrative "owners". The results of the review are contained in Appendices B through D. Within each appendix is a section suggesting recommended amendments for the consideration of Council. It is thought containing the information in individual appendices rather than in the body of the report would better able focused conversation on each.

A number of other bylaws have been reviewed but are being held in abeyance to manage the volume processed through the Committee at any given meeting. Any amendment to a City Bylaw will be brought forward to the Committee associated with the Department responsible for the Bylaw's administration.

### ATTACHMENTS:

Attachment A-October 2, 2008 Council Information Report-Bylaw Service Review

Attachment B-Summary of Fireworks Bylaw review

Attachment C-Summary of Outside Water Use Bylaw

Attachment D-Summary of Firearms Bylaw

### CORPORATE STRATEGIC PLAN

To enhance Community Wellness

### FINANCIAL IMPLICATIONS

Not applicable

### DEPARTMENTAL CONSULTATION

Not applicable



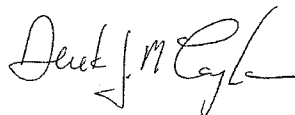
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#### Prepared and Recommended:

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Executive Director, Operations & Transit Department

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# INFORMATION REPORT



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**TO** Council

**SERVICE AREA** Operations  
**DATE** October 2, 2008

**SUBJECT** **BYLAW SERVICE REVIEW**  
**REPORT NUMBER**

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## BACKGROUND

In April 2008 the *Bylaw Enforcement – Service Review* was presented to Council outlining the work that had been completed and the steps still required to complete this process.

One of the recommendations forthcoming from this report was "THAT staff develop an operating approach for the delivery of by-law enforcement services that is consistent with the City's Strategic Plan for the consideration of Council." The report also recommended that staff undertake discussion on the philosophical approach to be undertaken in achieving by-law compliance. To address this, staff have prepared a series of questions to be completed with the administrative "owner" of each of the various bylaws. These questions include:

- What is the purpose of the bylaw? (reason for its implementation)
- Are the reasons for its implementation still relevant today?
- Are amendments required to the bylaw? (is the by-law still current?)
- Are there fees associated with the bylaw? Are they set at an appropriate level?
- How are infractions currently managed? Should the approach be changed?
- Should infractions of the bylaw be managed on a pro-active or reactive basis?
- Are there any other agencies/departments involved with the enforcement of the bylaw?
- If enforcement will be shared, to what extent will the Bylaw Compliance and Enforcement staff enforce this bylaw?
- Estimated or actual number of calls received regarding infractions of the bylaw (2006 to 2008 if available)
- Estimated or actual number of charges issued per year. (2006-2008 if available)

Given the number (and in some cases complexity) of the bylaws to be reviewed, this will likely be a lengthy process. That being said, as major bylaws are reviewed or when a number of minor ones have been completed the information garnered will be forwarded to Council for their information and consideration.

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**CORPORATE STRATEGIC PLAN**

Goal 5.6 Organizational excellence in planning, management, human resources and people practices;

**FINANCIAL IMPLICATIONS:**

n/a

**DEPARTMENTAL CONSULTATION/CONCURRENCE**

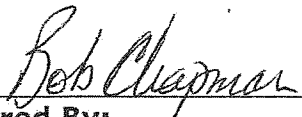
Corporate Services

**COMMUNICATIONS**

n/a

**ATTACHMENTS**

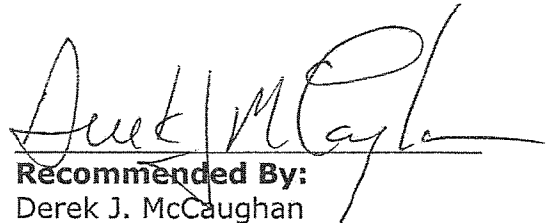
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**BYLAW SERVICE REVIEW REPORT – OT021104**  
**Attachment B**

**Bylaw (1993)-14362**

Fireworks Bylaw

A bylaw to regulate the display, sale and setting off of fireworks.

**Department responsible for Bylaw Administration**

Fire and Emergency Services

**Philosophy of Bylaw**

This Bylaw was implemented to control through the discharge and sale of fireworks to reduce the possibility of public injury and property damage. The Bylaw sets regulations on how and when fireworks may be sold and stored within the City of Guelph. In addition, the Bylaw sets time restrictions for the discharge of fireworks and requires event organizers that intend to use Explosive Acts (High Hazard Fireworks Displays) to obtain Council approval for their discharge. The Bylaw also restricts the discharge of all fireworks on City property unless authorized by Council.

**Is Philosophy of Bylaw still relevant today?**

Yes, the reasons for implementation are still relevant today.

**Bylaw Deficiencies/Amendments required**

The wording within the Fireworks Bylaw to describe professional fireworks displays such as the Canada Day Fireworks display is dated and is not consistent with the term Explosive Acts found in the Natural Resources Canadian Explosives Regulations.

Currently the authority to approve the discharge of Explosive Acts at special events rests with Council. Obtaining approval from Council is time consuming and due to this time required to process an application, some organizers have not sought approval for Explosive Acts. Delegating this authority to the Fire Chief or their designate will allow applications for special events to be processed in a more timely manner and will help maintain public safety.

**Bylaw Fees**

There are no fees associated with the Fireworks Bylaw.

**Fines**

The Fireworks Bylaw does not have set fines in place to allow the issuance of Provincial Offence Notices (tickets) as such, enforcement must occur by way of the issuance of a summons to the person violating the Bylaw. A summons requires the person violating the Bylaw to attend Court to answer the charge and upon conviction, the Court imposes a fine.

Staff recommend the creation of set fines to allow Bylaw Compliance and Fire staff the ability to issue tickets for violations under this Bylaw. While staff will still have the option to issue summonses instead of tickets, the use of tickets for minor violations will reduce staff time associated with the creation and issuance of the summons. As well, since the person receiving the ticket has the option to pay the fine, the use of tickets may also reduce staff time spent with respect to the prosecution of the offence.

All fine revenue received through the issuance of tickets or summons is returnable to Court Services.

**Enforcement of Violations**

Enforcement of the discharge of fireworks outside of the permitted discharge times or on City property is conducted proactively by Bylaw Compliance, Guelph Fire and Guelph Police staff.

**BYLAW SERVICE REVIEW REPORT – OT021104**  
**Attachment B**

Enforcement of the sale of fireworks is conducted upon public complaint and during Business license inspections. The Fire Department is the primary enforcement agency for this section of the Bylaw. Normally warnings are given to vendors to comply with the Bylaw's regulations before charges are issued.

**Recommended changes to current enforcement procedures**

Staff are recommending no change to the current enforcement practices regarding the discharge of fireworks.

Staff are recommending that enforcement of restrictions regarding the sale and storage of the fireworks be conducted proactively by Bylaw Compliance Officers, in addition to the City's Fire Prevention Officers. Increasing patrols and proactive enforcement will help ensure the proper storage and handling of fireworks reducing the possibility of public injury or property damage.

Staff also recommend that the dates in which vendors are permitted to sell fireworks be proactively enforced by Bylaw Compliance staff. This enforcement initiative may reduce the number of noise complaints regarding the discharge of fireworks on dates not permitted within the Bylaw.

Prior to any change in enforcement practices, staff recommend that educational material be provided to retail stores within the City alerting them of the Bylaw and the change in enforcement.

**Agencies or Departments responsible for enforcement**

Bylaw Compliance staff are currently directed to enforce restrictions with respect to the discharge of fireworks, specially the dates in which fireworks may be discharged and the discharge of fireworks on City Property without approval.

Fire Inspectors and police have the authority to enforce all restrictions of the Bylaw.

**Extent of enforcement by the Bylaw Compliance and Enforcement staff**

For efficiencies and public safety, staff recommend that Bylaw Compliance staff be directed to assist Fire staff by enforcing both the discharge and the sale of Fireworks.

**Level of enforcement**

In 2008, Bylaw Compliance staff received 115 calls for enforcement of the discharge of fireworks.

In 2009, staff received 71 calls for enforcement and in 2010, 74 calls for enforcement were received.

**Staff recommendations:**

1. That Bylaw Compliance staff (in addition to the Fire Inspectors) be directed to proactively conduct inspections of vendors selling fireworks to ensure their proper storage and handling and to ensure that sale of fireworks only occurs on permitted dates.
2. That the Fireworks Bylaw be amended to reflect wording in the Natural Resources Canadian Explosives Regulations, specifically change the reference of High hazard fireworks display to Explosive Act.

**BYLAW SERVICE REVIEW REPORT – OT021104**  
**Attachment B**

3. That Council consider delegating their authority to approve the use of Explosive Acts to the Fire Chief or their Designate to allow requests to be processed quickly without endangering public safety.
4. That set fines be created to allow enforcement staff the ability to issue Provincial Offence Notices (tickets) in addition to summonses.

**Public Consultation**

The recommended amendments to the Bylaw do not affect the Bylaw's intent or change any restrictions. Therefore, staff do not believe that formal public consultation on the recommendations is required.

The Firework Bylaw amendments will be processed through Committee of Council.

# BYLAW SERVICE REVIEW REPORT – OT0004

## Attachment C

### **Bylaw (2003)-17106**

Outside Water Use

A Bylaw to prescribe outside water use restrictions within the City of Guelph

### **Department responsible for Bylaw Administration**

Planning, Engineering and Environmental Services – Water Services

### **Philosophy of Bylaw**

The Outside Water Use Bylaw was implemented to manage customer outside water use at times of water shortage. The reasons for its implementation are still relevant today, however the focus has changed from an emphasis on enforcement towards public education. Overall compliance has been achieved, with the majority of residents conserving water and limiting outside water use.

Currently the Bylaw's restrictions on outside water usage (Level 0 – Careful Use, Level 1 – Reduce Outside Use, Levels 2 and 3 – Reduce & Stop Non-Essential Outside Use) are based on available water supply and system storage and are in line with the Provincial Low Water Response Plan as regulated through the City's water taking permits.

### **Bylaw Deficiencies**

Not applicable.

### **Bylaw Fees**

Fees associated with the Outside Water Use are for the issuance of permits such as for new lawns to allow residents to water outside of the designated hours. The fees are used to cover the administrative costs of creating these permits. The permit fees (\$10.00) have not been increased since the initiation of the program and will be investigated further by staff to ensure they continue to recover administrative costs.

### **Enforcement**

Enforcement of the Bylaw is done both proactively and reactively based on the outside water use level:

- In level 0 - Careful Use, enforcement is normally conducted by way of complaint unless the property violating the Bylaw has repeat violations on file or the extreme wasting of water is taking place.
- During level 1 – Reduce Outside Use, compliance is proactively sought, but is focused on education rather than fines.
- In levels 2 and 3 – Reduce & Stop Non-Essential Outside use, proactive enforcement is conducted with less focus on education.

Enforcement of this Bylaw is conducted effectively by the City's Bylaw Compliance Officers. Waterworks staff do have the ability to enforce this Bylaw in the event water to a residence needs to be physically restricted.

### **Fines**

The Outside Water Use Bylaw does have current set fines in place that allow staff to issue a Provincial Offence Notice (ticket) when a violation is observed.

**BYLAW SERVICE REVIEW REPORT – OT0004**  
**Attachment C**

Staff can also enforce violations of this Bylaw by issuing a summons to the property owner. This process requires the property owner to attend Court to answer the charge and upon conviction, the Court imposes a fine amount.

The means in which enforcement is conducted is left to the discretion of the investigating Officer and is based on a variety of factors including the severity of the violation and past violations.

**Calls for enforcement**

Over the past 4 years, the number of calls for enforcement has dropped significantly since the creation of the Bylaw. Currently Bylaw staff only receive 1 – 2 calls a year for enforcement. The observed continued decrease in outside water use violations is likely a result of water conservation and recent weather.

**Staff recommendation**

1. That there be no change to current enforcement/education practices.

**Public Consultation**

Not applicable.



**BYLAW SERVICE REVIEW REPORT – OT021104**  
**Attachment D**

**Bylaw (1994)-14738**

Discharge of Firearms

A Bylaw to regulate the discharge of firearms within the City of Guelph

**Department responsible for Bylaw Administration**

While the Guelph Police Service is the Department responsible for enforcement of this Bylaw, it is unclear as to which Department is responsible for the administration of this Bylaw. This being said a number of City Services (Court Services, Planning and Police) were involved in the review of this Bylaw.

**Philosophy of Bylaw**

This Bylaw was implemented to regulate the discharge of firearms within the City limits to reduce the possibility of public injury and property damage.

**Is Philosophy of Bylaw still relevant today?**

Yes - the reasons for implementation are still relevant today. The discharge of firearms within City limits should still be controlled to reduce the possibility of public injury and property damage.

**Bylaw Deficiencies/Amendments required**

The Discharge of Firearms Bylaw under certain circumstances permits the discharge of a firearms, specifically the Bylaw states:

*A person may discharge a Firearm in the City of Guelph only when:*

*(i) such person is exercising his or her rights under the Livestock, Poultry and Honey Bee Protection Act, R.S.O. 1990, Chapter L.24, or any successor thereof, and such person exercises due care for the safety of persons and property in such exercise;*

*(ii) such person is discharging the Firearm to destroy an animal or pest in the course of his or her duties as a police officer or an employee of the Federal or Provincial Government, the City of Guelph, the Guelph Humane Society or the University of Guelph;*

*(iii) such person is discharging the Firearm at a skeet or target shooting range which is a range regularly used for such activities by a shooting association or corporation and such association or corporation has public liability insurance in the amount of at least \$1,000,000.00 and due care is exercised at the range for the safety of persons and property; or*

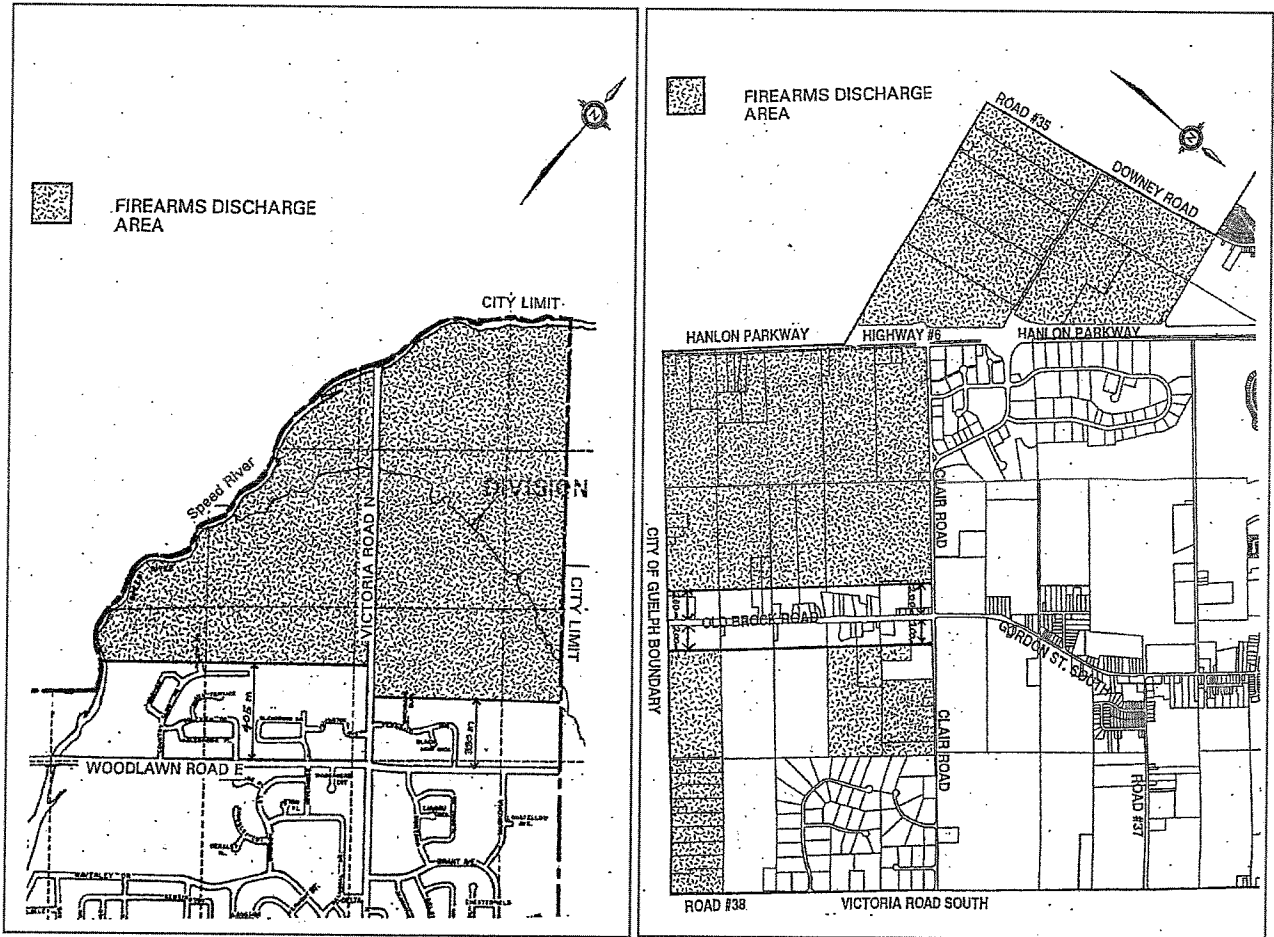
*(iv) such person is the owner of property or a person authorized by the owner of property within the area formerly in the Township of Puslinch which was annexed to the City of Guelph on April 1, 1993 and such person discharges the Firearm on such owned property for the purpose of either protecting the owner's agricultural crops or destroying any animal or pest that the property owner reasonably believes is of imminent harm to any person or to the owner's livestock, poultry or pets.*

This section of the Bylaw may be out of date when considering the City's growth. At the present time, staff are unaware if subsections (i), (iii) and (iv) are still required. Further section (ii) may no longer be required as other legislation is in place that provides authority to police to use firearms during the destruction of an animal.

## BYLAW SERVICE REVIEW REPORT – OT021104 Attachment D

In addition, the Bylaw permits the discharge of firearms without specific reason within geographical locations within the City referred to the Firearms Discharge Area:

*(b) A person may discharge a Permitted Firearm within the Firearms Discharge Area when such Permitted Firearm is discharged at least 200.0 metres away from any habitable building or structure.*



The Firearm Discharge Areas are mapped out in the Bylaw (as above), but have not been updated to reflect City growth. Therefore, the Bylaw currently permits the discharge of a firearm within some residential neighbourhoods and public trails. This deficiency is of significant concern to the Guelph Police Service.

While staff are aware that the discharge of a firearm within urbanized areas should be restricted, it is unknown if there is still a public need to discharge a firearm within undeveloped areas of the City. If there is no need this section can be removed from the Bylaw.

## **BYLAW SERVICE REVIEW REPORT – OT021104 Attachment D**

### **Bylaw Fees**

There are no fees associated with this Bylaw.

### **Fines**

Enforcement is conducted by the Guelph Police Service and is done by way of a Part III summons. The practice requires the person violating the Bylaw to attend Court to answer the charge.

This Bylaw does not have current set fines in place to allow for the issuance of Provincial Offence Notices (ticket), however due to the seriousness of the offence, it is recommended that enforcement continue to be done by way of Part III summons.

### **Enforcement of Violations**

The Guelph Police Service enforces the Discharge of Firearms Bylaw proactively and reactively.

### **Recommended changes to current enforcement procedures**

No change to enforcement practices is recommended.

### **Agencies or Departments responsible for enforcement**

Enforcement of this Bylaw is conducted by the Guelph Police Department. Bylaw Compliance officers do not have the skills or equipment to address these types of calls. Given this information, the enforcing agency should remain to be the Guelph Police Service.

### **Extent of enforcement by the Bylaw Compliance staff**

Bylaw Compliance staff are not properly equipped or trained to address persons with firearms, as such they are not able to assist with the enforcement of this Bylaw. Calls are directed to the Guelph Police Service, who utilize this Bylaw and other legislation including the Criminal Code to investigate the call.

### **Calls for enforcement**

Unknown

### **Staff recommendation**

1. That public consultation be conducted to review the reasons in which the discharge of a firearm by the public within City Limits would be permitted.
2. That public consultation be conducted to determine if any of the Firearms Discharge Areas mapped out in the Bylaw are still required.
3. That staff prepare amendments to the Bylaw with input from the public consultation.

### **Public Consultation**

As there may be reasons unknown to staff as to why the discharge of a firearm by a person other than a police officer or other enforcement agency may still be required, staff are recommending that formal consultation be completed. Specifically consultation with the public and the University of Guelph be conducted to determine if there the permissions for the discharge of a firearm within City limits are still relevant today.

A report based on the public consultation and any amendments to this Bylaw will be brought forward to the Operations and Transit Committee.

**CONSENT REPORT OF THE  
PLANNING & BUILDING, ENGINEERING AND ENVIRONMENT COMMITTEE**

April 26, 2011

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

Your Planning & Building, Engineering and Environment Committee beg  
leave to present their SECOND CONSENT REPORT as recommended at its  
meeting of.

*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 the Planning &  
Building, Engineering & Environment Committee will be approved in  
one resolution.*

**1) Terms of Reference for the Public Advisory Committee to be  
Established for the Organic Waste Processing Facility**

THAT the Planning & Building, Engineering & Environment report dated April 18,  
2011 entitled "Terms of Reference for the Public Advisory Committee to be  
established for the Organic Waste Processing Facility", be received;

AND THAT the Terms of Reference for the Organic Waste Processing Facility Public  
Advisory Committee be endorsed for submission to the Ministry of the Environment  
for approval.

**2) Annual Increase of Building Permit Fees**

THAT Council approve the Permit Fees attached as Appendix A to the "Annual  
Increase of Building Permit Fees" report, effective June 1, 2011;

AND THAT the Report No. 11-35 on Annual Increase of Building Permit Fees from  
Planning & Building, Engineering & Environment dated April 18, 2011, be received.

All of which is respectfully submitted.

Councillor Piper, Chair  
Planning & Building, Engineering &  
Environment Committee

**PLEASE BRING THE MATERIAL THAT WAS DISTRIBUTED WITH THE  
AGENDA FOR THE APRIL 18, 2011 MEETING.**

# COMMITTEE REPORT



**TO** **Planning & Building, Engineering and Environment Committee**

**SERVICE AREA** Planning & Building, Engineering and Environment

**DATE** April 18, 2011

**SUBJECT** **Terms of Reference for the Public Advisory Committee to be established for the Organic Waste Processing Facility**

**REPORT NUMBER**

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## **RECOMMENDATION**

"THAT the Planning & Building, Engineering and Environment report dated April 18, 2011 entitled "Terms of Reference for the Public Advisory Committee to be established for the Organic Waste Processing Facility", be received;

AND THAT the Terms of Reference for the Organic Waste Processing Facility Public Advisory Committee be endorsed for submission to the Ministry of Environment for approval."

## **BACKGROUND**

On August 11, 2010 the Ontario Ministry of Environment (MOE) issued the City of Guelph an amended Certificate of Approval (C of A) for the Waste Resource Innovation Centre (WRIC). The amended C of A permits the City to construct and operate an Organic Waste Processing Facility (OWPF). One of the many conditions of approval listed in the amended C of A is a requirement to establish, maintain and participate in a Public Liaison Committee (PLC).

On February 22<sup>nd</sup>, 2011, Council received a report (Attachment 1) outlining the requirements of the public process to establish a Public Advisory Committee for the OWPF, including the requirement to invite specified groups to provide input and/or comments into the preparation of the Terms of Reference for the PLC. The report indicated that staff would report back to Council on the Terms of Reference, including the public comments received, the response to those comments and how they were considered in the preparation of the Terms of Reference (ToR) to be submitted Council and the Ministry of Environment (MOE).

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## **REPORT**

The C of A condition of approval that requires the creation of a PLC contains, amongst other requirements, the following specific deliverables along with the City's implementation plan:

*"The Owner shall invite the following groups to provide input and/or comments into the preparation of the Terms of Reference for the Public Liaison Committee (ToR PLC).*

- (a) home owners within 2,000 meters of the Composting Site;*
- (b) any interested non-governmental organization (NGOs);*
- (c) any interested person(s) or group(s)."*

City staff posted a draft ToR on the City's web site and notices were posted in both City newspapers inviting feedback from the public. The draft ToR was made available for public review and comment from March 1, 2011 until March 21, 2011. The Guelph Waste Management Coalition group was sent the draft ToR directly and staff met with this group on March 14, 2011.

All feedback received from the general public was considered and where feasible incorporated into the ToR (Attachment 3). A summary of all comments received and the City's responses is attached (Attachment 2).

Following Council's consideration, the ToR will be submitted to the District Manager of the MOE by May 1, 2011. Staff will advise Council in the future of any amendments subsequently made to the ToR by the District Manager of the MOE.

Immediately following receipt of the District Manager's written concurrence with the ToR, staff will work with the Clerk's Division of the Information Services Department to invite representation on the PLC, in accordance with all requirements of the MOE-approved ToR and the C of A. Once applications from interested individuals have been received by the Clerk's Division, individuals will be appointed to the PLC by Council, in accordance with the City's Policies and Procedures governing citizen appointments to Committees.

## **CORPORATE STRATEGIC PLAN**

- 5.2 A consultative and collaborative approach to community decision making;
- 5.3 Open, accountable and transparent conduct of municipal business;
- 6.4 Less waste per capita than any comparable Canadian city
- 6.5 Less energy and water per capita use than any comparable Canadian city

## **FINANCIAL IMPLICATIONS**

N/A

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## **DEPARTMENTAL CONSULTATION/CONCURRENCE**

N/A

## **COMMUNICATIONS**

N/A

## **ATTACHMENTS**

1. April 18, 2011 Planning, Engineering and Environmental Services Committee Report "Public Process to Establish a Public Advisory Committee for the New Organics Facility"
2. Public Comments and Responses on Terms of Reference for OWPF Public Liaison Committee
3. Draft Terms of Reference for OWPF Public Liaison Committee

### **Prepared By:**

Bill Shields  
Supervisor, Governance and Compliance  
Solid Waste Resources  
519-822-1260 ext 2058  
bill.shields@guelph.ca

Original Signed by:

Original Signed by:

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### **Recommended By:**

Dean Wyman  
General Manager  
Solid Waste Resources  
519-822-1260 ext 2053  
dean.wyman@guelph.ca

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### **Recommended By:**

Janet L. Laird, Ph.D.  
Executive Director  
Planning & Building, Engineering and Environment  
519-822-1260, ext 2237  
janet.laird@guelph.ca

**Attachment 1**



February 23, 2011

Dr. J. Laird  
Executive Director  
Planning, Engineering & Environmental Services

Dear Dr. Laird:

At the Planning, Engineering & Environmental Services Committee meeting held February 22, 2011, the following resolution was adopted:

"THAT the Planning, Engineering and Environmental Services report dated February 22, 2011 entitled "Public Process to Establish a Public Advisory Committee for the New Organics Facility" be received."

Yours truly,

A handwritten signature in black ink, appearing to read "Lois A. Giles", is written over a faint, illegible background.

Lois A. Giles  
General Manager,  
Information Services/ City  
Clerk

LAG:db

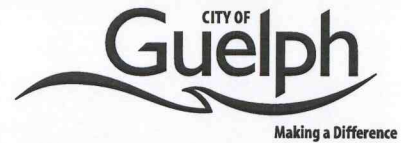
City Hall  
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Canada  
N1H 3A1

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# COMMITTEE REPORT



TO **Planning, Engineering and Environmental Services  
Committee**

SERVICE AREA Planning, Engineering and Environmental Services  
DATE February 22, 2011

**SUBJECT Public Process to Establish a Public Advisory  
Committee for the New Organics Facility**

REPORT NUMBER

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## RECOMMENDATION

"THAT the Planning, Engineering and Environmental Services' report dated February 22, 2011 entitled Public Process to Establish a Public Advisory Committee for the New Organics Facility be received."

## BACKGROUND

On August 11, 2010 the Ontario Ministry of Environment (MOE) issued the City of Guelph an amended Certificate of Approval (C of A) for the Waste Resource Innovation Centre (WRIC). The amended C of A permits the City to construct and operate a new Organic Waste Compost Facility (OWPF). One of the many conditions of approval listed in the amended C of A is a requirement to establish, maintain and participate in a Public Liaison Committee (PLC).

## REPORT

The C of A condition of approval that requires the creation of a PLC contains, amongst other requirements, the following specific deliverables along with the City's implementation plan:

*"The Owner shall invite the following groups to provide input and/or comments into the preparation of the Terms of Reference for the Public Liaison Committee (ToR PLC)."*

- (a) home owners within 2,000 meters of the Composting Site;*
- (b) any interested non-governmental organization (NGOs);*
- (c) any interested person(s) or group(s)."*

City staff will post a draft ToR on the City's web site and notices will be posted in both City newspapers inviting feedback from the public. The Guelph Waste Management

Coalition group will be sent the draft ToR directly. The draft ToR will be made available for public review and comment by the end of February.

- "(a) The Owner shall consider all input and/or comments submitted by the groups listed above during preparation of the ToR PLC;*
- (b) A minimum ninety (90) days prior to the receipt of the Organic Waste at the Composting Site, the Owner shall prepare and submit to the District Manager the ToR PLC, including documentation demonstrating consideration of all public input and/or comments received, for written concurrence of the District Manager."*

All feedback received from the general public will be considered and a final draft of the ToR will be prepared. Prior to submission of the ToR to the MOE, staff will bring the ToR for Council's consideration at their April 2011 meeting, along with documentation demonstrating consideration of the public input.

The expected timing for the ToR to be submitted to the District Manager of the MOE is shortly following the April Council meeting. Staff will advise Council of any amendments subsequently made to the ToR by the District Manager of the MOE.

*"Within sixty (60) days from the District Manager's concurrence to the ToR PLC, the Owner shall take all reasonable steps to establish a PLC which shall serve as a forum for dissemination, consultation, review and exchange of information regarding the operation of the Composting Site, including environmental monitoring, maintenance, complaint resolution, and new approvals or amendments to existing approvals related to the operation of this Composting Site."*

*"The Owner shall invite representation from the following groups to participate on the PLC;*

- (a) Home owners within 2,000 meters of the Composting Site;*
- (b) any interested non-governmental organization (NGOs);*
- (c) any interested person(s) or group(s)."*

*"The number of representatives from each group shall be specified in the ToR PLC approved by the District Manager."*

*" No later than ninety (90) days from the District manager's concurrence to the ToR PLC, the Owner shall submit to the District Manager a written report that details steps to be taken by the Owner to establish, maintain and participate in a PLC. This report shall include the identification of each of the representatives that have been invited to participate in the PLC."*

Immediately following receipt of the District Manager's concurrence with the ToR, staff will work with the Clerk's Division of the Information Services Department to invite representation on the PLC, in accordance with all requirements of the MOE-approved ToR and the C of A. Once applications from interested individuals have been received by the

Clerk's Division, individuals will be appointed to the PLC by Council, in accordance with the City's Policies and Procedures governing citizen appointments to Committees.

**CORPORATE STRATEGIC PLAN**

- 5.2 A consultative and collaborative approach to community decision making;
- 5.3 Open, accountable and transparent conduct of municipal business;
- 6.4 Less waste per capita than any comparable Canadian city
- 6.5 Less energy and water per capita use than any comparable Canadian city

**FINANCIAL IMPLICATIONS**

N/A

**DEPARTMENTAL CONSULTATION/CONCURRENCE**

N/A

**COMMUNICATIONS**

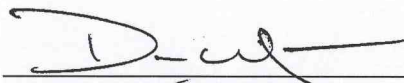
N/A

**ATTACHMENTS**

N/A

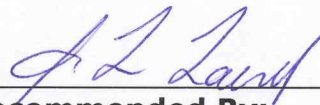
**Prepared By:**

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**Recommended By:**

Dean Wyman  
General Manager  
Solid Waste Resources  
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dean.wyman@guelph.ca



**Recommended By:**

Janet L. Laird, Ph.D.  
Executive Director  
Planning, Engineering and Environmental Services  
519-822-1260, ext 2237  
janet.laird@guelph.ca

**Attachment 2:  
Public Comments and Responses on Terms of Reference for OWPF Public Liaison Committee  
104328**

Comment Received	Response to Comments Received	Comment Received From
<p>1 The public liaison committee should be made up of seven members that should all be residents, property owners or business owners that live or work with a 2 km distance to the new facility. It is these people that suffered the most as the last facility was in operation and it should be them who now have the biggest impact on the new facility.</p>	<p>The three membership categories that form the public liaison committee have been defined by the MOE within the Certificates of Approval (CsofA) issued for the new facility. Residents and property owners within 2,000 metres of the site are important stakeholders; and have been explicitly defined as one of the three PLC membership categories.</p>	<p>Marta Redmond <a href="mailto:mac.redmond@bell.net">mac.redmond@bell.net</a></p>
<p>2 PLC members should be solicited from the residential area of Puslinch Township as they are directly down wind of the organic waste facility and most likely to be affected by the operation.</p>	<p>As defined by the CsofA for the facility, PLC members will be drawn from “residents and property owners within 2,000 metres of the site”; as well as “other interested people or groups”. Residents and property owners from the Township of Puslinch within either of these categories will be considered for PLC membership.</p>	
<p>3 The residents and property owners within 2000 metres should be increased to 4000 metres and at least four of the seven members should be from this area</p>	<p>The PLC membership category of “residents and property owners within 2,000 metres of the site” has been defined by the Ministry of the Environment in the CsofA for the facility. However, residents from outside this area can apply for membership in the PLC as “other interested people or groups”.</p> <p>The total proposed representation for “residents and property owners within 2,000 metres of the site” and “other interested people or groups” is five (5).</p>	<p>Ron Van Hulst <a href="mailto:rvh@bell.net">rvh@bell.net</a></p>
<p>4 “The delegation should also provide a written copy of their submission before 4:00 p.m. five business days prior to the regular PLC meeting” should be deleted. Dean mentioned the PLC would not be discussing technical issues and if this should be the case, the staff contact can suggest written copies be provided ahead. Neighbours coming to discuss odour, litter issues etc.should not be expected to provide written copies five days before the meeting.</p>	<p>Persons wishing to address the PLC as a delegation should notify the City of Guelph staff liaison person for the OWPF no later than five (5) business days immediately preceding the regular PLC meeting.</p> <p>A written copy of the submission will no longer be required; however sufficient detail on the submission should be made available such that the Chair of the PLC can decide whether or not the request to address the PLC will be accepted and added to the agenda.</p>	<p>Donna Sunter <a href="mailto:donna.sunter@sympatico.ca">donna.sunter@sympatico.ca</a> 519-836-6082</p>

**Attachment 2:  
Public Comments and Responses on Terms of Reference for OWPF Public Liaison Committee  
104328**

Comment Received	Response to Comments Received	Comment Received From
<p>5 Delete “members of the PLC may only ask questions of the delegations and shall not express an opinion to , or enter into debate with the delegations”</p> <p>Much distrust of the previous facility was a result of staff and councillors promising to follow up on extremely important issues to neighbours and then doing nothing or something completely irrelevant numerous times. Maybe there needs to be healthy discussion in a timely way.</p>	<p>The PLC is a forum for information dissemination and gathering of feedback from stakeholders. The statement in question regarding “members of the PLC may only ask questions of the delegations and shall not express an opinion or enter into debate with delegations” is not intended to limit a healthy discussion of issues raised; rather it is intended to focus that discussion among the PLC membership. This procedure allows the PLC to meet its mandate to gather feedback from stakeholders, while enabling the PLC members to discuss the feedback received amongst themselves and seek responses from the City.</p> <p>In light of this, the wording will be adjusted to reflect “Members of the PLC may only ask questions of the delegations and shall not express an opinion or enter into debate with delegations to ensure constructive and efficient dissemination, consultation, review and exchange of information”.</p>	
<p>6 Change: “notification of PLC opportunity through advertisement and letters” To: Notification of PLC opportunity through advertisement in local newspapers as well as Township of Puslinch and Guelph-Eramosa papers, letters and emails to interested individuals and groups.</p>	<p>It is recognized that additional advertisement may be required to capture residents of the Townships of Puslinch and Guelph-Eramosa. The City will advertise subsequent requests for participation/comments in a local City of Guelph newspaper (e.g., Guelph Tribune) and a local Puslinch/ Guelph-Eramosa newspaper (e.g., Wellington Advertiser).</p>	<p>Guelph Waste Management Coalition Ken Spira <a href="mailto:contact@gwmc.ca">contact@gwmc.ca</a> 80 Glenholm Drive Guelph, ON, N1L 1C2 519-836-2849</p>
<p>7 Change: “ Interested non-governmental organizations (e.g., University of Guelph) (2 members)” To: Interested Groups (e.g., Guelph Waste Management Coalition Inc.) (2 members)</p>	<p>Participation of non-governmental organizations has been defined by the MOE as a requirement of the CsofA. In fulfilling this condition, the City will draw from non-governmental organizations that apply.</p>	

**Attachment 2:  
Public Comments and Responses on Terms of Reference for OWPF Public Liaison Committee  
104328**

Comment Received	Response to Comments Received	Comment Received From
<p>8</p> <p>Change: "Other interested people or groups (e.g., local businesses, residents who live greater than 2,000m from the OWPF) (3 members)" To: Other interested residents, property owners or businesses who live in the City of Guelph, Townships of Puslinch or Guelph-Eramosa (2 members)</p>	<p>Revisions to the wording of the PLC Terms of Reference will be made to specifically open membership of the PLC to stakeholders from outside the City of Guelph boundaries (e.g. residents and property owners of the City of Guelph, the Townships of Puslinch and Guelph-Eramosa).</p>	
<p>9</p> <p>Change: "Upon approval of the PLC, a person wishing to appear as a delegation may address the PLC for a period of time not exceeding five minutes" To: ten minutes as well as the five minutes in the following paragraph to ten minutes.</p>	<p>The PLC is a forum for information dissemination and gathering of feedback from stakeholders. Delegation is one way for the PLC to hear from stakeholders.</p> <p>In recognition of the fact that delegations are limited to five minutes, the five minute period may be extended by the PLC by a majority vote of the PLC members present. Such question shall be decided by the PLC without debate.</p>	

**Attachment 2:  
Public Comments and Responses on Terms of Reference for OWPF Public Liaison Committee  
104328**

Comment Received	Response to Comments Received	Comment Received From
<p>10 Change: “Residents and property owners within 2,000 metres of the site (2 members)” To: Residents, property owners or businesses in the City of Guelph, Townships of Puslinch or Guelph-Eramosa within 2,000 metres of any property line of the OWPF site (see attached map) (3 members)</p>	<p>Revisions to the wording of the PLC Terms of Reference will be made to specifically open membership of the PLC to stakeholders from outside the City of Guelph boundaries (e.g. residents and property owners of the City of Guelph, the Townships of Puslinch and Guelph-Eramosa within 2,000 metres of the site).</p> <p>The PLC is intended to represent the broader community and hence the membership categories and associated number of members has been developed to ensure a balanced cross section of interests:</p> <ul style="list-style-type: none"> <li>• site neighbours (residents or businesses) who may be directly affected by the facility;</li> <li>• broader focused interest groups who could bring an academic or provincially based perspective; and,</li> <li>• others within the City and Townships who may look at the facility from a city wide perspective.</li> </ul> <p>A PLC membership of 7 is a manageable number to allow for a full and productive discussion at the meetings.</p> <p>Based on the above, we believe that 2 members from the first category is reasonable. It is noted that within 2,000 metres of the OWPF there are approximately 1,000 residents and/or property owners. This represents &lt;1% of the City of Guelph population. In contrast representation of this group has been set to ~30% of the PLC.</p> <p>The definition of the 2,000 metre radius based on the overall OWPF property line is being considered. A figure defining the 2,000 metre boundary will be provided in the request for applications for participation in the PLC.</p>	

## **Guelph Organic Waste Processing Facility Public Liaison Committee (PLC) Terms of Reference**

The City of Guelph's new Organic Waste Processing Facility (OWPF) is scheduled to begin operation in late 2011. Located at the Waste Resource Innovation Centre at 110 Dunlop Drive in Guelph, the facility will use state of the art in-vessel fully enclosed composting technology. This facility provides a long term solution to the local management of Guelph's organic waste – an important step toward achieving the waste diversion targets set out in the City's Solid Waste Management Master Plan. The new OWPF is in line with the City's objective to produce less waste per capita than any comparable Canadian city and the facility is expected to increase Guelph's diversion rate by about 10%.

In the operation of the Guelph Organic Waste Processing Facility, the City of Guelph strives to be a good neighbor in the community. The facility itself has been designed to minimize potential operational impacts such as odour, noise, dust and traffic. The City recognizes the value of residents', businesses' and the general community's participation on Committees and wishes to establish a Public Liaison Committee to allow for information transfer.

*The importance of and need for such a committee has also been incorporated into the Certificates of Approval for the OWPF issued by the Ministry of the Environment (MOE) on August 11<sup>th</sup>, 2010.*

The purpose of this document is to provide potential members of the PLC with an understanding of the PLC mandate, membership, role and responsibilities of members, expected level of commitment, rules of order, and a process to amend this Terms of Reference.

### **PLC Mandate**

The City of Guelph believes that communicating with local residents, businesses and community leaders is important. The PLC will provide a forum for dissemination, consultation, review and exchange of information regarding the operation of the OWPF, including environmental monitoring, maintenance, complaint resolutions, and new approvals or amendments to existing approvals related to the operation of the site.

As with all advisory committees within the City of Guelph, the PLC will not have the authority to commit City resources or direct the work of staff. As stated above, the PLC is a forum for information dissemination and gathering of feedback from stakeholders.



## **PLC Membership**

The composition of the PLC will be structured to provide a balance of perspectives. Recruitment of members will be conducted in accordance with the City of Guelph's Advisory Committee Resident Appointments- Guiding Principles (September 28, 2009), and associated official policies, governing the appointment and functioning of advisory committees. This will allow for recruitment to be conducted through an impartial, fair and equitable process. This process includes the following key steps:

- Consultation on the development of these Terms of Reference
- Notification of PLC opportunity through advertisement (e.g., Guelph Tribune, Wellington Advertiser)
- Application to participate by community members
- Review and decision on membership by Council

Members of the PLC shall hold office for one year upon initial appointment and thereafter, may be appointed for one to three years, but not beyond the term of the Council who appointed them. The limit on the length of service for any member is 8 consecutive years.

The intention is to select a diverse and broad range of members of the Guelph community, to allow for a variety of perspectives. Amongst others groups, members may be drawn from:

1. Residents and property owners within 2,000 metres of the site (2 members)
2. Interested non-governmental organizations (e.g., University of Guelph) (2 members)
3. Other interested people or groups (e.g., local businesses, residents who live greater than 2,000m from the OWPF) (3 members)

PLC members will not be limited to residents, property owners businesses etc. from within the boundaries of the City of Guelph. Where appropriate, stakeholders from outside the City boundaries will be eligible for membership in the PLC.

City staff, including City Councillors, are not eligible for membership on the PLC. Staff will be available as resources at meetings but will not have any voting rights on the PLC.

If a stakeholder misses three consecutive meetings without a resolution of the PLC allowing such, the appointee will be deemed to have forfeited their position on the PLC, subject to the appointee having the opportunity to address the PLC in writing regarding their absenteeism. The City staff liaison will advise the PLC as such with a recommendation to the PLC. Council reserves the right to make the final decision regarding ending appointments.

## **Roles and Responsibilities**

It is the responsibility of all PLC members to participate in discussions, provide input and ideas from their perspective and listen to other points of view. Additional responsibilities are as follows:

### ***City Staff***

- Keep PLC members up to date on changes at the OWPF and any issues raised within the community.
- Appoint a City staff liaison person to coordinate communications between the Chair of the PLC and the public including potential delegations.
- Assist the Chair with the effective functioning of the committee including development and distribution of agendas, meeting notes, etc. This responsibility may be passed onto a third party designate if so desired.
- Listen carefully to the opinions and perspectives provided.
- Provide timely responses and/or action as appropriate including follow-up on issues raised that could not be addressed at the meeting.

### ***PLC Members***

- Attend PLC meetings and participate in discussions. Become informed about the OWPF and its operation.
- Be prepared and informed for meetings by reviewing any materials provided in advance.
- Relay any input received from the broader community on the OWPF's operation.
- Bring a community perspective to the discussion on OWPF operation, complaints or issues raised by the public, opportunities for improvements at the facility, etc.
- Elect a Chair annually.
- Help the PLC operate effectively by contributing constructively and openly discussing ideas and opportunities.
- Conduct their meetings in accordance with procedures in the City's Procedural Bylaw (1996) -15200, as amended from time to time.

### ***OWPF Operator Staff***

- Attend PLC meetings and participate in discussions.
- Work with the City in keeping PLC members up to date on changes at the OWPF and any issues raised within the community.
- Appoint an Operator staff liaison person to coordinate communications between the City staff liaison person and the Chair of the PLC..

- Listen carefully to the opinions and perspectives provided.
- Liaise with the City in providing timely responses and/or action as appropriate including follow-up on issues raised that could not be addressed at the meeting.

### **PLC Meeting Schedule and Format**

The PLC will form once approval of the ToR has been received from the MOE, and City Council has selected the committee members. Within the first two months of establishment of the PLC, meetings of the PLC will be held once per month, with subsequent meetings on a quarterly schedule (one meeting every three months). All meetings will be held at the Waste Resource Innovation Centre at 110 Dunlop Drive in Guelph. Meetings will be chaired by an elected member of the PLC (or designate) and will last approximately 2 hours.

The first meeting will focus on the role of the PLC and provide members with a basic understanding of the OWPF. Standard meeting agenda items will include:

- Update on OWPF operation
- Discussion of PLC comments and concerns
- Review of issues and concerns
- Other agenda items as appropriate.

Meeting materials including an agenda will be posted electronically to the City's website at least 72 hours prior to the next meeting. Meeting notes will be prepared by the City and posted on the City's website in draft format. Once these draft notes have been approved by the PLC, the final approved minutes will be posted to the City's website.

The meetings will be open to the public. Members of the public may not enter into discussion during the meeting unless they are registered delegations or are invited to speak by the PLC. Members of the public do not have voting privileges. Members of the public wishing to address the PLC must do so as a delegation by meeting the requirements outlined in this Terms of Reference.

### **Rules of Order**

Members of the PLC, subsequent to declaring a pecuniary interest with respect to an agenda matter being considered, shall leave the room in which the consideration of the agenda item is conducted. They will be recalled to the meeting once the item of consideration has been dealt with. If a member of the PLC declares a pecuniary interest on any matter, it does not affect the composition of the quorum.

A quorum will consist of four members.

The Chairperson of the PLC shall vote on all matters. In the event of a tie vote, the motion will fail.

Members of the PLC have a duty to conduct themselves in an impartial and objective manner. It is understood that members of the PLC will perform their duties in such a way as to promote public confidence and trust in the integrity, objectivity and impartiality of the PLC. The Chairperson of the PLC shall have the right and responsibility to control proceedings of the PLC, including the right to exclude any member of the public or any member of the PLC who is interfering with or disrupting the PLC proceedings.

No person except members of the PLC, appointed officials of the City of Guelph, employees of the City of Guelph, the OWPF operator's staff and invited guests shall be allowed to sit at the discussion table during the sittings of the PLC without permission of the PLC.

Organized bodies or individuals wishing to address the PLC shall register their request to be treated as a delegation by notifying the City of Guelph staff liaison person for the OWPF no later than five business days immediately preceding the regular PLC meeting in order that they may be considered for addition to the agenda along with the subject matter of their address. At the time of requesting to be treated as a delegation, the body or individual shall provide information on what is to be presented to the PLC. This information will be provided to the Chair to help in deciding whether the request to speak will be accepted. The delegation where possible, should provide a written copy of the submission before 4:00 pm five business days prior to the regular PLC meeting.

The City liaison person will contact the Chair of the PLC and advise them of the request. The Chair will make the decision as to whether or not the item is to be added to the agenda. Once a decision has been made, the person requesting the agenda item to be added will be contacted by the staff liaison person and advised of the decision.

Upon approval of the PLC, a person wishing to appear as a delegation may address the PLC for a period of time not exceeding five minutes and may only delegate on an item listed on the agenda.

An organized body wishing to address the PLC as a delegation shall be limited to a maximum of five minutes total for the entire delegation, regardless of the number of representatives of that group wishing to address the PLC. The five minute timer period may be extended by the PLC by a majority vote of the PLC members present. Such question shall be decided by the PLC without debate.

Delegations shall not be permitted to appear before the PLC for the sole purpose of generating publicity.

Delegations that have previously appeared before the PLC on a subject matter shall be permitted to delegate again only if they provide new information relating to that matter, and follow the process for requesting approval to appear before the PLC defined above for each request to appear before the PLC.

**Members of the PLC may only ask questions of the delegations and shall not express an opinion or enter into debate with delegations to ensure constructive and efficient dissemination, consultation, review and exchange of information.**

### **Amending this Terms of Reference**

Any proposed amendments to this Terms of Reference shall be made in writing and tabled at a regular meeting of the PLC for discussion. If an amendment is desired by the PLC, City Council will consider the amendment and the MOE District Manager will concur with the amendment prior to its implementation.

The application of the MOE-approved terms of reference and PLC member conduct at meetings are subject to the City of Guelph Procedural By-law (1996) – 15200 and its associated official policies. The by-law and its associated policies are official Council approved City of Guelph documents and therefore are not subject to revision through the development and operation of the PLC.



**I have read, understand and agree to the OWPF PLC Terms of Reference  
as noted in this document.**

\_\_\_\_\_  
**Name of OWPF PLC member (printed)**

\_\_\_\_\_  
**Signature of OWPF PLC member**

\_\_\_\_\_  
**Date**

# COMMITTEE REPORT



TO **Planning & Building, Engineering and Environment  
Committee**

SERVICE AREA Planning & Building, Engineering and Environment

DATE April 18, 2011

**SUBJECT Annual Increase of Building Permit Fees**

REPORT NUMBER 11-35

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## **SUMMARY**

### **Purpose of Report:**

To outline new Building Permit fees being proposed for 2011 – 2012.

### **Council Action:**

To decide whether to approve recommended fees.

## **RECOMMENDATION**

“THAT Council approve the attached Schedule of Permit Fees, effective June 1, 2011;

AND THAT the Report No. 11-35 on Annual Increase of Building Permit Fees from Planning & Building, Engineering and Environment dated April 18, 2011, be received.”

## **REPORT**

In 2009, City Council approved an increase to Building Permit fees – the first since January 1, 2005. In the report to Council, staff also advised that they were currently reviewing all viable options for the implementation (in 2010) of an automatic increase of Building Permit fees on an annual basis.

### **Automatic Increase of Building Permit Fees:**

In 2010, City Council adopted the following three resolutions:

“THAT the Report (No. 10-26) on Automatic Increase of Building Permit Fees from the Community Design and Development Services Department, dated April 12, 2010, be received;

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AND THAT Council approve the automatic increase of Building Permit Fees to be equal to the increase to the City of Guelph's Tax-Supported Operating budget plus 20 percent of the increase;

AND THAT Council approve the attached Schedule of Permit Fees, effective June 1, 2010."

The new fees come into effect on June 1st of each year to allow time for staff to compare the Year-end Building Stabilization Reserve Fund balance to the established cap on the reserve fund, consult with our Industry Partners and advertise the required Public Notice.

**Purpose of Fees:**

The Building Code Act allows permit fees to be set to cover only the costs associated with the administration and enforcement of the Building Code Act, as well as reasonable contributions to a reserve fund. The reserve fund can be used to offset lean years, implement service enhancements and to cover unexpected expenses related to the administration and enforcement of the Building Code Act.

**Public Notice:**

As required by the Building Code Act, when a municipality is proposing changes to their Building Permit fees, the municipality must hold a public meeting concerning the proposed changes and must provide a minimum of 21 days notice prior to the public meeting, which will be the Council meeting on May 24, 2011. A public Notice will be advertised in the Guelph Tribune on April 28, 2011.

**Review in 2011:**

Building Permit fees will be reviewed when staff from Planning & Building Services and the Finance Department study the pros and cons of transferring the Ontario Building Code Administration Operating Budget and the Building Stabilization Reserve Fund to a User Pay Budget. Impacts of applying the Ontario Municipal Benchmarking Initiative (OMBI) methodology will be considered at that time.

**CORPORATE STRATEGIC PLAN**

Government & Community Involvement

*Goal #5: A community-focused, responsive and accountable government.*

**FINANCIAL IMPLICATIONS**

An increase in Building Permit fees will assist staff in balancing Building Code revenues against costs and maintaining a related Building Stabilization Reserve Fund.

**DEPARTMENTAL CONSULTATION**

N/A



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## COMMUNICATIONS

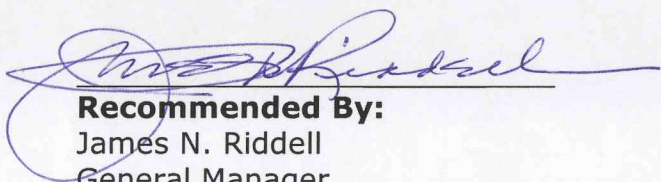
- A Public Notice will be advertised in the Guelph Tribune on April 28, 2011, as required by the Building Code Act.
- An Information Notice will be sent to Industry partners affected by the increase in Building Permit fees.

## ATTACHMENTS

- Appendix A - Schedule of Permit Fees

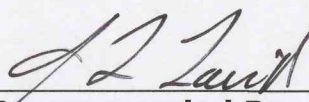
### Prepared By:

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### Recommended By:

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General Manager  
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### Recommended By:

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**SCHEDULE "A"**  
of By-law Number (2011) –  
being new Schedule "A" of By-law (2005)-17771

Fees for a required Permit are set out in this Schedule and are due and payable upon submission of an application for a Permit.

Classes of Permits		Permit Fee (\$ per sq. foot)	Flat Fee (\$)
<b>CONSTRUCTION - NEW BUILDINGS, ADDITIONS, MEZZANINES</b>			
<b>Group A:</b>	<b>Assembly Buildings</b> (Shell) (Finished) Outdoor Patio Outdoor Public Pool	1.77 2.02	160.00 755.00
<b>Group B:</b>	<b>Institutional</b> (Shell) (Finished)	1.91 2.19	
<b>Group C:</b>	<b>Residential</b> SDD, Semi Detached, Row, Townhouse, Duplex Garage/Carport (per bay), Shed, Deck, Porch, Exterior Stairs Exterior Ramps, Hot Tubs Swimming Pools Apartment Building Hotels/Motels Residential Care Facility	1.08    1.03 1.71 1.40	80.00 80.00 160.00
<b>Group D:</b>	<b>Business and Personal Services</b> Office Buildings (shell) Office Buildings (finished)	1.45 1.71	
<b>Group E:</b>	<b>Mercantile</b> Retail Stores (shell) Retail Stores (finished)	0.95 1.20	
<b>Group F:</b>	<b>Industrial</b> Warehouse, Factories Parking Garage	0.75 0.64	
	Farm Building	0.36	
	Foundation	0.11	
	Conditional Permit	0.11	
	<b>INTERIOR FINISHES: All Classifications</b> Interior finishes to previously unfinished areas (including finishing of residential basements and major renovations).	0.34	
	<b>ALTERATIONS/RENOVATIONS: All Classifications</b> Alterations and renovations to existing finished areas, new roof structures.	0.31	
	<b>MINOR ALTERATIONS:</b> Partitions, washrooms, new entry, minor demolitions (500 sq. ft. or less).		80.00
	<b>SPECIAL CATEGORIES:</b> Air Supported Structures Temporary Tents/per application, Temporary Buildings Portables - each (excludes port-a-pak) Major Demolitions (more than 500 sq. ft.) Change of Use Permit	0.38   0.02/160.00 min.	160.00 80.00 160.00
	<b>MISCELLANEOUS:</b> Fireplace/Woodstove (each) Exterior Ramps (excluding SDD Ramps) Retaining Wall (per linear foot) Balcony Guard (replace per linear foot) Ceiling (new or replace per square foot) Reclad Exterior Wall (per square foot) All Designated Structures (except retaining walls, public pools & signs) Storefront (replace) Elevator, Escalator, Lift Demising Wall/Firewall	3.11 0.62 0.05 0.05	80.00 160.00 320.00 160.00 320.00 80.00
	<b>MECHANICAL WORK: (Work independent of building permit)</b> HVAC Permit (residential per suite) HVAC Permit (non-residential) Sprinkler System (N.F.P.A. 13) or Standpipe System (N.F.P.A. 14) Commercial Kitchen Exhaust Systems, Spray Booths, Dust Collectors	0.11 0.04/160.00 min.	80.00 160.00
	<b>ELECTRICAL WORK: (Work independent of building permit)</b> Fire Alarm System and Electrical Work Electromagnetic Locks (each) and Hold Open Devices (each)	0.04/160.00 min.	38.00
	<b>PLUMBING WORK: (Work independent of building permit)</b> Plumbing Permit (per fixture) Hot Water Heaters (each) Testable Backflow Prevention Devices (each) Catchbasins/Manholes/Roofdrains (each) Building Services (per group) -SDD, Semi-Detached, Duplex Building/Site Services (per linear foot), excluding SDD, Semi-Detached, Duplex	0.65	13.00 38.00 80.00 13.00 80.00
	<b>SEWAGE SYSTEMS:</b> New Installations Replacement or Alteration		485.00 245.00

(continued)

**(Schedule A – continued)**

- A minimum Permit fee of \$80.00 shall be charged for all work where the calculated Permit fee is less than \$80.00.
- For classes of Permits not described in this Schedule, a reasonable Permit fee shall be determined by the Chief Building Official.
- Floor area of the proposed work is to be measured to the outer face of exterior walls (excluding residential attached garages) and to the centre line of party walls, firewalls or demising walls.
- In the case of interior alterations or renovations, area of proposed work is the actual space receiving the work, e.g. tenant suite.
- Mechanical penthouses and floors, mezzanines, lofts, habitable attics and interior balconies are to be included in all floor area calculations.
- Except for interconnected floor spaces, no deductions are made for openings within the floor area (e.g. stairs, elevators, escalators, shafts, ducts, etc.).
- Unfinished basements for single detached dwellings (including semi, row, townhouse and duplex) are not included in the floor area.
- Attached garages and fireplaces are included in the Permit fee for single detached dwellings (including semi, row, townhouse and duplex).
- Where interior alterations and renovations require relocation of sprinkler heads, standpipe components or fire alarm components, no additional charge is applicable.
- Ceilings are included in both new shell and finished (partitioned) Buildings. The Permit fees for ceilings only apply when alterations occur in existing Buildings. Minor alterations to existing ceilings to accommodate lighting or HVAC improvements are not chargeable.
- Where Demolition of partitions or alterations to existing ceilings are part of an alteration or renovation Permit, no additional charge is applicable.
- Corridors, lobbies, washrooms, lounges, etc. are to be included and classified according to the major occupancy for the floor area on which they are located.
- The occupancy categories in this Schedule correspond with the major occupancy classifications in the Ontario Building Code. For multiple occupancy floor areas, the Permit fees for each of the applicable occupancy categories may be used, except where an occupancy category is less than 10% of the floor area.
- For rack storage use, apply the square footage charge that was used for the Building.
- A temporary Building is considered to be a Building that will be erected for not more than three years.
- Additional Permit fees are not required when the Sewage System is included with the original Building Permit.

**Refund of Permit Fees**

In the case of withdrawal or abandonment of an application or abandonment of all or a portion of the work or the non-commencement of any project, the Chief Building Official shall, upon written request of the Owner or Applicant, determine the amount of paid Permit fees that may be refunded to the Owner or Applicant, if any, as follows:

- a) 80 percent (80%) if administrative functions only have been performed;
- b) 70 percent (70%) if administrative and zoning functions only have been performed;
- c) 50 percent (50%) if administrative, zoning and plans examination functions have been performed;
- d) 35 percent (35%) if the Permit has been issued and no field inspections have been performed subsequent to Permit issuance;
- e) 5 percent (5%) shall additionally be deducted for each field inspection that has been performed after the Permit has been issued;
- f) No refund shall be made of an amount that is less than the minimum Permit fee applicable to the work;
- g) No refund shall be made after two years following the date of Permit Application where the Permit has not been issued or one year following the date of Permit issuance.

## CONSENT REPORT OF THE GOVERNANCE COMMITTEE

April 26, 2011

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

Your Governance Committee beg leave to present their THIRD CONSENT REPORT as recommended at its meeting of April 11, 2011.

*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.*

### **1) Approval of Full Time Equivalent (Full Time and Regular Part-Time)**

THAT the following recommendations be approved:

That;

- New full time and regular part time positions which are reallocated from existing vacant positions in a department require approval by the CAO and/or Executive Director of the department, subject to verification of available funding through the Finance department and review/confirmation through Human Resources of the available FTE and job evaluation to determine the appropriate pay level (increase or decrease).
- New full time and regular part time positions which are created through efficiencies found within a department that can be accommodated within the department's approved budget and do not increase the subsequent year's budget, require the approval by the CAO and/or Executive Director of the department, subject to verification of available funding through the Finance department and review/confirmation through Human Resources of the job evaluation to determine the appropriate pay level.
- New full time and regular part time positions which result in an increase to the approved Annual Budget (i.e. will contribute to an annualized impact in a subsequent budget) require the approval of Council (growth-related, service enhancement, or new service).
- Casual, seasonal, and part-time positions of a short term nature that can be accommodated within a department's approved budget and do not increase the subsequent year's budget, requires the approval of the Executive Director.
- These recommendations be adopted as policy and be incorporated into Council's Budget Policy which is currently under development and subsequent CAO by-laws.

## **2) Delegation of Authority – Tax Write-Offs and Increases**

THAT pursuant to Section 23(1) of the Municipal Act, Council delegate by by-law its authority as set out in Schedule "P" attached to the report of the Director of Information Services/Clerk, dated June 14<sup>th</sup>, 2010.

## **3) Guelph Municipal Holding Company (GMHC) Implementation Strategy**

THAT Council receive and approve the Guelph Municipal Holding Company Implementation Strategy;

AND THAT Council approve the attached revised Shareholder Declaration in support of the new governance structure which is designed to provide oversight and direction to Guelph Hydro Inc. (GHI) and GHI subsidiaries;

AND THAT Council approve the Asset Transfers to Corporations Policy;

AND THAT staff continue to work with representatives of Guelph Junction Railway to develop a revised Shareholder Declaration specific to their organization;

AND THAT Council appoint the Mayor of Guelph and 3 Councillors to serve as GMHC Board members;

AND THAT staff be directed to initiate a citizen selection process for an independent Board member consistent with the Council approved GMHC Board structure.

## **4) CAO Recruitment Process**

THAT the CAO recruitment process be approved as follows:

- 1) That the Governance Committee identify and recommend to Council the hiring of an Executive Search Firm, following a Request for Proposal process.
- 2) That the CAO Selection Committee add an additional 'community' representative, as provided for in the CAO Employment Policy.
- 3) That the Executive Search Firm co-ordinate input/consultation into the development of the CAO position profile/qualifications.

## **5) CAO Remuneration**

THAT the job rate for the CAO position be adjusted to maintain the 55<sup>th</sup> percentile of the previously approved municipal comparator group for 2010.

#### **6) Standing Committee Appointment Process**

THAT the Procedural By-law be amended to:

- Establish a Nominating Committee for the purpose of making recommendations on the appointment of Council members to Standing Committees and public agencies.
- Provide that the Nominating Committee be composed of the Mayor and Chairs of the Standing Committees.
- Provide that the Mayor chair the Nominating Committee.

AND THAT an application process to the Nominating Committee be developed for appointments to the Standing Committees and public agencies.

#### **7) Delegation of Authority – Special Occasion Permits**

THAT pursuant to Section 23(1) of the Municipal Act, Council delegate by by-law its authority as set out in Schedule "M" of By-law (2010)-18935, as amended.

#### **8) St. Joseph's Hospital – Appointment of Councillor to the Board**

THAT Guelph City Council no longer appoint a member of Council to the St. Joseph's Hospital Board of Directors.

#### **9) Family & Children's Services – Appointment of City Councillor to Board of Directors**

THAT Guelph City Council no longer appoint a member of Council to the Family & Children's Services Board of Directors.

All of which is respectfully submitted.

***Please bring the material that was distributed with the Agenda for the April 11, 2011 meeting.***

# COMMITTEE REPORT



TO **Governance Committee**

SERVICE AREA The Office of the CAO  
DATE April 11, 2011

**SUBJECT Approval of Full Time Equivalent (Full time and Regular Part-Time)**

REPORT NUMBER

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## RECOMMENDATION

That the following recommendations be approved:

That;

- New full time and regular part time positions which are reallocated from existing vacant positions in a department require approval by the CAO and/or Executive Director of the department, subject to verification of available funding through the Finance department and review/confirmation through Human Resources of the available FTE and job evaluation to determine the appropriate pay level (increase or decrease).
- New full time and regular part time positions which are created through efficiencies found within a department that can be accommodated within the department's approved budget and do not increase the subsequent year's budget, require the approval by the CAO and/or Executive Director of the department, subject to verification of available funding through the Finance department and review/confirmation through Human Resources of the job evaluation to determine the appropriate pay level.
- New full time and regular part time positions which result in an increase to the approved Annual Budget (i.e. will contribute to an annualized impact in a subsequent budget) require the approval of Council (growth-related, service enhancement, or new service).
- Casual, seasonal, and part-time positions of a short term nature that can be accommodated within a department's approved budget and do not increase the subsequent year's budget, requires the approval of the Executive Director.
- These recommendations be adopted as policy and be incorporated into Council's Budget Policy which is currently under development and subsequent CAO by-laws.

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## **BACKGROUND**

The matter of approvals required for new full time equivalents (full time and regular part-time) was referred to the Governance Committee in December 2010.

Clarification is required with respect to Council's role in approvals and subsequently staff authority to manage within funding parameters established by Council. Council has not established a policy for the approval of new full time positions and new regular part time positions outside the annual budget process.

The overarching principle that informs the above recommendations is that on an annual basis, Council approves Operating, User Pay and Capital budgets. Staff have authority subsequent to this the ability to manage within these established funding limits.

## **REPORT**

Managing during the course of the year may require departments to adjust staffing levels up or down or reconfigure staffing within the same level i.e. through the 'reallocation' of full time equivalents. In either of these scenarios, if departments do so within approved budgets in the current year and no cost is added to subsequent or future years, then Council approval would not be required.

Wherever additional funding is required in the current or subsequent year(s), Council approval would be required for the approval of both full and regular part-time full time equivalents.

The context within which the administration makes decisions related to staffing levels is informed by role of the CAO and CAO By-law that governs his/her administrative authority.

## **Role of the Chief Administrative Officer**

A primary function of Council is to ensure the effective 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.

Guelph's model of administration follows the Municipal Act in the establishment of a Chief Administrative Officer (CAO) position as the head of the administrative arm of city government.

The CAO is responsible to Council to administer the business affairs of the City in accordance with the policies and plans established and approved by Council.

## **CAO By-law**

The CAO By-law outlines the general duties, roles and responsibilities of the CAO.

Clauses that have a bearing on the creation of new positions include:



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## **1. General Duties and Responsibilities**

(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;

## **2. Personnel Administration**

(a) To advise Council as to the appointment, promotion, demotion, suspension or dismissal of a SMT 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 Director in accordance with the lines of authority defined in the organization 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 organization structure;

## **3. Financial Management**

(a) To direct, in co-operation with the Director of Finance and the SMT, 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 Director of Finance, to ensure compliance with the annual estimates of revenue and expenditure approved by Council;

## **4. Administrative Organization and Management**

- (a) To create and reorganize, in consultation with the SMT, such departments of the City as may be considered necessary and proper to fulfill obligations for the Corporation, and will report to Council on the changes;

The recommendations contained within this report will provide Council with the assurance that necessary approvals are sought following annual budget approvals respecting the creation of new full time equivalent full and regular part-time positions that add costs to a current or subsequent year's budget.

## **CORPORATE STRATEGIC PLAN**

Goal 5: A community-focused, responsive and accountable government.

Objective 5.3: Open, accountable and transparent conduct of municipal business.

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**FINANCIAL IMPLICATIONS**

N/A

**DEPARTMENTAL CONSULTATION**

N/A

**COMMUNICATIONS**

N/A

**ATTACHMENTS**

N/A

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Recommended By:  
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Acting Chief Administrative Officer  
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# COMMITTEE REPORT

TO **Governance Committee**

SERVICE AREA CAO - Information Services  
DATE April \*, 2011

**SUBJECT Delegation of Authority – Tax Write-Offs and Increases**  
REPORT NUMBER

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## RECOMMENDATION

THAT pursuant to Section 23(1) of the Municipal Act, Council delegate by by-law its authority as set out in Schedule "P" attached to the report of the Director of Information Services/Clerk, dated June 14<sup>th</sup>, 2010.

## BACKGROUND

In 2010, City Council passed a by-law to delegate authority to approve several routine administrative matters. At that time, staff had indicated that they would continue to look for opportunities for Council to delegate other minor approval making authority.

## REPORT

This report is intended to deal with the delegation of routine administrative matters, which are of a minor nature, and which would contribute to the efficient management of the City while still adhering to the principles of accountability and transparency.

The area of delegation includes authority to approve:

- Tax Write-Offs and Increases under S. 357, 358 and 359 of the Municipal Act to rectify errors on the assessment roll without having to go through the formal assessment review process.

These tax adjustments are typically required for a variety of reasons, including:

- a change in property class;
- the land has become vacant land;
- the land has become exempt from taxation;
- a building on the land was razed by fire or demolished;
- an error in the assessment roll that is clerical or factual in nature, including the transposition of figures, a typographical error or similar error but not an error in judgment in assessing the property;

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These adjustments are considered routine in nature, and do not represent any unusual dollar amounts. In addition, all applications receive prior review and approval by the Municipal Property Assessment Corporation.

These schedules have been prepared in the standard format which was developed for delegation of authority, and provides for conditions, limitations, and annual reporting requirements.

### **CORPORATE STRATEGIC PLAN**

Supports Goal 5 of the Strategic Plan of having a community-focused, responsive and accountable government.

### **FINANCIAL IMPLICATIONS**

Allowances for write-offs are within the total amount approved for net supplementary and write-off taxation revenue as part of the annual operating budget.

### **DEPARTMENTAL CONSULTATION**

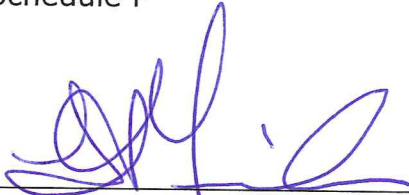
Finance

### **COMMUNICATIONS**

n/a

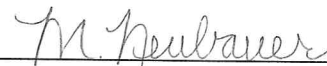
### **ATTACHMENTS**

Schedule P



\_\_\_\_\_  
**Prepared By:**

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\_\_\_\_\_  
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**SCHEDULE "P"**  
**DELEGATION OF AUTHORITY TO APPROVE TAX WRITE-OFFS and INCREASES**

<b>Power to be Delegated</b>	Authority to approve the tax write-offs and increases under Section 357, 358 and 359 of the Municipal Act.
<b>Reasons in Support of Delegation</b>	<ul style="list-style-type: none"><li>○ Section 357 applications allow for the Municipality and MPAC (Municipal Property Assessment Corporation) to quickly rectify assessment classification changes since the return of the year end assessment roll.</li><li>○ The Section 358 applications allow the taxpayer to rectify prior year's errors through the municipality and local assessment office.</li><li>○ Section 359 applications allow for the City to increase taxes due to gross or manifest errors.</li><li>○ All three processes allow errors to be quickly rectified without having to go through the formal assessment review process.</li><li>○ Legislated process under the Municipal Act.</li><li>○ These assessment changes can be considered "routine" in nature.</li><li>○ These do not represent any unusual dollar amounts.</li><li>○ Contributes to the efficient management of the City of Guelph.</li><li>○ Meets the need to respond to issues in a timely fashion.</li><li>○ Maintains accountability through conditions, limitations and reporting requirements.</li></ul>
<b>Delegate(s)</b>	<ul style="list-style-type: none"><li>○ Chief Financial Officer/Treasurer</li><li>○ Manager of Taxation and Revenue</li><li>○ A person who is appointed by the CAO or selected from time to time by the Chief Financial Officer/Treasurer to act in the capacity of the delegate in the delegate's absence.</li></ul>
<b>Council to Retain Power</b>	No
<b>Conditions and Limitations</b>	<ul style="list-style-type: none"><li>○ All write-offs have been reviewed by MPAC and have been approved by them.</li><li>○ Allowances for write-offs are within the total amount approved for net supplementary and write-off taxation revenue as part of the annual operating budget.</li></ul>

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**Review or  
Appeal**

Applicants have thirty-five days to appeal any Section 357 decisions through the Assessment Review Board. Section 358 decisions are final

**Reporting  
Requirements**

Annual information report on tax write-offs and increases pursuant to this delegation of authority.

# COMMITTEE REPORT



TO **Governance Committee**

SERVICE AREA Corporate Administration  
DATE April 11, 2011

**SUBJECT Guelph Municipal Holding Company (GMHC)  
Implementation Strategy**

REPORT NUMBER

---

## **RECOMMENDATION**

THAT Council receive and approve the Guelph Municipal Holding Company Implementation Strategy;

THAT Council approve the attached revised Shareholder Declaration in support of the new governance structure which is designed to provide oversight and direction to Guelph Hydro Inc.(GHI) and GHI subsidiaries;

THAT Council approve the Asset Transfers to Corporations Policy;

THAT staff continue to work with representatives of Guelph Junction Railway to develop a revised Shareholder Declaration specific to their organization;

THAT Council appoint the Mayor of Guelph and 3 Councillors to serve as GMHC Board members; and

THAT staff be directed to initiate a citizen selection process for an independent Board member consistent with the Council approved GMHC Board structure.

## **BACKGROUND**

On Monday, June 28, 2010 Council approved the following:

THAT Council approve the proposed design of a Holding Company for current and future owned city assets, including Guelph Hydro Incorporated (GHI) and Guelph Junction Railway (GJR), as outlined in the attached Business Case Study.

THAT Council direct staff to prepare an Implementation Strategy for the proposed Holding Company to be approved by Council that includes financial and resource requirements planned for through the 2011 budget process.

With this direction from Council, staff initiated action on requirements to proceed.

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Specifically,

- an Implementation Strategy was developed for Council approval taking into account the evaluation of risks and associated implications completed by the City Auditor in 2010;
- the Guelph Hydro Shareholder Declaration was collaboratively updated; and
- an Asset Transfers to Corporations Policy was created for Council approval.

## **REPORT**

### **Benefits and Risks**

The structure of the new governance model for the management of current and future City-owned assets, approved by Council on June 28, 2010, will help to realize the full potential of City assets and long-term economic benefits for the city. The new model represents a more strategic approach to asset management and addresses the need for increased accountability, responsiveness, greater strategic alignment and improved communications.

While keeping subsidiaries directly linked through shared policy and strategic direction, the model still embraces the concept of skills-based boards and allows for the right degree of independence so that operating companies continue to be flexible and self-reliant.

Consistent with other municipalities, specific requirements for key competencies among the holding company directors will ensure a variety of perspectives and skill sets to guide decision making and provide sound leadership. The new governance structure will enable the fulfillment of City objectives and the achievement of outcomes focused on the long-term economic prosperity of the community. In summary, the GMHC will provide:

- A better system of 'checks and balances'
- Strengthened communications
- Improved asset management practices
- Inter-operational synergies
- Strengthened strategy alignment
- Robust reporting practices

In 2010, by Council request, the City Auditor reviewed the GMHC Business Case for any potential risks and commented in their Audit concluding memorandum (Attachment #1).

In direct response to identified risks, staff will continuously confirm revenue sources and party transactions to preserve the tax free status of GMHC, forward all decisions that are identified as requiring Shareholder approval in the Shareholder Declaration to Guelph City Council for final approval, provide governance training to Board members to clarify roles and responsibilities, prepare required financial statements and an annual income tax return.



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## **Implementation Strategy**

Operation of the GMHC will require supporting resources, capacity building for board members, an updated Shareholder Declaration, the transfer of assets to the new entity and assessment after one year of operation.

### *Human and Financial Resourcing*

City staff will support ongoing operational and administrative requirements of the GMHC consistent with the Council approved Business Case Study and Shareholder Declarations.

### *Capacity Building for GMHC Board Members*

Budgeted Board training will be coordinated for an initial board meeting to ensure appropriate orientation to shared Board commitments, applicable legislative, governance and related responsibilities.

### *Revised Shareholder Declaration*

City staff and GHI members have collaboratively worked to amend the attached Shareholder Declaration appended as Attachment #2. The document is consistent with and supportive of the proposed holding company structure and includes clearly outlined reporting requirements and timelines.

### *Asset Transfer Policy*

In order for the City to transfer assets to a holding company, it must comply with various legislative requirements, including the Municipal Act, 2001 and Ontario Regulation 599/06, made under the Municipal Act.

Section 7 of Ontario Regulation 599/06 specifically provides that a municipality cannot transfer any of its assets to a corporation before it adopts policies on asset transfers to corporations.

City of Guelph Legal Services staff have drafted an Asset Transfers to Corporations Policy consistent with Municipal Act requirements (Attachment #3). The policy sets out parameters around how an asset transfer can take place and what steps are required to ensure compliance with related Provincial legislation. Once approved by Council, this policy will apply to the planned asset transfers to the proposed holding company, as well as to any other future asset transfers to that, or any other, corporation.

### *Evaluation*

On October 26, 2009, Council approved the following when considering whether or not to proceed with a Business Case Study for a new Holding Company structure: “[t]hat staff and representatives from GHI and GJR report back to Council within one year on the efficacy of the new structure.” To that end, this commitment will be respected with a detailed report to Council following one year of operation from the approximate date of incorporation. Information will be provided on a number of parameters including but not limited to governance practices established and observed, progress achieved in relation to established metrics in the GMHC business and strategic plans, structure functionality, benefits realized and required improvements.

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## Next Steps

A number of next steps will be required before the GMHC entity is operational. Subject to Council approval of the Implementation Strategy, staff will:

Action	Timeframe
1. Initiate a citizen appointment process with the assistance of the City Clerks department.	May 1
2. Seek Council approval on a recommended independent Board member.	June
3. Establish a meeting schedule and Annual Agenda with the Board Chair.	
4. Schedule board governance training for all members.	
5. File articles of incorporation and all necessary supporting material with the Province of Ontario.	July
6. Receive Certificate of Incorporation from Province.	
7. Enter the Support Services Agreement with GMHC; enter the Shareholder Declarations with GMHC and GHI.	August
8. Transfer GHI assets to Guelph Municipal Holding Company.	August

## CORPORATE STRATEGIC PLAN

5.3 – Open, accountable and transparent conduct of municipal business

5.6 – Organizational excellence in planning and management

## FINANCIAL IMPLICATIONS

Administrative costs of the Holding Company for 2011 will be funded through a Guelph Hydro contribution of \$5000. As outlined in the Council approved Business Case Study, a preliminary requirement of the board is to develop a five-year budget for Council approval.

### *2011 Budget*

Item	2011 Cost
Incorporation Fees	\$2000
Board Governance Training and Materials	\$3000
Income Tax Filings	Staff Support
Total Expense	\$5000
Total Revenue	\$5000

In the instance of transfer of an asset to a corporation wholly owned by the City, the proposed Asset Transfer policy requires the Treasurer to provide Council with the audited net book value at which the asset will be transferred to the corporation.

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For the proposed transfer of 100% of the shares of Guelph Hydro Inc. to a holding company wholly owned by the City, the audited net book value as at December 31, 2010 is \$66.788 million.

## **DEPARTMENTAL CONSULTATION**

Finance  
Human Resources and Legal Services  
Information Services

## **COMMUNICATIONS**

Legislatively required public consultation was conducted on the GMHC Business Case Study in 2010. Ongoing communication and collaboration between City Councillors, staff and Guelph Hydro have occurred throughout the planning and development phases of this effort.

## **ATTACHMENTS**

Attachment #1 – Identified Risks by Deloitte & Touche LLP and affiliated entities  
Attachment #2 – Revised Shareholder Declaration  
Attachment #3 – Asset Transfer Policy  
Attachment #4 – Council approved Business Case Study

Original Signed by:

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**Prepared By:**  
Brenda Boisvert,  
Corporate Manager, Strategic Planning and  
Corporate Initiatives

Original Signed by:

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**Recommended By:**  
Hans Loewig, CAO

# Additional matters (continued)

The following reportable matters are reported to the Committee. The City is investigating alternate governance models for the management of current and future City-owned assets to ensure the greatest value to the City as the primary shareholder. As external auditor, we are providing the following comments:

Reporting matter	Comments
<ul style="list-style-type: none"> <li>Taxation of holding company</li> </ul>	<p>We understand that the City has obtained a preliminary tax opinion regarding the tax status of a municipal holding company. We would advise that the City should ensure that all companies that may be placed in a municipal holding company would retain their tax status in the new regime.</p> <p>The corporation should also continually review the sources of revenue and its related party transactions as these items may have an affect on the taxation of the holding company. Income tax laws and regulations are continually being amended, and changes to the taxation regime could have an impact on the future taxation of the holding company.</p>
<ul style="list-style-type: none"> <li>Governance</li> </ul>	<p>It appears that is possible for non-elected officials to control the Board of the Holding Company. The City should ensure that this structure is intentional.</p>
<ul style="list-style-type: none"> <li>Public policy</li> </ul>	<p>The Board of Directors of the Holding Company owe a fiduciary duty to the company. As such, their primary responsibility may be in conflict with public policy directives as articulated by the elected officials. The City should ensure that this is direction is intentional.</p>
<ul style="list-style-type: none"> <li>Dividends</li> </ul>	<p>The Board of Directors' primary responsibility is to the Holding Company, and the City has budgeted to receive a dividend stream from the City owned assets. The Company may have competing interests with the City relating to use of cash generated from the assets, so the City should ensure that its financial interests are protected in the shareholder direction.</p>
<ul style="list-style-type: none"> <li>Reporting and compliance</li> </ul>	<p>There will be additional reporting and compliance required for the holding company. Annual audited financial statements are required, and the corporation will be required to file an annual income tax return and other documents with regulatory authorities. The cost of this compliance should be budgeted by the Corporation.</p>

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**SHAREHOLDER DECLARATION**

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**THE CORPORATION OF THE CITY OF GUELPH**

**– and –**

**GUELPH MUNICIPAL HOLDINGS INC.**

**– and –**

**GUELPH HYDRO INC.**

**– and –**

**GUELPH HYDRO ELECTRIC SYSTEMS INC.**

**– and –**

**ECOTRICITY GUELPH INC.**

**– and –**

**ANY SUBSIDIARIES OF  
GUELPH HYDRO INC. FROM TIME TO TIME**

**Dated as of , 2011**

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Schedule “A”	Excerpts from Canadian Securities Administrators (CSA) Corporate Governance Guidelines
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Schedule “B-2”	Guelph Hydro Inc. Dividend Policy
Schedule “C”	Form of Services Agreement Between Holdco and The City

## CITY OF GUELPH

### SHAREHOLDER DECLARATION

#### RECITALS:

1. Guelph Municipal Holdings Inc. (“**Holdco**”) is wholly-owned by the Corporation of the City of Guelph (the “**City**”) and has been incorporated by the City to serve as a holding corporation to hold the shares of corporations with share capital which are established by or on behalf of the City from time to time as permitted under governing Laws;
2. The entry into, and the exercise of powers of the City under, this Shareholder Declaration is considered necessary to acquire, hold, dispose of and otherwise deal with the shares of Guelph Hydro Inc. (“**GHI**”) and its Subsidiaries.
3. GHI is wholly-owned by Holdco;
4. Guelph Hydro Electric Systems Inc. (“**GHESI**”) and Ecotricity Guelph Inc. (“**Ecotricity**”) are each wholly-owned by GHI;
5. This Shareholder Declaration sets out the requirements of the City relating to the governance and other fundamental principles and policies of Holdco in relation to GHI and its Subsidiaries;
6. This Shareholder Declaration sets out the requirements of Holdco relating to the governance and other fundamental principles and policies of GHI and its Subsidiaries;
7. A fundamental principle of this Shareholder Declaration is that any change in the scope of activities or role of Holdco shall not impact the business activities, role and governance structure of GHI; and
8. The City intends and acknowledges that GHI shall collaborate with the City and play a significant role in the development and implementation of the Community Energy Initiative.

#### **1. Definitions and Interpretation**

- 1.1 Wherever used in this Shareholder Declaration, the following terms shall have these respective meanings:

“**Board**” means the board of directors of a corporation;

“**Book Value**” means the book value of the applicable corporation and its direct subsidiaries on a consolidated basis as at the end of its last completed financial year as shown in its audited financial statements;

“**CEO**” means the chief executive officer of a corporation;

“**Chair**” means the Chair of the Board of Holdco from time to time;

“**City**” has the meaning ascribed thereto in the Recitals;

“**Community Energy Initiative**” means the City’s Community Energy Plan (now called Initiative) dated April 3, 2007 which outlines the City’s strategies and vision with respect to energy conservation, consumption, generation and efficiency and environmental sustainability as may be modified by Council from time to time;

“**Council**” means the city council of the City and, where appropriate, in its capacity as the governing body of the City as shareholder of Holdco;

“**Energy Legislation**” means legislation enacted from time to time by the Province of Ontario regulating the energy sector and including without limitation the *Electricity Act, 1998*, the *Ontario Energy Board Act, 1998*, the *Green Energy and Green Economy Act, 2009* and all regulations thereunder, and all amendments, re-enactments and replacements to such legislation and all other statutes, decisions, orders and policies of the Province of Ontario with respect to the energy sector which may be enacted from time to time;

“**GAAP**”, when used in respect of accounting terms or accounting determinations relating to a Person, means generally accepted accounting principles in effect from time to time in Canada, being those accounting principles set forth in the Handbook or other official record of accounting principles in Canada from time to time published by the Institute of Chartered Accountants in Canada, as such principles may be amended, varied or replaced by International Financial Reporting Standards (IFRS) then in effect and generally accepted in Canada and adopted or required to have been adopted by the Person;

“**GHI**” means Guelph Hydro Inc.;

“**GHI Business Plan**” has the meaning ascribed thereto in Section 11.2;

“**GHI Declaration**” means the Shareholder Declaration in respect of GHI dated November 1, 2000;

“**GHI Subsidiaries**” means GHESI and Ecotricity and any other subsidiary of GHI from time to time;

“**Governmental Authority**” means any federal, provincial, or municipal government, parliament or legislature, or any regulatory authority, agency, tribunal, commission, board or department of any such government, parliament or legislature, or any court or other law, regulation or rule making entity, having jurisdiction in the relevant circumstances, including the Ontario Municipal Board, the Ontario Power Authority, the Independent Electricity System Operator, the Ontario Energy Board, the Electrical Safety Authority, and any Person acting under the authority of any Governmental Authority;

“**Holdco**” has the meaning ascribed thereto in the Recitals;

“**Holdco Board**” means the board of directors of Holdco;

“**Holdco Business Plan**” has the meaning ascribed thereto in Section 10.2;



“**Laws**” means:

- (a) applicable Canadian federal, provincial or municipal laws, orders-in-council, by-laws, codes, rules, policies, regulations and statutes;
- (b) applicable orders, decisions, codes, judgments, injunctions, decrees, awards and writs of any court, tribunal, arbitrator, Governmental Authority or other Person having jurisdiction;
- (c) applicable rulings and conditions of any licence, permit, certificate, registration, authorization, consent and approval issued by a Governmental Authority; and
- (d) any requirements under or prescribed by applicable common law;

“**Mayor**” means the Mayor of the City;

“**MFIPPA**” means the *Municipal Freedom of Information and Protection of Privacy Act* (Ontario);

“**Municipal Act**” means the *Municipal Act* 2001 (Ontario);

“**Municipal Member**” means a sitting member of Council;

“**Net Income**” means the net income after taxes or payments in lieu of taxes as determined in accordance with GAAP, subject to, in the case of GHESI, regulatory adjustments to reflect Ontario Energy Board sanctioned accounting practices for electricity distributors; for greater clarity, the consolidated Net Income of Holdco and of GHI shall incorporate the GHESI regulatory adjustments in accordance with the foregoing;

“**Nominating Committee**” means a committee established by the GHI Board for the purpose set out in Section 6.7;

“**OBCA**” means the *Business Corporations Act* (Ontario);

“**Person**” means a natural person, firm, trust, partnership, limited partnership, company or corporation (with or without share capital), joint venture, sole proprietorship, governmental or regulatory authority or other entity of any kind;

“**Private Director**” means an individual who is not a Municipal Member or an employee of, or consultant to, the City or any agency, board or commission of, or corporation established by, the City;

“**Shareholder Declaration**” means this shareholder declaration;

“**Shareholder Representative**” has the meaning ascribed thereto in Section 9.1;

“**Subsidiary**” means any subsidiary body corporate (as defined in the OBCA) of a Person which, for greater certainty, in respect of Holdco, includes GHI and its Subsidiaries; and

**“Subsidiary Board”** means the board of directors of any Subsidiary of Holdco.

1.2 Schedules – The following schedules form a part of this Shareholder Declaration and are incorporated by reference:

Schedule “A”            Excerpts from Canadian Securities Administrators (CSA) Corporate Governance Guidelines

Schedule “B-1”        Guelph Municipal Holdings Inc. Dividend Policy

Schedule “B-2”        Guelph Hydro Inc. Dividend Policy

Schedule “C”            Form of Services Agreement Between Holdco and The City

1.3 Headings and Table of Contents – The inclusion of headings and a table of contents in this Shareholder Declaration are for convenience of reference only and shall not affect the construction or interpretation of this Shareholder Declaration.

1.4 Number – In this Shareholder Declaration, unless the context otherwise requires, words importing the singular include the plural and vice versa and words importing gender include all genders.

1.5 Laws – All references to statutes or Law contained in this Shareholder Declaration means those statutes or Law in effect from time to time, and all amendments thereto or any re-enactment thereof or replacement statutes.

## **2. Purpose and Governing Principles**

### **2.1 Purposes**

(a) This Shareholder Declaration sets out the requirements of the City relating to governance and other fundamental and necessary matters relating to the ownership of Holdco and the powers necessary to acquire, hold, dispose of and otherwise deal with the shares thereof. Except as provided in Section 13, this Shareholder Declaration is not intended to constitute a unanimous shareholder declaration under the OBCA or to formally restrict the exercise of the powers of the Holdco Board.

(b) This Shareholder Declaration also sets out the requirements of Holdco relating to governance and other fundamental matters relating to the ownership of GHI and GHI’s Subsidiaries. Except as provided in Section 13, this Shareholder Declaration is not intended to constitute a unanimous shareholder declaration under the OBCA or to formally restrict the exercise of the powers of the GHI Board or the Board of any Subsidiary of GHI.

2.2 Overarching Principles – The following principles shall apply to this Shareholder Declaration:

- (a) A Shareholder Declaration for municipal entities should foster and reinforce a collaborative relationship and shared values among all parties and recognize that the interface between the worlds governed by the Municipal Act (public sector) and the OBCA (private sector) requires mutual respect, understanding and flexibility and regular communication between GHI and Holdco concerning the activities of GHI and its Subsidiaries. Such communication should take place whether or not such activities would require the approval of Holdco or the City pursuant to Section 13.3 and the activities of the City and Holdco which may be applicable to the Community Energy Initiative and otherwise to GHI and its Subsidiaries shall be a fundamental aspect of such relationship.
- (b) Decision-making authority should be clearly assigned to the appropriate Board of Holdco, GHI or GHI's Subsidiaries.
- (c) The authority of a Board as described pursuant to this Shareholder Declaration will be accompanied by clearly articulated reporting and approval requirements as set out in this Shareholder Declaration to ensure transparency, accountability and recognition of the role of Council as the ultimate authority over each corporation governed by this Shareholder Declaration.
- (d) The provisions of this Shareholder Declaration should be interpreted so as to maximize transparency and facilitate communication between the City and Holdco on the one hand and GHI and its Subsidiaries on the other.
- (e) The principles of director independence and skills-based boards will be paramount in the interpretation of this Shareholder Declaration but consistent with the policies of the City publicly adopted from time to time with respect to Holdco and its Subsidiaries.
- (f) The unique overlapping community interests and professional capabilities of the “family of companies” – including the City – are important components of an integrated and coordinated approach to excellence in asset management.
- (g) Shareholder return and benefits will be measured by several metrics, including but not limited to, dividends. In general, a long term, strategic view will be applied to the measure of shareholder return and communicated in writing to the Boards of Holdco and its Subsidiaries by City Council.
- (h) It is recognized that GHI and its Subsidiaries are operated on a “for-profit” basis, may operate in a competitive environment, and are subject to the obligation to make payments in lieu of taxes under Energy Legislation.
- (i) The opportunity for community assets to contribute to the building of community capacity, community pride and overall community well-being should be key drivers to this Shareholder Declaration.

- (j) In making decisions concerning GHI and its Subsidiaries, Holdco shall act in a commercially reasonable manner consistent with the City's requirements as owner from time to time.

### **3. Permitted Business Activities**

- 3.1 As Permitted by Law – Subject to the restrictions in Section 13, (i) Holdco shall serve as a holding corporation to hold the shares of corporations which are established by or on behalf of the City from time to time under applicable Laws, and (ii) GHI and the GHI Subsidiaries may engage in the business activities which are permitted by applicable Laws, and as the Board of GHI may determine for GHI and its Subsidiaries consistent with Subsection 3.2 including, without limitation, with respect to GHI and its Subsidiaries, the business activities referred to in Subsection 3.2. In so doing, Holdco, GHI and its Subsidiaries shall each conform to all applicable Laws.
- 3.2 Specific Activities – As at the date hereof, GHI or one or more of its Subsidiaries (i) may engage in any business activities as may be permitted by applicable Laws including, without limitation, Energy Legislation, as amended or replaced from time to time and as authorized by the Board of GHI or of any GHI Subsidiary, as applicable, from time to time; and (ii) shall have a significant role in the development and implementation of the City's Community Energy Initiative.

### **4. Corporate Governance**

- 4.1 Holdco Directors Duties – As required by the OBCA, the Holdco Board shall supervise the management of the business and affairs of Holdco, and, in so doing, shall act honestly and in good faith with a view to the best interests of Holdco and shall exercise the same degree of care, diligence and skill that a reasonably prudent Person would exercise in comparable circumstances.
- 4.2 GHI Directors Duties – As required by the OBCA, the GHI Board and any Subsidiary Board shall supervise the management of the business and affairs of GHI and any Subsidiary respectively, and, in so doing, shall act honestly and in good faith with a view to the best interests of GHI or the Subsidiary respectively and shall exercise the same degree of care, diligence and skill that a reasonably prudent Person would exercise in comparable circumstances.
- 4.3 Standards of Governance – In addition, the City expects the Board of GHI and any GHI Subsidiary to observe substantially the same standards of corporate governance as may be established from time to time by the Canadian Securities Administrators or any other applicable regulatory or governmental authority in Canada for publicly traded corporations with such modifications as may be necessary to reflect the fact that GHI and any GHI Subsidiary are not publicly traded corporations. An excerpt of Canadian Securities Administrators National Policy 58-201 *Corporate Governance Guidelines* as currently in effect is attached to this Shareholder Declaration as Schedule "A".

## **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;

- (d) financial, legal, accounting and/or marketing experience; and
  - (e) knowledge and experience with risk management strategy.
- 6.2 Residency – Preference may be given to qualified candidates for the Board of GHI or any GHI Subsidiary who are residents of the City, however non-residents of the City shall not be excluded from serving as GHI or a GHI Subsidiary Board members.
- 6.3 Composition of Board – The Board of GHI shall be comprised of seven (7) Private Directors who have been recommended by GHI to Holdco and by Holdco to the City, and appointed by Holdco, subject to the approval of Council. Where Holdco does not accept a candidate recommended by GHI, Holdco shall provide the reasons for such decision to GHI.
- 6.4 Chair of GHI and any GHI Subsidiary – The Chair of GHI or of any GHI Subsidiary shall be a Private Director appointed by the respective Board.
- 6.5 Term – Subject to Holdco’s right to remove a director from office, the term for each member of the GHI Board shall be as follows:
- (a) All Private Directors may serve for three year terms; and
  - (b) Any member of the GHI Board may serve for successive terms as determined by Holdco.
- 6.6 Board Committees – The GHI Board may establish committees of the Board at the Board’s discretion. These committees may include the following:
- (a) Audit and Finance Committee to review financial results;
  - (b) Governance Committee to address governance matters; and
  - (c) Nominating Committee to identify, evaluate and recommend candidates for the GHI Board to Holdco.
- 6.7 Role of Nominating Committee – Holdco shall consider candidates nominated by the Nominating Committee of the GHI Board, but shall not be obliged to select such candidates. Where Holdco has not accepted a candidate recommended by GHI, it shall provide an explanation of its decision to GHI. It is expected that the GHI Nominating Committee will develop a process to identify and evaluate potential Board candidates in order for GHI to recommend a slate of qualified candidates to Holdco for the purpose of Holdco’s appointment of the directors of GHI, subject to approval of Council.
- 6.8 Directors Compensation
- (a) The GHI Board may establish compensation for members of the GHI Board and the Chair of GHI and members of the Board(s) of its Subsidiaries in amounts

sufficient to attract candidates with necessary qualifications and consistent with industry norms and standards for comparable businesses.

- (b) The GHI Board shall establish a compensation plan for members of the Board and the Chair of GHI and its Subsidiaries. The GHI Board may, in determining such compensation plan, have reference to compensation of the members of the board of directors of companies that are engaged in comparable businesses, including municipally-owned Ontario electricity distributors and their affiliates of similar size. GHI shall from time to time and not less than annually provide information to Holdco and to Council in respect of the compensation plan for directors together with any studies, surveys or other information on which such compensation plan was based.
- (c) Compensation for each member of the Board of GHI and its Subsidiaries in whatever form, whether monetary, non-monetary, in-kind, stipends or expenses (including without limitation expenses for travel, accommodation, conferences, seminars or other education, whether reimbursements, advances, and whether required or appropriate for a director or not) shall be itemized and described in reasonable detail and provided in writing to Holdco on at least an annual basis in respect of a financial year not later than 60 days following the end of such financial year and, from time to time at the request of Holdco in respect of a period designated by Holdco within 30 days following such request.

6.9 Directors of Subsidiaries – The directors of the GHI Subsidiaries shall be chosen by the GHI Board and shall serve for such term as the GHI Board shall determine. The directors of GHESI shall be subject to the requirements contained in the OEB’s Affiliate Relationships Code from time to time.

## **7. Dividend Policies, Risk Management and Strategic Objectives for Holdco**

7.1 The Holdco Board shall establish policies addressing the following matters:

- (a) Dividends – to ensure the payment of an annual dividend from Holdco consistent with the Holdco Dividend Policy attached as Schedule “B-1”;
- (b) Risk Management – to ensure that each Subsidiary has adopted appropriate risk management strategies and internal controls consistent with industry norms in order to manage all risks related to the businesses conducted by Holdco Subsidiaries; and
- (c) Strategic Objectives – to provide input to GHI as to the City’s long term strategic objectives for GHI and its Subsidiaries which are consistent with the maintenance of a viable, competitive business and preservation of the value of the businesses of GHI and its Subsidiaries for the City.



## 8. Best Practice Principles for GHI and GHI Subsidiaries and GHI Role in the Community Energy Initiative

### 8.1 Best Practice Principles

In the conduct of its operations, the GHI Board shall abide by the following principles and target compliance with the corporate governance rules of the Canadian securities regulators:

- (a) Capital Structure – to develop and maintain a prudent financial and capitalization structure consistent with industry norms and sound financial principles and established on the basis that all Subsidiaries are intended to be self financing entities;
- (b) Distribution Rates – to ensure the establishment by GHESI of just and reasonable rates for the regulated distribution business of GHESI, which are:
  - (i) consistent with similar utilities in comparable growth areas and as may be permitted under the OEB Act;
  - (ii) intended to enhance the value of GHESI; and
  - (iii) consistent with the encouragement of economic development and activity within the City of Guelph;
- (c) Returns – to enhance value to the City by generating a reasonable return:
  - (i) through the payment of dividends, interest or otherwise;
  - (ii) in respect of GHESI, comparable to the returns on the regulated distribution businesses received by other comparable municipalities as permitted by the OEB pursuant to the OEB Act;
  - (iii) consistent with a prudent financial and capitalization structure and, in respect of GHESI, maintaining just and reasonable rates;
- (d) Dividends – subject to compliance with the Conditions Precedent stated therein to ensure the payment of an annual dividend from GHI to Holdco consistent with the GHI Dividend Policy attached as Schedule “B-2”;
- (e) Risk Management – to manage all risks related to the business conducted by GHI and its Subsidiaries, through the adoption of appropriate risk management strategies and internal controls consistent with industry norms; and
- (f) Strategic Planning – to develop a long range strategic plan for GHI and its Subsidiaries which is consistent with the maintenance of a viable, competitive business and preserves the value of the business for the City.

8.2 Community Energy Initiative – The City acknowledges its intention that GHI will play a significant role in the development and implementation of the Community Energy Initiative. The City and GHI shall communicate regularly through the Mayor’s Task Force on the Community Energy Initiative, or such other task force or committee of Council which may be established from time to time in respect of the implementation of the Community Energy Initiative. It is the City’s intention that the City and GHI will work collaboratively to jointly develop a memorandum of understanding outlining the roles, management and administrative structures among the City, GHI and GHI’s Subsidiaries in respect of the Community Energy Initiative.

## 9. **Decisions of the City & Shareholder Representative**

9.1 Shareholder Representative – The City hereby designates the Chief Administrative Officer of the City or the individual designated by the Chief Administrative Officer of the City from time to time as its legal representative (the “**Shareholder Representative**”) for purposes of communicating to the Holdco Board pursuant to Subsection 9.2, any consent or approval required by this Shareholder Declaration or by the OBCA.

9.2 City Approval – Approvals or decisions of the City required pursuant to this Shareholder Declaration or the OBCA shall require a resolution or bylaw of Council passed at a meeting of Council and shall be communicated in writing to Holdco’s Board and signed by the Shareholder Representative and/or the Mayor.

9.3 Holdco Approvals – Approvals or decisions of Holdco required pursuant to this Shareholder Declaration shall require a resolution of the Holdco Board and, where expressly required pursuant to this Shareholder Declaration, the approval of the City and communicated in writing to the GHI Board.

## 10. **Holdco Reports to City and Business Plan**

10.1 Regular Reporting – Holdco shall, from time to time, but at least annually, report to Council on major business developments or materially significant results in respect of Holdco or any Subsidiary, and the chair of GHI shall attend such meetings of Council where reports are made in respect of GHI or any GHI Subsidiaries, and such reports may be received and considered by the City at an in camera meeting of Council subject to the requirements of the *Municipal Act* and other applicable Laws.

10.2 Business Plan – Holdco shall promptly provide the City with the business plan (the “**Holdco Business Plan**”) for Holdco and GHI on an annual basis prior to the end of each financial year of Holdco, GHI and GHI’s Subsidiaries. The Holdco Business Plan shall include all of the following:

- (a) the strategic objectives that Holdco, GHI and GHI’s Subsidiaries will undertake;
- (b) an operating budget for Holdco for the next financial year and an operating and capital expenditure budget on a consolidated basis for GHI’s next financial year and an operating and capital expenditure projection on a consolidated basis for

GHI for each of the two subsequent financial years, including the resources necessary to implement the Holdco Business Plan;

- (c) the projected annual revenues and Net Income for Holdco, GHI and GHI's Subsidiaries for the following two financial years; and
- (d) any material variances from the Holdco Business Plan then in effect.

10.3 Annual Report to Council – Within six months after the end of each financial year of Holdco, Holdco shall report to a public meeting of Council and the Chair shall attend such meeting and provide the following information with respect to Holdco and GHI and the chair of GHI shall also be present at such public meeting:

- (a) audited consolidated financial statements for GHI; and
- (b) such additional information as the City may specify from time to time.

10.4 Confirmation of Compliance – The Holdco Board shall, in a confidential report to Council, annually confirm by the end of each financial year that it has complied with the requirements of this Shareholder Declaration and is in compliance with applicable Laws and that it has received a similar confirmation of compliance from the Board of GHI.

10.5 Confidentiality

- (a) Except as required by applicable law or any Governmental Authority and except for the annual report to Council pursuant to Section 10.3, the City shall treat as confidential each Holdco Business Plan and all other information provided to it in confidence pursuant to this Section 10, subject to the Municipal Act and applicable Laws. The parties acknowledge that information that is in the custody or under the control of the City or Holdco is subject to the access provisions of MFIPPA.
- (b) The City acknowledges that GHI shall, from time to time, supply it in confidence with confidential information, the disclosure of which could reasonably be expected to significantly prejudice the competitive position of or interfere with contractual or other negotiations of GHI, or result in undue loss to GHI, and the City shall protect such information in accordance with the exemption for third party information in Section 10 of MFIPPA.
- (c) The City shall inform GHI of any request made for access to information supplied to the City by GHI, permit GHI an opportunity to make representations on the disclosure of such information, and consider any such representations prior to disclosing or permitting access to the information and shall provide GHI with notice of its decision concerning any such request for access to information of GHI or any of its Subsidiaries.

## 11. GHI Reports to Holdco and Business Plan

### 11.1 Regular Reporting

- (a) GHI shall, from time to time but at least semi-annually, report to Holdco on major business developments or materially significant results in respect of GHI or any GHI Subsidiary and, on an immediate basis, any material event or results in respect of GHI or any GHI Subsidiary.
- (b) Upon written notice by Holdco following a resolution to that effect passed by the Holdco Board that such access is required or appropriate due to extraordinary circumstances as determined in the reasonable belief of the Holdco Board:
  - (i) the CEO of Holdco, or his/her designate, shall have unrestricted access to the books and records of any Subsidiary of Holdco during normal business hours. Such Persons shall treat all confidential information of each Subsidiary of Holdco with the same level of care and confidentiality as any confidential information of Holdco and shall ensure that such access shall not disrupt the normal conduct of business; and
  - (ii) each Subsidiary shall provide such information relating to the operations, business and affairs of such corporation as is requested. The Subsidiary shall provide the requested information within 30 days after the request is received, provided however that if the information is required by the Holdco Board by resolution on an urgent basis, the Subsidiary shall use its best efforts to provide such information within five (5) business days of receipt of the request, or within such other time frame as may be specified.

### 11.2 Business Plan – GHI shall promptly provide Holdco with the business plan for each financial year as approved by the GHI Board (the “**GHI Business Plan**”) for GHI and for each of the GHI Subsidiaries prior to the end of each financial year of GHI or each GHI Subsidiary. The GHI Business Plan shall include all of the following:

- (a) the strategic direction and any new business initiatives that GHI will undertake;
- (b) an operating and capital expenditure budget for the next financial year and an operating and capital expenditure projection for each of the two subsequent financial years, including the resources necessary to implement the GHI Business Plan and whether and how retained earnings for each year are to be allocated;
- (c) the projected annual revenues and Net Income for the following two financial years; and
- (d) any material variances from the GHI Business Plan then in effect.

11.3 Annual Report to Holdco – Within six months after the end of each financial year, GHI shall provide the following information to Holdco:

- (a) consolidated financial statements for GHI and unconsolidated financial statements for GHI and each GHI Subsidiary as at the end of such financial year;
- (b) a business performance report, including an analysis of variances to plan for the last completed financial year;
- (c) such additional information as Holdco may specify from time to time for the last completed financial year.

11.4 Confirmation of Compliance – At the end of each financial year the GHI Board shall confirm to Holdco in writing that GHI and its Subsidiaries have complied with the requirements of this Shareholder Declaration, that GHI is in compliance with all applicable Laws, and that GHI has received a similar confirmation of compliance from the Board of each GHI Subsidiary.

11.5 Confidentiality

- (a) Except as required by applicable Law or any Governmental Authority, the City and Holdco shall treat as confidential each GHI Business Plan and all other information provided to it in confidence pursuant to this Section 11, subject to the Municipal Act and applicable Laws. The parties acknowledge that information that is in the custody or under the control of the City or Holdco is subject to the access provisions of MFIPPA.
- (b) Holdco acknowledges that GHI shall, from time to time, supply it in confidence with confidential information, the disclosure of which could reasonably be expected to significantly prejudice the competitive position of or interfere with contractual or other negotiations of GHI, or result in undue loss to GHI, and Holdco shall protect such information in accordance with the exemption for third party information in Section 10 of MFIPPA.
- (c) Holdco shall inform GHI of any request made for access to information supplied to Holdco by GHI, permit GHI an opportunity to make representations on the disclosure of such information, and consider any such representations prior to disclosing or permitting access to the information and shall provide GHI with notice of its decision concerning any such access request concerning GHI or any GHI Subsidiary.

**12. Annual Resolutions**

- (a) The City shall, at an in camera meeting of Council, consider candidates for the Holdco Board as proposed by the Holdco Nominating Committee and the appointment of the auditors of Holdco and receive the audited financial statements of Holdco for the last completed financial year;

- (b) The City, by resolution in writing signed in accordance with Section 9.2, shall appoint the necessary members of the Holdco Board and appoint the auditors for Holdco and complete such other business as would normally be completed at an annual meeting of shareholders under the OBCA; and
- (c) Holdco by resolution in writing shall appoint the necessary members of the GHI Board and appoint the auditors for GHI and its Subsidiaries and complete such other business as would normally be completed at an annual meeting of shareholders under the OBCA, subject to approval of Council.

### **13. Matters Requiring City or Holdco Approval**

13.1 Approvals in Respect of Holdco – The City hereby directs Holdco at all times to seek the approval of the City in respect of each of the following matters prior to Holdco undertaking or causing to be undertaken any of the following matters with respect to Holdco:

- (a) Entry into one or more transactions to acquire or be acquired, whether by way of purchase or otherwise, of, or merger or amalgamation with, any one or more Persons;
- (b) Execution of any memorandum of understanding or other material and binding document with any Person in relation to any transaction described in paragraph (a) of this Subsection 13.1 with respect to Holdco, or any public announcement or disclosure in relation to such discussions or document;
- (c) changing or removing any restriction on the business of Holdco;
- (d) creating new classes of shares of Holdco or any Subsidiary or in any other manner to amend the articles to reduce or increase the number of directors of Holdco or any Subsidiary;
- (e) enter into one or more mergers or amalgamations of Holdco or any Subsidiary with any other corporation(s), other than another Subsidiary;
- (f) the institution of proceedings for any winding-up, arrangement or dissolution of Holdco or any Subsidiary;
- (g) appointment of auditors of Holdco;
- (h) an application to continue Holdco or any Subsidiary as a corporation under the laws of another jurisdiction;
- (i) issue, or enter into any agreement to issue, any shares of any class, or any securities convertible into any shares of any class of Holdco or any Subsidiary;
- (j) redeem or purchase any outstanding shares of Holdco or any Subsidiary;

- (k) in any financial year, enter into one or more transactions which individually or in the aggregate, except as provided in the Business Plan, result in the disposition, lease or sale of any part of the business of Holdco or any Subsidiary equal to or greater than 25% of the Book Value of Holdco on a consolidated basis;
- (l) any change in the dividend policy of Holdco or any Subsidiary;
- (m) any sale, transfer or other disposition by Holdco of any of the shares of any Subsidiary;
- (n) engaging in any business activity other than as expressly permitted under Section 3;
- (o) salary, benefits and other compensation of members of the Holdco Board or any officers of Holdco;
- (p) election, replacement, composition and number of members of the Holdco Board;
- (q) appointment and replacement of officers of Holdco;
- (r) directors and officers insurance arrangements for Holdco; and
- (s) entry by Holdco into any joint venture, partnership, strategic alliance or other venture, which would require an investment, or which would have a financial impact greater than 25% of the Book Value of Holdco.

13.2 City Approval Required – The City hereby directs Holdco at all times to seek the approval of the City in respect of each of the matters requiring Holdco approval pursuant to Section 13.3.

13.3 Approvals in Respect of GHI and its Subsidiaries – Holdco hereby directs GHI at all times to seek the approval of Holdco in respect of each of the following matters prior to undertaking or causing to be undertaken any of the following matters with respect to GHI or any Subsidiary:

- (a) Entry into one or more transactions to acquire or be acquired, whether by way of purchase or otherwise, of, or merger or amalgamation with, any one or more Persons, which transactions have a value of greater than 25% of the Book Value of GHI and its Subsidiaries on a consolidated basis; provided that (i) 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 less than 25% of the Book Value of GHI and its Subsidiaries on a consolidated basis; and (ii) any of the foregoing transactions involving GHESI shall require the prior written approval of Holdco and the City regardless of the size of the transaction;
- (b) Execution of any binding memorandum of understanding or other binding and material document with any Person in relation to any transaction described in paragraph (a) of this Subsection 13.3 with respect to GHESI or another licensed

- electricity distributor, or any public announcement or disclosure in relation to such discussions or document;
- (c) changing or removing any restriction on the business of GHI or a GHI Subsidiary;
  - (d) creating new classes of shares of GHI or any GHI Subsidiary or in any other manner to amend the articles of GHI to reduce or increase the number of directors of GHI or a GHI Subsidiary;
  - (e) enter into one or more amalgamations of GHI or any GHI Subsidiary with any other corporation(s) other than another Subsidiary of GHI;
  - (f) the institution of proceedings for any winding-up, arrangement or dissolution of GHI or any GHI Subsidiary;
  - (g) appointment of auditors of GHI and any GHI Subsidiary;
  - (h) an application to continue GHI or any GHI Subsidiary as a corporation under the laws of another jurisdiction;
  - (i) issue, or enter into any agreement to issue, any shares of any class, or any securities convertible into any shares of any class of GHI or any GHI Subsidiary;
  - (j) redeem or purchase any outstanding shares of GHI or any GHI Subsidiary;
  - (k) in any financial year, enter into one or more transactions which individually or in the aggregate, except as provided in the Business Plan, result in the disposition, lease or sale of any part of the business of GHI or any GHI Subsidiary equal to or 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;
  - (l) any change in the dividend policy of GHI;
  - (m) any sale, transfer or other disposition by GHI of any of the shares of any GHI Subsidiary;
  - (n) engaging in any business activity other than as expressly permitted under Section 3;
  - (o) election, replacement, composition and number of members of the GHI Board;
  - (p) creation or acquisition of shares in the capital of any GHI Subsidiary; and
  - (q) entry into any joint venture, partnership, strategic alliance or other venture, including, without limitation, ventures in respect of the generation or co



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.

(b) Notices shall be sent to the following addresses or facsimile numbers:

(i) in the case of the City,

The Corporation of the City of Guelph  
City Hall, 1 Carden Street  
Guelph, Ontario

Attention: Chief Administrative Officer

Facsimile: (519) 822-8277

(ii) in the case of Holdco,

Guelph Municipal Holdings Inc.  
City Hall, 1 Carden Street  
Guelph, Ontario  
N1H 3A1

Attention: Chief Executive Officer

Facsimile: (519) 822-8277

(iii) in the case of GHI,

Guelph Hydro Inc.  
395 Southgate Drive  
Guelph, Ontario  
N1G 4Y1

Attention: Chief Executive Officer

Facsimile: (519) 836-1055

(iv) in the case of GHESI,

Guelph Hydro Electric Systems Inc.  
395 Southgate Drive  
Guelph, Ontario  
N1G 4Y1

Attention: Chief Operating Officer

Facsimile: (519) 836-1055

(v) in the case of Ecotricity,

395 Southgate Drive  
Guelph, Ontario  
N1G 4Y1

Attention: Chief Executive Officer of GHI

Facsimile: (519) 836-1055

or to such other address or telecopier number as the party entitled to or receiving such notice, designation, communication, request, demand or other document shall, by a notice given in accordance with this Section, have communicated to the party giving or sending or delivering such notice, designation, communication, request, demand or other document.

- (c) Any notice, designation, communication, request, demand or other document given or sent or delivered as aforesaid shall:
- (i) if delivered as aforesaid, be deemed to have been given, sent, delivered and received on the date of delivery;
  - (ii) if sent by mail as aforesaid, be deemed to have been given, sent, delivered and received (but not actually received) on the fourth Business Day following the date of mailing, unless at any time between the date of mailing and the fourth Business Day thereafter there is a discontinuance or interruption of regular postal service, whether due to strike or lockout or work slowdown, affecting postal service at the point of dispatch or delivery or any intermediate point, in which case the same shall be deemed to have been given, sent, delivered and received in the ordinary course of the mails, allowing for such discontinuance or interruption of regular postal service; and
  - (iii) if sent by telecopy machine, be deemed to have been given, sent, delivered and received on the date the sender receives the telecopy answer back confirming receipt by the recipient.

## **17. Replacement of Previous Declarations**

The GHI Declaration is hereby terminated and of no further force or effect as of the effective date of this Shareholder Declaration.

## **18. New Subsidiaries**

GHI shall ensure that any new or additional wholly-owned Subsidiary acquired or incorporated by it from time to time shall become a party to this Shareholder Declaration and that the provisions hereof shall apply to it *mutatis mutandis*.

DATED at Guelph, Ontario, as of the date first written above.

**THE CORPORATION OF THE CITY OF  
GUELPH**

By: \_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_  
Name:  
Title:

**GUELPH MUNICIPAL HOLDINGS INC.**

By: \_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_  
Name:  
Title:

**GUELPH HYDRO INC.**

By: \_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_  
Name:  
Title:

**GUELPH HYDRO ELECTRIC SYSTEMS  
INC.**

By: \_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_  
Name:  
Title:

**ECOTRICITY GUELPH INC.**

By: \_\_\_\_\_

Name:

Title:

By: \_\_\_\_\_

Name:

Title:

## SCHEDULE “A”

### EXCERPTS FROM CANADIAN SECURITIES ADMINISTRATORS (CSA) CORPORATE GOVERNANCE GUIDELINES<sup>1</sup>

#### **PART 2 – PURPOSE AND APPLICATION**

##### **2.1 Purpose of this Policy**

This Policy provides guidance on corporate governance practices which have been formulated to:

- achieve a balance between providing protection to investors and fostering fair and efficient capital markets and confidence in capital markets;
- be sensitive to the realities of the greater numbers of small companies and controlled companies in the Canadian corporate landscape;
- take into account the impact of corporate governance developments in the U.S. and around the world; and
- recognize that corporate governance is evolving.

The guidelines in this Policy are not intended to be prescriptive. We encourage issuers to consider the guidelines in developing their own corporate governance practices.

##### **2.2 Application**

This Policy applies to all reporting issuers, other than investment funds. Consequently, it applies to both corporate and non-corporate entities. Reference to a particular corporate characteristic, such as a board of directors (the board), includes any equivalent characteristic of a non-corporate entity. For example, in the case of a limited partnership, we recommend that a majority of the directors of the general partner should be independent of the limited partnership (including the general partner).

#### **PART 3 – MEANING OF INDEPENDENCE**

##### **3.1 Meaning of Independence**

For the purposes of this Policy, a director is independent if he or she would be independent for the purposes of National Instrument 58-101 *Disclosure of Corporate Governance Practices*.

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<sup>1</sup> These excerpts are from the CSA Corporate Governance Guidelines National Policy 58-201 in effect as at the date of the signing of the Shareholder Declaration.

## **PART 4 – CORPORATE GOVERNANCE GUIDELINES**

### **4.1 Composition of the Board**

- (a) The board should have a majority of independent directors.
- (b) The chair of the board should be an independent director. Where this is not appropriate, an independent director should be appointed to act as “lead director”. However, either an independent chair or an independent lead director should act as the effective leader of the board and ensure that the board's agenda will enable it to successfully carry out its duties.

### **4.2 Meetings of Independent Directors**

The independent directors should hold regularly scheduled meetings at which non-independent directors and members of management are not in attendance.

### **4.3 Board Mandate**

The board should adopt a written mandate in which it explicitly acknowledges responsibility for the stewardship of the issuer, including responsibility for:

- (a) to the extent feasible, satisfying itself as to the integrity of the chief executive officer (the CEO) and other executive officers and that the CEO and other executive officers create a culture of integrity throughout the organization;
- (b) adopting a strategic planning process and approving, on at least an annual basis, a strategic plan which takes into account, among other things, the opportunities and risks of the business;
- (c) the identification of the principal risks of the issuer’s business, and ensuring the implementation of appropriate systems to manage these risks;
- (d) succession planning (including appointing, training and monitoring senior management);
- (e) adopting a communication policy for the issuer;
- (f) the issuer’s internal control and management information systems; and
- (g) developing the issuer’s approach to corporate governance, including developing a set of corporate governance principles and guidelines that are specifically applicable to the issuer.<sup>2</sup>

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<sup>2</sup> Issuers may consider appointing a corporate governance committee to consider these issues. A corporate governance committee should have a majority of independent directors, with the remaining members being “non-management” directors.

The written mandate of the board should also set out:

- (i) measures for receiving feedback from stakeholders (e.g., the board may wish to establish a process to permit stakeholders to directly contact the independent directors), and
- (ii) expectations and responsibilities of directors, including basic duties and responsibilities with respect to attendance at board meetings and advance review of meeting materials.

In developing an effective communication policy for the issuer, issuers should refer to the guidance set out in National Policy 5 1-201 *Disclosure Standards*.

For purposes of this Policy, “executive officer” has the same meaning as in National Instrument 5 1-102 *Continuous Disclosure Obligations*.

#### **4.4 Position Descriptions**

The board should develop clear position descriptions for the chair of the board and the chair of each board committee. In addition, the board, together with the CEO, should develop a clear position description for the CEO, which includes delineating management’s responsibilities. The board should also develop or approve the corporate goals and objectives that the CEO is responsible for meeting.

#### **4.5 Orientation and Continuing Education**

The board should ensure that all new directors receive a comprehensive orientation. All new directors should fully understand the role of the board and its committees, as well as the contribution individual directors are expected to make (including, in particular, the commitment of time and resources that the issuer expects from its directors). All new directors should also understand the nature and operation of the issuer’s business.

The board should provide continuing education opportunities for all directors, so that individuals may maintain or enhance their skills and abilities as directors, as well as to ensure their knowledge and understanding of the issuer's business remains current.

#### **4.6 Code of Business Conduct and Ethics**

The board should adopt a written code of business conduct and ethics (a code). The code should be applicable to directors, officers and employees of the issuer. The code should constitute written standards that are reasonably designed to promote integrity and to deter wrongdoing. In particular, it should address the following issues:

- (a) conflicts of interest, including transactions and agreements in respect of which a director or executive officer has a material interest;
- (b) protection and proper use of corporate assets and opportunities;



- (c) confidentiality of corporate information;
- (d) fair dealing with the issuer's security holders, customers, suppliers, competitors and employees;
- (e) compliance with laws, rules and regulations; and
- (f) reporting of any illegal or unethical behaviour.

The board should be responsible for monitoring compliance with the code. Any waivers from the code that are granted for the benefit of the issuer's directors or executive officers should be granted by the board (or a board committee) only.

Although issuers must exercise their own judgement in making materiality determinations, the Canadian securities regulatory authorities consider that conduct by a director or executive officer which constitutes a material departure from the code will likely constitute a "material change" within the meaning of National Instrument 51-102 *Continuous Disclosure Obligations*. National Instrument 51-102 requires every material change report to include a full description of the material change. Where a material departure from the code constitutes a material change to the issuer, we expect that the material change report will disclose, among other things:

- the date of the departure(s),
- the party(ies) involved in the departure(s),
- the reason why the board has or has not sanctioned the departure(s), and
- any measures the board has taken to address or remedy the departure(s).

#### **4.7 Nomination of Directors**

The board should appoint a nominating committee composed entirely of independent directors.

The nominating committee should have a written charter that clearly establishes the committee's purpose, responsibilities, member qualifications, member appointment and removal, structure and operations (including any authority to delegate to individual members and subcommittees), and manner of reporting to the board. In addition, the nominating committee should be given authority to engage and compensate any outside advisor that it determines to be necessary to permit it to carry out its duties. If an issuer is legally required by contract or otherwise to provide third parties with the right to nominate directors, the selection and nomination of those directors need not involve the approval of an independent nominating committee.

Prior to nominating or appointing individuals as directors, the board should adopt a process involving the following steps:

- (a) Consider what competencies and skills the board, as a whole, should possess. In doing so, the board should recognize that the particular competencies and skills required for one issuer may not be the same as those required for another.
- (b) Assess what competencies and skills each existing director possesses. It is unlikely that any one director will have all the competencies and skills required by the board. Instead, the board should be considered as a group, with each individual making his or her own contribution. Attention should also be paid to the personality and other qualities of each director, as these may ultimately determine the boardroom dynamic.

The board should also consider the appropriate size of the board, with a view to facilitating effective decision-making.

In carrying out each of these functions, the board should consider the advice and input of the nominating committee.

The nominating committee should be responsible for identifying individuals qualified to become new board members and recommending to the board the new director nominees for the next annual meeting of shareholders.

In making its recommendations, the nominating committee should consider:

- (a) the competencies and skills that the board considers to be necessary for the board, as a whole, to possess;
- (b) the competencies and skills that the board considers each existing director to possess; and
- (c) the competencies and skills each new nominee will bring to the boardroom.

The nominating committee should also consider whether or not each new nominee can devote sufficient time and resources to his or her duties as a board member.

## **4.8 Compensation**

The board should appoint a compensation committee composed entirely of independent directors.

The compensation committee should have a written charter that establishes the committee's purpose, responsibilities, member qualifications, member appointment and removal, structure and operations (including any authority to delegate to individual members or subcommittees), and the manner of reporting to the board. In addition, the compensation committee should be given authority to engage and compensate any outside advisor that it determines to be necessary to permit it to carry out its duties.

The compensation committee should be responsible for:

- (a) reviewing and approving corporate goals and objectives relevant to CEO compensation, evaluating the CEO's performance in light of those corporate goals and objectives, and determining (or making recommendations to the board with respect to) the CEO's compensation level based on this evaluation;
- (b) making recommendations to the board with respect to non-CEO officer and director compensation, incentive-compensation plans and equity-based plans; and
- (c) reviewing executive compensation disclosure before the issuer publicly discloses this information.

#### **4.9 Regular Board Assessments**

The board, its committees and each individual director should be regularly assessed regarding his, her or its effectiveness and contribution. An assessment should consider:

- (a) in the case of the board or a board committee, its mandate or charter, and
- (b) in the case of an individual director, the applicable position description(s), as well as the competencies and skills each individual director is expected to bring to the board.

## SCHEDULE "B-1"

### GUELPH MUNICIPAL HOLDINGS INC. DIVIDEND POLICY

The dividend policy of Holdco is predicated on the mandate of the Holdco Board which includes maximizing City value. Such value is generally realized by the City through dividends or the appreciation of City investment. The Holdco Board shall declare and pay dividends from available Net Income and cash flow, as follows:

1. Regular Dividends at a dividend payment rate (DPR) of 100% of all annual Net Income, subject to the Conditions Precedent to the Payment of Dividends set out below.

2. Conditions Precedent to the Payment of Dividends

Dividends will be paid to the extent that such payment would not otherwise cause non-compliance with applicable Laws and that Holdco has cash on hand.

3. Payment of Dividends

#### *Regular Dividends*

Each year, at its meeting to approve the annual budget for the next financial year, the Board of Holdco will forecast the annual dividend by applying the DPR to budgeted earnings for the next financial year. Quarterly dividends will, subject to meeting the above Conditions Precedent to the Payment of Dividends, be targeted at up to 100% of Net Income of Holdco and paid April 15<sup>th</sup> (or shortly following the approval of the annual audited financial statements of the preceding year), June 1st, September 1st and December 1st. The first dividend of the financial year, targeted for payment on April 15<sup>th</sup>, will also include any adjustment to bring the total annual dividend for the preceding year to the full DPR level.

4. Reporting to City

Upon the payment of any dividend, Holdco shall provide an analysis to the City on whether and how the Conditions Precedent to the Payment of Dividends has reduced the amount of annual Net Income that would otherwise have been declared and paid in dividends, specifying the extent to which each element of such Conditions Precedent has reduced such amount.

In the event that the Holdco Board does not approve a payment of a Regular Dividend, the Holdco Board will promptly report the circumstances underlying the non-payment to the City and, thereafter, provide progress reports to the City on a quarterly basis until such time as the payment of Regular Dividends resumes.

## SCHEDULE "B-2"

### GUELPH HYDRO INC. DIVIDEND POLICY

The dividend policy of GHI is predicated on the mandate of the GHI Board which includes maximizing City value. Such value is generally realized by the City through dividends to Holdco or the appreciation of Holdco investments. The GHI Board shall declare and pay dividends from available Net Income and cash flow, as follows:

1. Regular Dividends at a dividend payment rate (DPR) of the greater of:

- (i) 50% of all annual Net Income of GHI; and
- (ii) \$1,500,000.00 (one million five hundred thousand dollars);

subject to the Conditions Precedent to the Payment of Dividends set out below.

2. Conditions Precedent to the Payment of Dividends

Dividends will be paid to the extent of cash on hand and that such payment would not otherwise cause:

- (a) non-compliance with applicable Laws;
- (b) a breach of contract or the immediate or anticipated failure to otherwise meet the terms of financing arrangements;
- (c) a material impairment in the operations and maintenance of the assets of the corporation;
- (d) a material impairment in financial prudence including capital investment in energy infrastructure by GHESI to sustain reliability and an appropriate level of reserves;
- (e) a material impairment in the ability to service the debt of GHI and its Subsidiaries;
- (f) a deterioration in the credit rating of GHI; and
- (g) a material impairment in the maintenance and growth of businesses, consistent with the Business Plan.

3. Payment of Dividends

#### *Regular Dividends*

Each year, at its meeting to approve the annual budget for the next financial year, the Board of Directors of GHI will forecast the annual dividend by applying the DPR to

budgeted earnings for the next financial year. Quarterly dividends will, subject to meeting the above Conditions Precedent to the Payment of Dividends, consist of 25% of the budgeted DPR for that financial year and paid April 15th (or shortly following the approval of the annual audited financial statements of the preceding year), June 1st, September 1st and December 1st. The first dividend of the financial year shall be declared and paid on April 15th and will also include any adjustment to bring the total annual dividend for the preceding year to the full DPR level.

4. Reporting to Holdco

Annually, GHI shall provide a detailed analysis on whether and how the Conditions Precedent to the Payment of Dividends have reduced the amount of annual Net Income that would otherwise have been declared and paid in dividends, specifying the extent to which each element of such Conditions Precedent (as enumerated in clauses (a) to (g) above under “Conditions Precedent to the Payment of Dividends”) has reduced such amount.

In the event that the GHI Board does not approve payment of a Regular Dividend, the Board will promptly report the circumstances underlying the non-payment to Holdco and, thereafter, provide progress reports on a quarterly basis until such time as the payment of Regular Dividends resumes.

**SCHEDULE "C"**

**FORM OF SERVICES AGREEMENT BETWEEN HOLDCO AND THE CITY**

**SUPPORT SERVICES AGREEMENT**

This agreement made this     day of                     , 2009

Between:

GUELPH MUNICIPAL HOLDINGS INC.  
(herein called "Holdco")

OF THE FIRST PART

-and-

THE CORPORATION OF THE CITY OF GUELPH  
(Herein called the "City")

OF THE SECOND PART

WHEREAS Holdco requires certain support services in order to carry out its activities;

AND WHEREAS the City has staff and/or contractors capable of providing such support services;

NOW THEREFORE this agreement witnesses that, in consideration of the mutual covenants contained herein, the parties hereto hereby agree as follows:

Support services

1. The City shall provide support services, as set out herein, to Holdco, and Holdco shall pay the City for those support services, as set out herein.
2. The City shall provide support services to Holdco in the following areas:
3. The exact nature of the support services shall be as agreed by the relevant designated representatives of the parties.

Designated representatives

- 4. For purposes of administering the specified areas of support services, the following shall be the initial designated representatives of the parties:

<i>Support service area</i>	<i>Title of initial City designated representative</i>	<i>Title of initial Holdco designated representative</i>
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- 5. Each party may change its respective designated representatives from time to time, by notifying the other party.

Personnel

- 6. The support services shall be provided by staff and/or contractors retained by the City to provide services in areas relevant to the support services areas.
- 7. The City shall be solely responsible for determining which individuals perform the support services and for supervising those individuals. However the relevant designated representatives of Holdco may discuss with the relevant designated representatives of the City any issues related to specific individuals performing the work.

Fees and charges

- 8. After the end of each month, the City shall calculate the fees and charges for the support services provided by the City to Holdco for the month ended, and notify Holdco of those fees and charges.
- 9. The fees and charges shall be calculated based on the principle that Holdco shall reimburse the City fully for the costs incurred by the City in providing the support services.
- 10. The fees and charges may be based on hours worked, salaries, wages and benefits paid, liabilities assumed, supplies and utilities consumed, equipment used, travel and other expenses incurred, and any other costs whatsoever involved in providing the support services.
- 11. The fees and charges may be calculated in different ways for different areas of the support services and may, at the discretion of the City, be based on averages or estimates.
- 12. The City shall fully disclose to Holdco how all fees and charges are calculated.



- 13. The City may recalculate fees and charges from time to time, even retroactively or retrospectively, and Holdco shall be responsible for paying any amount owing after such recalculation.
- 14. Holdco shall pay any taxes imposed in respect of the support services provided or the fees and charges charged.

Dispute resolution

- 15. The parties and their designated representatives shall use their best efforts to resolve amicably and by discussion and negotiation, any disputes that may arise out of this agreement.
- 16. If a dispute between the parties, relevant to a specific support service area should arise, the designated representatives, relevant to that particular support service area shall attempt to resolve the dispute.
- 17. If a dispute cannot be resolved at the level of the relevant specific support service area, the designated representatives shall refer it to the City’s Council and Holdco’s Board.

Start and finish

- 18. This agreement shall commence on \_\_\_\_\_, 2009.
- 19. Either party hereto may terminate this agreement upon at least sixty (60) days’ written notice to the other party.

IN WITNESS WHEREOF the parties hereto have, by their proper officers duly authorized in that regard, hereto set their hands and seals.

SIGNED SEALED AND ) DELIVERED ) Date: _____ )	) GUELPH MUNICIPAL HOLDINGS INC. ) ) Per: _____ ) I have authority to bind the Corporation ) ) ) ) THE CORPORATION OF THE CITY OF ) GUELPH ) Per: _____ ) I have authority to bind the Corporation
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# CORPORATE POLICY AND PROCEDURE



POLICY	<b>Asset Transfers to Corporations Policy</b>
CATEGORY	Finance
AUTHORITY	Municipal Act, 2001 and Ontario Regulation 599/06
APPROVED BY	Council
EFFECTIVE DATE	April 25, 2011
REVISION DATE	

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## **POLICY STATEMENT**

The City may, from time to time, Transfer Assets to corporations, including in accordance with the provisions of the Regulation.

The City shall comply with the requirements of the Municipal Act regarding the granting of bonuses or assistance.

The City may attach conditions to the Transfer of an Asset to a corporation, including what the corporation may do with the Asset, under what conditions the corporation may further Transfer the Asset, and how the Asset should be disposed of upon the winding-up, bankruptcy or dissolution of the corporation.

If the City proposes to transfer an asset, other than a grant, to a corporation that is wholly owned by the City, the asset shall be transferred to the corporation at audited net book value and the City Treasurer shall provide Council with an estimate of the audited net book value, prior to the transfer taking place

If the City proposes to Transfer an Asset, other than a grant, to a corporation that is not wholly owned by the City, the City Treasurer shall obtain an independent valuation of the fair market value of such Asset, prior to the transfer taking place.

If the City proposes to Transfer any grant to a corporation, the City Treasurer shall prepare a statement of the value of such grant.

If the City proposes to Transfer an Asset to a City Corporation and the Province of Ontario has contributed funds for the purchase or improvement of the Asset, then the City shall comply with the notice and other requirements of the Regulation.

If the City proposes to Transfer a right granted to the City in an agreement with the Province of Ontario, then the City shall obtain prior consent in compliance with the requirements of the Regulation.

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## **PURPOSE**

To enable the effective transfer of assets by the City to corporations consistent with Provincial legislation.

## **DEFINITIONS**

For purposes of this policy:

“Asset” includes land, property, equipment, goods, capital shares in corporations, rights and grants of money;

“Audited Net Book Value” means the net difference between the assets and liabilities on the audited financial statements, without adjustment for goodwill or premiums that might be paid for the asset if it were to be exposed to the full market for sale.

“City Corporation” includes a corporation established by the City pursuant to the Municipal Act;

“Municipal Act” means the Municipal Act, 2001, S.O. 2001, c. 25, as amended or replaced from time to time;

“Regulation” means Ontario Regulation 599/06, made pursuant to the Municipal Act, as amended or replaced from time to time; and

“Transfer” means assign or convey.

# **GUELPH MUNICIPAL HOLDING COMPANY**

## **BUSINESS CASE STUDY**

### **PHASE 1: STRUCTURE AND DESIGN**

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## INTRODUCTION

Effective corporate governance is essential to the success of all organizations, regardless of whether they exist in the public, private or not-for-profit sectors. Strong governance practices can generate several benefits including revenue maximization through strategic resource deployment, risk minimization from more integrated planning, communications enhancements, increased market responsiveness and higher levels of trust and confidence for all stakeholders including residents and employees.

In an effort to strengthen corporate governance practices regarding the management of current and future City-owned assets and further contribute to community well being, the City of Guelph is proposing the creation of a new municipal service corporation—Holdco. Development of such an entity is permitted under the 2001 Municipal Act Legislation (O.R. 599/06) which gives local governments the powers to establish a range of corporations.

It is proposed that the new holding company, structured under the Ontario Business Corporations Act (OBCA), will share core operating principles with its subsidiary companies including collaboration, transparency, efficiency and effectiveness. Leadership, open communications and accountability are foundational values upon which the operating principles are based. Consistent with the experiences and best practices of other Ontario municipalities, the new company will be governed by a board of directors including the Mayor, acting as chair, three City Councillors, the Board Chairs from subsidiary companies and one independent community member. All directors will be appointed and approved by City Council. The Chief Executive Officer (CEO) of the holding company will be the Chief Administrative Officer (CAO) of the City of Guelph with the City Solicitor acting as general counsel and secretary and the City Treasurer acting as the treasurer of Holdco.

The holding company model is a strategic approach designed to achieve higher levels of excellence in asset management practices. It will primarily work towards improved communication and information flow between the shareholder and the operating companies, capitalize on potential synergies, and help to maximize value provided to the community.

### Background

In February 2009, Guelph City Council approved a mandate and charter for the Guelph Hydro Steering Committee detailing its responsibilities and duties which included the determination of an appropriate structure between the City, as sole shareholder, and its operating companies. It was anticipated that the appropriate model would continue driving the City towards higher levels of excellence in asset management and service quality.

The Committee agreed that the creation of a holding company, as recommended by staff, would be of significant benefit to all parties moving forward and examined the proposal and shareholder agreement implications thoroughly. In addition, related legislation was also reviewed including the *Ontario Business Corporations Act* and the *Municipal Act, 2001* (Sec. 203 O.R. 599/06) which includes a new regulation and related rules enabling municipalities to establish corporations. Holdco will comply with this and applicable laws,

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regulations and performance standards passed or imposed by law or regulation by the Province of Ontario.

## **Purpose**

This document has been developed to provide additional and comprehensive information on the proposed new governance model. Specifically this document:

- a) sets out the objectives of the a new municipal holding company, its mandate, guiding principles, governance options, structure, relationship to the City, reporting activities and financial considerations; and
- b) constitutes the provincially required business case for the proposed municipal holding company.

The holding company model represents a vital step forward in meeting the strategic objectives of the City's Strategic Plan, and long term sustainability and economic prosperity goals.

## **OBJECTIVES**

The City of Guelph recognizes that it is prudent to investigate alternate governance models for the management of current and future City-owned assets to ensure the greatest value to the City as the primary shareholder. A number of benefits can be realized from more strategic management and co-ordination through the following objectives:

- a) Holdco, reporting to the Shareholder, will work to build value for the community through synergistic collaboration that strengthens the individual and collective position of City-owned assets and investments.
- b) Operating in a business environment, Holdco will play an integral role in achieving enhanced operational excellence through a continuum of improved communications between the operating companies and the Shareholder.
- c) By capitalizing on synergies and unlocking greater potential, Holdco, through its management and oversight role, will help to ensure the continued generation of reliable returns and benefits from its assets.

## **MANDATE**

Holdco will strive to achieve the stated objectives. Specifically:

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- a) Holdco 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.
  - b) In its oversight role, Holdco will act as a catalyst for operational excellence.
  - c) Holdco 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 Holdco.

## GUIDING PRINCIPLES

The Directors and Officers of all OBCA corporations have a duty to act honestly, in good faith and in the best interests of the corporation. Holdco will be wholly owned by the City and will be subject to established objectives aligned with the City's interests. The following principles will govern the operations, services and activities of Holdco in that context:

- a) **Collaboration** – Holdco Directors will work to foster and reinforce a collaborative relationship and shared values among all parties and recognize that the interface between the worlds governed by the *Municipal Act* (public sector) and the OBCA (private sector) requires mutual respect, understanding, flexibility and regular communication between Holdco and its subsidiaries concerning business activities.
- b) **Transparency** – The holding company board of directors will adhere to clearly articulated reporting and approval requirements as detailed in the Council approved shareholder agreements to ensure transparency and accountability.
- c) **Independent and skills-based boards** – The boards of the subsidiary companies reporting to the holding company will be recognized and regarded as independent and skills-based. They will be responsible for ensuring effective management of their own interests and contributing to the efficacy of the operations as well as other subsidiary companies by sharing experiences and best practices.
- d) **Integration and co-ordination** – The unique overlapping community interests and professional capabilities of the “family of companies”—including the City—are important components of an integrated and co-ordinated approach to excellence in asset management.
- e) **Comprehensive measurement of returns** – Shareholder return and benefits will be measured by several metrics including but not limited to dividends to ensure a broader understanding of operational success. In general, a long term, strategic view will be applied to the measure of shareholder return.

The guiding principles flow from the foundational values of leadership, accountability, sustainability and regular, open communication.



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## Confidentiality

Except as required by applicable law or any government authority and except for the annual report to City Council, the City will treat as confidential each Holdco business plan and all other information provided to it in confidence, subject to the Ontario Business Corporations Act, the *Municipal Act* and applicable laws. Information that is in the custody or under the control of the City or Holdco is subject to the access provisions of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

## ALTERNATIVES

In exploring the concept of improved governance alternatives for current City-owned assets, a number of both form and function options were considered by staff as detailed in the table below. The options included developing a corporate governance division, continuing with established practices, selling of the assets, and creating an independent development corporation, consistent with the provisions of the *Municipal Act* (O.R. 500/06).

Identified Options	
1.	<b>Corporate governance division within the City</b> – A new division with a specific mandate and staff expertise could be established. This would result in a more centralized authority but would also require additional resources for staffing and operational functions.
2.	<b>Status quo</b> – Continuing with current operations presents a risk in terms of a missed opportunity for strengthening the City's corporate governance practices, collaboration and strategic asset management.
3.	<b>Sale/Merger of corporation assets</b> – Annual revenues generated from operations of Guelph Hydro represent a reliable source of regular dividends that can be leveraged against the annual tax levy.
4.	<b>Independent development corporations</b> – The holding company model allows for the development of skills-based boards for the regular management of individual interests, yet brings all parties together to capitalize on potential synergies. Without this unifying entity, the benefits of collaboration are lost. The holding company model allows for additional corporations to be included over time, creating potential opportunities for increased revenue streams.

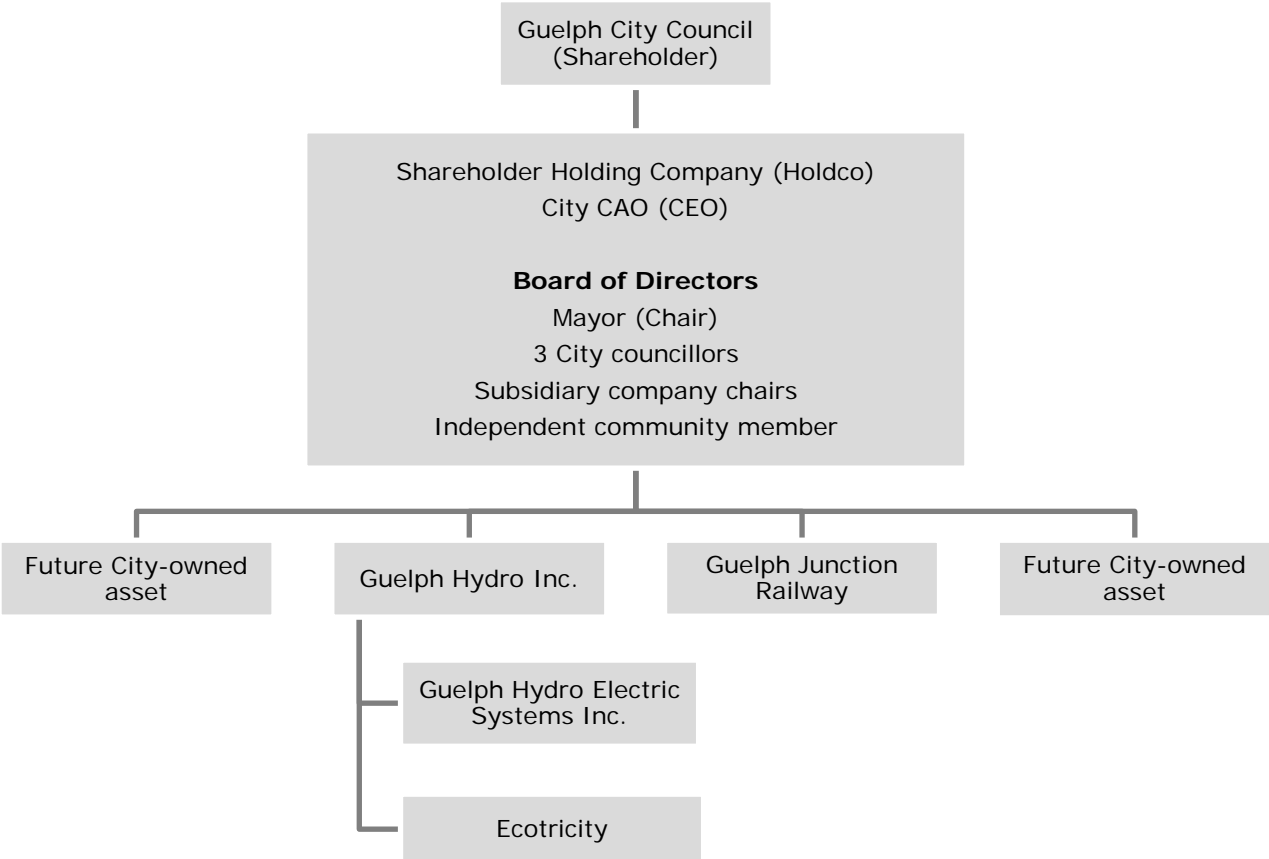
Overall assessment against evaluation criteria (including public accountability, transparency, flexibility of structure, funding constraints and requirements, financing opportunities, statutory requirements, potential conflicts of interest, risk and liability) led to the following conclusions:

- 1) That the benefits associated with a holding company model are significant and that this direction represents a necessary step in advancing prosperity and management excellence goals that will benefit the city as a whole.
- 2) That the current approach is not serving the current and future needs of existing subsidiaries or the residents of Guelph to the level that is possible.
- 3) That to achieve greater success going forward and realize the full potential of City-owned assets, the City believes that a new structure is required. Leadership, partnership and collaboration are the keys to success that will help continue to produce better and more reliable results.

### PROPOSED STRUCTURE

The following diagram depicts the recommended structure of the holding company. It is anticipated that the centralized structure will allow for strengthened co-ordination of issues management, well informed decision making and the realization of common goals consistent with the mandate and objectives for Holdco.

Figure 1: Proposed holding company structure



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## GOVERNANCE

### Applicable legislation

The holding company will be governed in compliance with the following legislation, rules and regulations:

**Director duties** – As required by the *Ontario Business Corporations Act* (OBCA), the holding company board will supervise the management of the business and affairs of Holdco, and, in so doing, will act honestly and in good faith with a view to the best interests of the holding company and its subsidiaries and will exercise the same degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

**Standards of governance** – In addition, the City expects the boards of Guelph Junction Railway (GJR), Guelph Hydro Inc. (GHI) and any GHI subsidiary to observe substantially the same standards of corporate governance as may be established by the Canadian Securities Administrators or any other applicable regulatory or government authority in Canada for publicly traded corporations with such modifications as may be necessary to reflect the fact that GJR, GHI and any GHI subsidiary are not publicly traded corporations.

### Board of Directors and Officers

**Qualifications** – In addition to sound judgment and personal integrity, the qualifications of candidates for the board of the holding company may include:

- awareness of public policy issues related to the holding company;
- relevant business expertise and industry knowledge;
- experience on boards of significant commercial corporations;
- financial, legal, accounting and/or marketing experience; and
- knowledge and experience with risk management strategy.

**Residency** – Preference may be given to qualified board candidates who are residents of Guelph, however candidates that are not residents of Guelph will not be excluded from serving as board members.

**Number of directors** – The board of the holding company will consist of a minimum of seven (7) directors to be appointed by and approved by City Council.

**Composition of the board** – Unless otherwise determined by the Shareholder in its discretion, the holding company board will consist of the mayor, three municipal members (City Councillors), 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 will not be a municipal member. The chief executive officer, president or general manager, as the case may be,

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of a subsidiary or of Holdco will not be eligible to serve as a Director on, nor Chair of, the Holdco Board nor Chair of the Board of its subsidiary companies.

**Chair of the Board** – The Chair of the Holding Company Board shall be the Mayor.

**Officers** – The CEO of the Holding Company 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 will 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 will be the Solicitor of the City or such other person as the City may determine from time to time.

**Term of municipal members** – The term for each municipal member of the Holdco Board shall be concurrent with the municipal term of each council, and each municipal member of the holding company board shall be appointed for such term, provided that:

- following the expiry of such term of council, each director will continue to serve on the board until replaced by the City at the effective date of the appointment of a replacement director;
- 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
- where a Director of the holding company 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 will be concurrent with the balance of the municipal term of council then in effect.

**Successive terms** – Any member of the holding company board may serve for successive terms as determined by the City in its discretion.

**Holdco board committees** – The holding company board may establish committees of the board in the holding company board's discretion. These committees may include but not limited to the following:

- Audit and finance committee to review financial results; and
- Governance committee to address governance matters.

## **Compensation**

- **Directors** – No member of the holding company board will receive any remuneration or other compensation of any kind, other than as expressly approved by the Shareholder, for serving as a director on the holding company board or on any committee thereof, or carrying out any activities or providing services in relation thereto. Each member of the holding company board will be entitled to incur reasonable expenses for travel and/or training in respect of the director's role

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on the holding company board, in accordance with policies established by the holding company board and approved by the Shareholder.

- **Officers** – Any officer of the holding company 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, will 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.
- **Annual resolutions** - The Shareholder will, at an in-camera meeting of City Council (as Shareholder), consider candidates for the Holdco board as proposed by the Holdco nominating committee and the appointment of the auditors of Holdco and receive the audited financial statements of Holdco for the last completed financial year;
- The Shareholder, by resolution in writing, will appoint the necessary members of the holding company board and appoint the auditors for the holding company and complete such other business as would normally be completed at an annual meeting of shareholders under the OBCA; and
- Holdco, by resolution in writing, will appoint the necessary members of the board and appoint the auditors for GHI and its subsidiaries and complete such other business as would normally be completed at an annual meeting of shareholders under the OBCA, subject to approval of Council.

**Responsibilities** – The Holdco board will establish policies addressing the following matters:

- **Dividends** – To ensure the payment of an annual dividend from Holdco consistent with the dividend policy included in the approved shareholder declarations.
- **Risk management** – To ensure that each subsidiary has adopted appropriate risk management strategies and internal controls consistent with industry norms in order to manage all risks related to the businesses conducted by Holdco subsidiaries.

**Additional responsibilities include:**

- **Strategic objectives** – To provide input to subsidiaries as to the City's long term strategic objectives which are consistent with the maintenance of a viable, competitive business and preservation of the value of the businesses of its subsidiaries.
- **Corporate governance committee** – Establish a corporate governance committee of the board and such other committees as the board determines are appropriate, and delegate to the committees such authority as the board determines is appropriate, provided that the delegation of authority is permitted under the OBCA.

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- **Annual approval and insurance coverage** – Approve the business plan for Holdco and the annual budget to ensure that Holdco acts in accordance with these plans; maintain adequate insurance coverage and other requirements to ensure Risk Management.
  - **Conflict of interest** – Each Director and Officer of Holdco will inform the board immediately when he or she has an interest in a matter to be considered by the board or a committee of the board and take appropriate action in accordance with the provisions of the *Municipal Conflict of Interest Act*, and any other applicable laws or City or board policies.

## RELATIONSHIP TO THE CITY

As the sole shareholder, the City of Guelph expects that Holdco will take responsibility for oversight of both Guelph Hydro and Guelph Junction Railway in addition to any additional subsidiary companies that may be added from time to time, subject to the specific terms and conditions as laid out in the shareholder agreements. The holding company does not have the capacity to act as an agent of the City unless the City gives express written authorization to the holding company to do so. The holding company will not conduct itself so as to create or purport to create an agency relationship with the City except in accordance with such written authorization.

**Shareholder authority** – Similar to other municipalities that have restructured governance of their utility and/or other functions such as transit or economic development, the City of Guelph CAO will act as the CEO of the Holding Company and be directly responsible, along with board members, to the City as primary Shareholder.

**Shareholder approval** – Approvals or decisions of the City required pursuant to the shareholder declarations or the OBCA will require a resolution or by-law of Council passed at a meeting of Council and shall be communicated in writing to the Holdco Board and signed by the shareholder representative and/or the Mayor.

**Holdco approvals** – Approvals or decisions of Holdco required pursuant to the shareholder declarations will require a resolution of the Holdco Board and, where expressly required pursuant to the shareholder declarations, the approval of the City and communicated in writing to the boards of Guelph Hydro and Guelph Junction Railway as well as any other subsidiaries.

**Matters requiring shareholder approval under the OBCA** – Without approval of its shareholder, the City, the holding company itself will not take any of the following actions:

- a) amend or repeal its articles of incorporation;
- b) amalgamate with another corporation, apply to continue as a body corporate under the laws of another jurisdiction, merge, consolidate or reorganize, or approve or effect any plan of arrangement, in each case whether statutory or otherwise;

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- c) take or institute proceedings for any winding up, arrangement, reorganization or dissolution;
  - d) create new classes of shares or reorganize, consolidate, subdivide or otherwise change its outstanding securities;
  - e) sell or otherwise dispose of, by conveyance, transfer, lease, sale and leaseback, or other transaction, all or substantially all of its assets or undertaking;
  - f) change the treasurer's role as auditor;
  - g) make any changes to the number of directors comprising the board; or
  - h) enter into any other transaction or take any other action that requires shareholder approval pursuant to the OBCA.

The board may make, amend, or repeal any of its by-laws and the changes take effect at such time as the board approves. Such changes will be submitted to the City as Shareholder, immediately upon approval by the board for Council approval. If Council makes any amendments, the amendments will take effect when approved by Council and are not retroactive.

### **Other matters requiring Shareholder approval**

Without the prior written approval of the City, Holdco will not:

- a) seek financial support without approval or any changes to legislation or regulation from any governmental authority other than the City;
- b) make representations or promises of any financial incentives or similar inducements that are binding on the City;
- c) issue publicly traded debt, or any debt instruments with real or implied recourse to, or guarantees from the City or any borrowing that in the opinion of the City Treasurer have a negative impact on the City's credit rating; or
- d) make or hold investments outside of Canada.

## **PUBLIC ACCOUNTABILITY AND REPORTING**

**Regular reporting** – Holdco will, from time to time, but at least annually, report to City Council on major business developments or materially significant results in respect of Holdco or any subsidiary. Chairs of subsidiaries will attend such meetings of Council where reports are made in respect of any subsidiaries, and such reports may be received and

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considered by the City at an in-camera meeting of Council subject to the requirements of the *Municipal Act* and other applicable laws.

**Business plan** – Holdco will provide the City with the business plan for Holdco and its subsidiaries on an annual basis prior to the end of each financial year. The Holdco business plan will include all of the following:

- the strategic objectives, priorities and business objectives that Holdco and its subsidiaries will undertake;
- the metrics for monitoring accomplishments;
- an operating budget for Holdco for the next financial year and an operating and capital expenditure budget on a consolidated basis for the subsidiaries next financial year and an operating and capital expenditure projection on a consolidated basis for the subsidiaries for each of the two subsequent financial years, including the resources necessary to implement the Holdco business plan;
- the projected annual revenues and net income for Holdco and its subsidiaries for the following financial year; and
- any material variances from the Holdco business plan then in effect.

**Annual report to Council** – Within six months after the end of each financial year of the holding company, Holdco will report to a public meeting of City Council and the chair will attend such meeting and provide the following information with respect to Holdco and its subsidiaries:

- financial statements for subsidiaries respecting privacy provisions under the OBCA Act; and
- such additional information as the City may specify from time to time including accomplishments during the fiscal year along with explanations, notes and information as required to explain and account for any variances.

Chairs of the subsidiary companies will also be present at such public meeting.

**Audit and evaluation report** – The City Treasurer is the auditor of the holding company and an annual report will be submitted at the end of the fiscal year (March 31).

**Confirmation of compliance** – The Holdco board will, in a confidential report to Council, annually confirm by the end of each financial year that it has complied with the requirements of the shareholder declaration, that it is in compliance with applicable laws and that it has received a similar confirmation of compliance from the board of subsidiaries.



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## **FINANCIAL CONSIDERATIONS**

The development of a holding company to help achieve excellence in asset management works towards City goals related to long term financial sustainability and economic prosperity. Not only is the model one that will strengthen governance but also the collective effectiveness and potential of all subsidiaries, thereby creating long term economic benefits for Guelph residents.

Holdco will be self-financing with operating costs coming from the regular dividend payment stream of subsidiary companies.

Although various City staff will provide significant resources to Holdco, it is expected that specific external expertise may be required on occasion to assist with special projects. These additional resources could be cost-shared, if necessary, between Holdco and the City with approval of Council. An operating budget detailing anticipated cost and revenue sources will be prepared by the board upon inception of the holding company.

### **Winding up provisions of the corporation**

Upon liquidation, winding-up or dissolution of the proposed holding company, whether voluntary or involuntary, the property of Holdco will revert back to the City as primary shareholder.

### **Operating budget**

The creation and management of a five year operating budget will be the responsibility of the new board of directors. It is anticipated that labour and program expenditures will be minimal given the use of existing staff as officers of the company. Any expenditures related to the new structure will flow through dividend payments derived from the subsidiary companies.

## **CONCLUSION**

A new governance model for the management of current and future City-owned assets is recommended to realize the full potential of City assets and long term economic benefits for the city. The new model represents a more strategic approach to asset management and would be self financing from regular dividend payments.

The proposed model addresses the need for increased accountability, responsiveness, greater strategic alignment and improved communications. While keeping subsidiaries directly linked through shared policy and strategic direction, the model still embraces the concept of skills-based boards and allows for the right degree of independence so that operating companies continue to be flexible and self-reliant.

Consistent with other municipalities, specific requirements for key competencies among the holding company directors will ensure a variety of perspectives and skill sets to guide decision making and provide sound leadership. The new governance structure will enable

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the fulfilment of stated objectives and the achievement of outcomes focused on the long term economic prosperity of the community.

# COMMITTEE REPORT



TO **Governance Committee**

SERVICE AREA Human Resources and Legal Services  
DATE April 11, 2011

**SUBJECT CAO Recruitment Process**  
REPORT NUMBER HRL – 2011 - 05

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## RECOMMENDATION

That the CAO recruitment process be approved as follows:

- 1) That the Governance Committee identify and recommend to Council the hiring of an Executive Search Firm, following a Request for Proposal process.
- 2) That the CAO Selection Committee add an additional 'community' representative, as provided for in the CAO Employment Policy.
- 3) That the Executive Search Firm co-ordinate input/consultation into the development of the CAO position profile/qualifications.

## BACKGROUND

The 2007-2010 Guelph City Council approved a CAO Employment Policy that outlines in broad terms the recruitment, selection and hiring steps necessary when filling the CAO position (Attachment –Appendix A).

Important considerations for Council when filling the CAO position are:

- 1) Utilization of an external Executive Search Firm
- 2) Composition of the Selection Committee
- 3) Consultation regarding the development/refinement of the CAO position profile/qualifications
- 4) Role of Council throughout the process

This report provides information regarding each of these considerations to form the basis of the recommendations.

## REPORT

Hiring of a CAO is a critical decision for a City Council to make. The CAO role is the key administrative role necessary to ensure that Council's strategic directions are implemented efficiently and effectively, and to provide leadership and oversight of the day-to-day management of operations and service delivery.

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Utilizing the services of an Executive Search firm is recommended so that dedicated resources may identify, source and recommend to the CAO Selection Committee any internal or external candidates that meet the qualifications for the position. The Manager of Staffing and Workforce Planning will act as the liaison between the Search Firm and the CAO Selection Committee.

Additionally, the rationale for recommending the use of an Executive Search firm is that it would not be appropriate for staff who report to the CAO to be involved in the recruitment of the position.

As per the CAO Employment Policy, the Governance Committee (i.e. Mayor and Chairs of the Standing Committees) shall serve as the CAO Selection Committee. The policy also provides for an additional person from the community to sit on the Selection Committee. Adding a community member is suggested where there is a wish to 'broaden' input, or demonstrate inclusion of diverse viewpoints. Selection of a community representative should be an individual who has insight/perspective into the role of a CAO of a large organization, that provides a diverse range of products/services and that includes a Board of Directors structure. This type of insight would allow more informed decision making and evaluation of the qualifications and competencies required of a CAO.

Given the significance and importance of hiring a successful CAO, consultation into the development of the position profile e.g. summary of qualifications, success factors, skill factors, management style etc. is a necessary part of the recruitment process.

Broad based input is recommended to ensure that 'stakeholders' in the process have an opportunity to provide feedback to the Selection Committee. It is therefore recommended that consultation be conducted with the following:

- The CAO Selection Committee
- Members of Council
- City staff
- Community representatives

Staff are available from Human Resources and Information Services (Communications) to assist the Executive Search Firm in this process through electronic surveys where required e.g. to survey City staff. It is anticipated that the Search Firm will gather input directly from the Search Committee.

Input from the community is suggested to take into consideration to the extent possible representation from the business, human service, multi-cultural, 'neighbourhood' and environmental sectors to ensure a diverse and broad representation. This could best be achieved through the establishment of a community panel that would meet to comment on and provide input into documents already in existence i.e. CAO job description/mandate, CAO by-law.

Timelines for the recruitment of the CAO are attached (Appendix B). Major milestones are summarized as follows:

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**Major Milestone:**

- Release of Request for Proposals (complete)
- Short list of recommended firms provided to the CAO Selection Committee for review
- Recommendation of Search Firm to Council
- Finalize CAO Position Profile
- Review short list of candidates
- Conduct 1<sup>st</sup> round of interviews
- Conduct 2<sup>nd</sup> round of interviews
- Recommend final candidate to Council
- New CAO starts (assuming 4 week's notice)

**Week of...**

March 7<sup>th</sup>  
April 11<sup>th</sup>  
  
May 2<sup>nd</sup>  
June 6<sup>th</sup>  
July 4<sup>th</sup>  
July 25<sup>th</sup>  
August 15<sup>th</sup>  
September 5<sup>th</sup>  
October 17<sup>th</sup>

Staff have released the Request for Proposals and will short list recommended firms for the CAO Selection Committee in anticipation of Council approval to expedite the process. At the time of this report, no cost has been incurred other than staff time to review submissions from interested Search Firms.

**CORPORATE STRATEGIC PLAN**

Goal 5 A community focused, responsive and accountable government.

**FINANCIAL IMPLICATIONS**

While it is difficult to predetermine the outcome of the RFP process for the Executive Search Firms, the approximate cost to conduct the search may be in the range of approximately \$40,000 to \$45,000.

This cost would not include items for which separate approval would be sought from the CAO Selection Committee. These items include: cost of print advertising, cost of candidate travel from out of province, video teleconferencing, candidate testing etc.

The City does not budget for the recruitment of the CAO. Expenditures will be managed as part of the approved 2011 Operating Budget through the Salary Gapping Reserve, which is specifically designated for Human Resources expenditures such as this.

**DEPARTMENTAL CONSULTATION**

N/A

**COMMUNICATIONS**

N/A

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## **ATTACHMENTS**

Appendix A - CAO Employment Policy

Appendix B - CAO Search Timeline

Original Signed by:

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**Prepared and Recommended By:**

**Mark Amorosi**

**Executive Director, Human Resources and Legal Services**

X2281

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# CORPORATE POLICY AND PROCEDURE



**POLICY No.**

**PAGE** 1 of 5

**EFFECTIVE DATE**

**REVISION**

## APPENDIX A

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<b>Tab</b>	City Council
<b>Authority</b>	City Council
<b>Subject</b>	Chief Administrative Officer (CAO) Employment Policy
<b>Related Policies</b>	Procedure for Hiring the CAO, Delegation of CAO Duties, City Purchasing policy
<b>Approved by</b>	City Council July 2008
<b>Revision Date</b>	Beginning of New Term of Council

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**POLICY STATEMENT** As part of administrative governance for the City of Guelph, Council acknowledges the requirement for a policy outlining all aspects of employment of a Chief Administrative Officer.

**PURPOSE** The purpose of this policy is to establish criteria for the recruitment, selection/offer of employment, terms and conditions of employment, performance development, compensation and termination of employment.

**PROCEDURE** **Recruitment (Council Approval June 18, 2007)**

At such time the CAO position becomes vacant, the Mayor shall notify the Director, Human Resources to commence the recruitment process to fill the vacancy as per the Procedure for Hiring a CAO. Appendix 1

Options

- 1) (Future) Succession Management- Where the City of Guelph has demonstrated a 'robust' succession management program (i.e. where available 'high' potential candidates have been identified within the City, a well established program exists where candidate skills/competencies are measured against those required for the CAO position, and where development plans are in place, regular reviews are conducted and assessments are made to determine a candidate's readiness for the CAO position), Council may opt to limit the CAO vacancy internally amongst only those identified 'high' potential candidates.
- 2) Executive Search Firm – Where Council has determined that there are no internal candidates through a succession management program that are deemed to be 'ready' to assume the CAO role OR at any time should Council wish to evaluate internal candidates to the external job market, they may decide that the position may be filled utilizing the services of an external executive search firm. The firm would be selected following an RFP process. The successful firm would be selected on the basis

of 'lowest acceptable bid' – reference Purchasing Policy. The position would be available to both internal and external candidates.

**Selection**

As per the Procedure for Hiring the CAO, the Selection Committee shall be comprised of the Mayor and the Chairs of the Standing Committees, or delegates, to a maximum of 6 individuals. (i.e. Mayor, Chairs of Standing Committees and optional community member).

**Hiring/Offer of Employment**

As per the template in Appendix 2, the following categories will be included in a CAO Employment Contract – Effective Date and Term of Agreement, Duties, City Policies (i.e. adherence to), Remuneration inclusive of salary, car allowance, parking, applicable moving allowance, professional memberships, Confidentiality, Vacation/Overtime, Termination (see below), Voluntary Resignation, Return of Property, Severability, Release and Acknowledgement, Assignment of Rights, Notices, Applicable Law, and Independent Legal Advice

**Tenure of Employment**

During the tenure of the CAO, the duties and responsibilities will be governed by a CAO By-Law and a Job Description/Profile/Position Mandate – Appendix 3.

**Performance Development and Appraisal**

On an annual basis, performance goals and objectives will be set for the CAO that are aligned to Council's Strategic Plan. The performance of CAO will be reviewed by the Mayor and Chairs of the Standing Committees at least once annually and will include a development plan for the proceeding year. Areas of evaluation will include, but are not limited to: leadership, management, communication, and technical functions. It is recommended that the performance review period commence in January of each year and end no later than March (i.e. a three month process).

The Performance Appraisal portion of the review shall be inclusive and evaluative of work results expected versus achieved as well as an evaluation of how the CAO has modelled and lived the Corporate Values (i.e. what and how work has been accomplished). The development plan referenced above should include areas for development, but not limited to – strategic planning, relationship management, team leadership, and communication.

A process of 360 degree feedback shall also form part of the development plan, subject to participants having received appropriate training on the process. The 360 degree process shall be a separate process from the performance review (i.e. to commence after the



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performance review period). It should be structured in such a way as to provide feedback for personal, professional and leadership development to augment development that had been identified through the performance review period. Results of the 360 feedback shall be shared only with the CAO. The CAO shall provide a summary of the feedback to the Mayor. Results may alter the development plan established during the performance review, and will be confirmed by the Mayor and Chairs of the Standing Committees. Typically, the 360 degree feedback process is managed through an external Human Resources Consultant with expertise in this area.

**Compensation(Council approval September 17, 2007)**

Where the salary range for the CAO provides a minimum and maximum as a range, inclusive of steps in the range, the CAO shall advance through the range on an annual basis from step to step subject to satisfactory performance.

Compensation for the CAO is based on an annual market evaluation of comparable CAO positions in other municipalities (defined as the comparator group – a list of 18 municipalities, reflective of local, regional, and single tier) and set at the 60<sup>th</sup> percentile of the comparator group.

Governing factors that determine the comparator group are:

1. Size of municipality
2. Organization Structure and scope of services (Tier)
3. Average family income for residents within the municipality
4. Number of Employees working for the municipality
5. Operating Budget size
6. Geographic location/employment market/labour pool/market competition within 60KM of Guelph

**Pay for Performance**

Where Council has approved a pay for performance compensation approach for the CAO position, movement through the salary range shall be in accordance with the approved policy. Where the CAO is at job rate i.e. top of the range, pay for performance shall be in the form of a re-earnable lump sum.

**Acting/Interim/Assistant CAO (Council Approval – January 28, 2008)**

Appendix 4

The CAO may appoint an Assistant CAO in accordance with the Council approved policy where temporary administrative responsibilities are given to a member of the Senior Management Team for a specified period of time to enable the CAO to engage in corporate business opportunities, sabbaticals/leaves of absence and/or mentoring for members of the SMT. The CAO may also appoint an Acting CAO in accordance with the policy for a period of less than 1 month due to the absence of the CAO.

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Authority to appoint an Interim CAO for a specified period of time, due to a vacancy in the CAO position, rests with City Council.

**Termination of Employment (See contract template Appendix 2)**

Resignation

In the event the CAO resigns his/her position from the City, the CAO would be required to provide a minimum of eight weeks written notice. The City may waive or reduce this requirement, by Council resolution at any point within the eight weeks notice period. The CAO would receive any unpaid salary and vacation accrual up to the date of resignation.

With Cause

In cases of termination with cause, no severance payments are provided. The CAO would receive any unpaid salary earned to the date of termination and any unused vacation accrual.

Without Cause

Council may opt to negotiate separate terms and conditions for termination without cause within the employment contract contingent on the length of the contract. Typically, for tenure less than 2 years, common law principles would dictate severance provisions for up to 10 months. For contract duration that extend beyond 2 years, severance provisions for termination without cause provide for:

- 1) Payment of 12 months salary plus 1 month for each completed year of service to a maximum of 20 months, in the form of salary continuation.
- 2) Benefit continuation with the exception of short and long term disability.
- 3) OMERS pension contributions
- 4) Car allowance and vacation accrual for the Employment Standards notice period only
- 5) Reimbursement of moving expenses if termination occurs within the first year of employment
- 6) Career Outplacement services for up to six months
- 7) Mitigation of employment – in the event the departing CAO secures alternate employment during the severance period, the City would pay, in the form of a lump sum, one half of the balance of the remaining severance payments owing.

**DEFINITIONS**

**CHIEF ADMINISTRATIVE OFFICER** – LONG TERM CONTRACTUAL POSITION REPORTING DIRECTLY TO COUNCIL AS PER THE MUNICIPAL ACT, 2000

**ASSISTANT CAO** – MEMBER OF SENIOR MANAGEMENT TEAM APPOINTED BY CAO FOR A SPECIFIED PERIOD TO ALLOW THE CAO TO ENGAGE IN CORPORATE BUSINESS OPPORTUNITIES, SABBATICALS/LEAVES OF ABSENCE, AND/OR MENTORING OF MEMBERS OF SMT.

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**ACTING CAO** - MEMBER OF SENIOR MANAGEMENT TEAM APPOINTED BY CAO FOR A PERIOD OF UP TO 1 MONTH DUE TO ABSENCE OF THE CAO

**INTERIM CAO** – APPOINTMENT BY COUNCIL OF A CAO ON A TEMPORARY BASIS, FOR A SPECIFIED TIME PERIOD DUE TO A VACANCY IN THE CAO POSITION.

**RECRUITMENT** – THE PROCESS OF ADVERTISING A POSITION VACANCY TO ATTRACT QUALIFIED CANDIDATES

**SUCCESSION MANAGEMENT** – A PROGRAM TO DEVELOP HIGH POTENTIAL TALENT IN AN ORGANIZATION TO FILL KEY LEADERSHIP ROLES

**SELECTION** – THE PROCESS OF CHOOSING THE MOST QUALIFIED APPLICANT FROM A POOL OF APPLICANTS FOR AN ADVERTISED VACANCY

**CAO BY-LAW** – REQUIRED BY THE MUNICIPAL ACT, 2001 TO PRESCRIBE THE DUTIES AND RESPONSIBILITIES OF A CHIEF ADMINISTRATIVE OFFICER

**POSITION DESCRIPTION/PROFILE/MANDATE** – AN OFFICIAL INTERNAL DOCUMENT THAT PROVIDES DETAILED DESCRIPTION OF A POSITION'S ROLES, RESPONSIBILITIES AND QUALIFICATIONS.

**PERFORMANCE DEVELOPMENT/APPRaisal** – AN ANNUAL PROCESS WHEREBY A POSITIONS' DIRECT REPORT ASSESSES AND EVALUATES THE PRECEEDING TERM ACCOMPLISHMENTS AND PROGRESS REGARDING PRE-DETERMINED GOALS AND OBJECTIVES FOR THE REVIEW PERIOD.

**360 DEGREE FEEDBACK** – A PROCESS WHEREIN A POSITION'S DIRECT REPORT, PEERS AND SUB-ORDINATES PROVIDE FEEDBACK TO AN INCUMBENT ON DEVELOPMENT OPPORTUNITIES.

**PAY FOR PERFORMANCE** – A PRACTICE WHEREBY AN EMPLOYEE IS PROVIDED VARIABLE REMUNERATION (EITHER THROUGH MOVEMENT WITHIN A SALARY RANGE OR IN ADDITION TO BASE SALARY) BASED ON AN ASSESSMENT OF DEGREE OF ACHIEVEMENT ACCOMPLISHMENTS AND PROGRESS TOWARD PRE-DETERMINED GOALS AND OBJECTIVES.

**TERMINATION WITH CAUSE** – TERMINATION OF EMPLOYMENT BASED ON A REPUDIATION OF THE EMPLOYMENT CONTRACT E.G. SERIOUS MISCONDUCT, BREACH OF TRUST, INSUBORDINATION, CONFLICT OF INTEREST, BREACH OF HARASSMENT/HUMAN RIGHTS POLICY, FRAUD

**TERMINATION WITHOUT CAUSE** – TERMINATION OF EMPLOYMENT AT THE DISCRETION OF AN EMPLOYER THAT IS NOT DONE IN AN ARBITRARY MANNER, WHERE THERE ARE INSUFFICIENT GROUNDS TO SUBSTANTIATE A WITH CAUSE TERMINATION

**COMMON LAW** - LAW DEVELOPED THROUGH DECISIONS OF COURTS AND SIMILAR TRIBUNALS, RATHER THAN THROUGH LEGISLATIVE STATUTES OR EXECUTIVE ACTION.

# CAO Search Timeline 2011

## APPENDIX B

ACTIVITY	Week of...	April				May					June				July				August					September				October			
		4	11	18	25	2	9	16	23	30	6	13	20	27	4	11	18	25	1	8	15	22	29	5	12	19	26	3	10	17	24
Short list of Search Firms provided to Selection Committee for review		█	█																												
Selection Committee evaluation of Search Firms (Presentations)		█	█	█	█																										
Recommendation of Search Firm to Council					█*																										
Conduct consultation with Stakeholder groups					█	█	█*																								
Develop/finalize CAO Position Profile									█*																						
Post position internally and externally									█																						
Receive applications and source candidates										▧	▧	▧																			
Develop short list of candidates													█	█																	
Review short list of candidates														█																	
Notify candidates; schedule interviews															█	█															
Conduct first interviews																█															
Testing: conduct and review; prepare for second interviews																	█	█													
Conduct second interviews																			█												
Conduct references/credential checks																				█	█										
Recommend final candidate to Council																					█*										
Negotiate offer																					█	█									
New CAO starts																													█		

\* Council Involvement

■ Selection Committee Activity

■ Search Firm Activity

□ Major Milestone

# COMMITTEE REPORT



TO **Governance Committee**

SERVICE AREA Human Resources  
DATE **April 11, 2011**

**SUBJECT CAO Remuneration**  
REPORT NUMBER HRL – 2011 - 06

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## RECOMMENDATION

That the job rate for the CAO position be adjusted by 1.73% to maintain the 60<sup>th</sup> percentile of the previously approved municipal comparator group for 2010.

## BACKGROUND

Human Resources conducted a comprehensive market review for the position of Chief Administrative Officer (CAO) in 2007. Staff recommended the following which was approved by Council:

*That Council approve the removal of the C.A.O. position and salary from the Non-Union and Management Job Evaluation Plan;*

*AND that Council approve that the position of C.A.O. be market-rated;*

*AND that Council approve the municipal comparator group for the purposes of establishing a competitive salary for the C.A.O. position (contained in this report);*

*AND that Council endorse the 60<sup>th</sup> percentile as the competitive position for the purpose of determining the 2007 compensation level for the C.A.O. position and;*

*AND that Council approve the C.A.O. salary for 2007 be set at \$165,986 - \$210,646 and that future increases will be reviewed annually to ensure that the range remains competitive as per all of the above recommendations.*

The salary range has been monitored annually to ensure that the range for the CAO was within the 60<sup>th</sup> percentile consistent with the above recommendations.

Note: To create the salary range for the CAO, the job rate (top rate) is used to compare salaries and for establishing the competitive position of the 60<sup>th</sup> percentile. Once the job rate is established the range starts at 80% of the job rate.

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## **REPORT**

As the City prepares for the recruitment of a new Chief Administrative Officer, Human Resources conducted another market review for the annual salary for this position.

Many of the cities within the approved comparator group had not approved their 2011 economic increase for the CAO, therefore for consistency purposes, the 2010 range was used.

After reviewing the information the 60<sup>th</sup> percentile range is \$181,703 - \$232,128 for 2010. For the City of Guelph, the 2010 salary range is \$182,537 - \$228,171.

To achieve the 60<sup>th</sup> percentile for 2010, the job rate requires an adjustment of 1.73%, which equates to \$3,957.00/annum.

## **ALTERNATIVES**

If the decision was made to modify the competitive position for the CAO position, it is recommended that the competitive position be no less than the 55<sup>th</sup> percentile. At the 55<sup>th</sup> percentile the CAO salary range would be \$179,001 – \$225,450 for 2010.

The corresponding recommendation that would be passed would be:

“That the job rate for the CAO position be adjusted by -1.19% for 2011, to maintain the 55<sup>th</sup> percentile within the municipal comparator group.”

## **CORPORATE STRATEGIC PLAN**

The recommendation is consistent with the Corporate Strategic Plan, specifically:

Goal 5.6: *“Organization excellence in planning, management, human resources and people practices; recognized as a top employer in the community.”*

## **FINANCIAL IMPLICATIONS**

The required funding to maintain the 60<sup>th</sup> percentile at job rate would be \$3,957.00. Funding exists within the 2011 budget through the Gapping Reserve, specifically budgeted for Human Resources purposes.

In addition, depending on the negotiated salary of the new CAO, there may be a variance in salary for 2011 if different from the rate paid to the current CAO.

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**DEPARTMENTAL CONSULTATION**

None required.

**COMMUNICATIONS**

None

**ATTACHMENTS**

None

Original Signed by:

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Prepared By:  
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# COMMITTEE REPORT



TO **Governance Committee**

SERVICE AREA CAO – Information Services  
DATE April 11, 2011

**SUBJECT Standing Committee Appointment Process**

REPORT NUMBER

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## RECOMMENDATION

That the Procedural By-law be amended to:

- Establish a Striking Committee for the purpose of making recommendations on the appointment of Council members to Standing Committees and public agencies.
- Provide that the Striking Committee be composed of the Mayor and Chairs of the Standing Committees.
- Provide that the Mayor chair the Striking Committee.

And That an application process to the Striking Committee be developed for appointments to the Standing Committees and public agencies.

## BACKGROUND

The procedural by-law currently provides that each ward councillor serves on at least two of the standing committees. The selected members of each standing committee are appointed by Council for a one year term. Council as a whole selects a Chair from among the members of the standing committee annually at the same meeting at which standing committee members are appointed. The Chair position is to be considered for rotation every two years when selecting a standing committee Chair. With the exception of the appointment of chairs, the current appointment process has been followed for many years. Over the last few terms of Council, members have expressed a desire to see a change in how the appointments are handled.

## REPORT

A review of practices in a number of other municipalities shows that a striking committee can play a greater role in the appointment process for standing committees.

The model used by the City of Toronto provides that Mayor is the chair of the Striking Committee. The Striking Committee includes the Mayor and other members of Council appointed by Council on the Mayor's recommendation. The role of the Striking Committee is to make recommendations to Council on member

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appointments to fill the various standing committees, and on the boards of various public agencies.

The make-up of the standing committees should reflect the diversity of the skills and experience on City Council. In order to balance standing committee workload over the term of Council, ideally all members of Council should have the opportunity to serve on several standing committees during the 4-year term, and as knowledge and experience is gained, an opportunity to be considered for appointment as Chair of a standing committee.

In making leadership appointments for standing committee chairs, the following factors would be considered by Council:

- Understanding of governance;
- Leadership experience;
- Individual interests,
- Knowledge of committee issues,
- Effective communication skills;
- Ability to give both the time and energy necessary to lead the standing committees.
- Absence of pecuniary interest which could impede participation in the work of the committee.

In making recommendations for the appointment of members of Council to standing committees, the following factors should be considered by the Striking Committee:

- Individual interests;
- Balanced workload;
- Ability to commit the time to participate effectively at committee;
- Ability to work effectively as a member of a team;
- Effective communication skills;
- Absence of pecuniary interest which could impede participation in the work of the committee.

It is recommended that the procedural by-law be amended to:

- Establish a Striking Committee for the purpose of making recommendations on all Council appointments to Standing Committees and public agencies.
- Provide that the Striking Committee be composed of the Mayor and Chairs of the Standing Committees.
- Provide that the Mayor chair the Striking Committee.

It is further recommended that an application process to the Striking Committee be developed for appointments to the Standing Committees and public agencies.

This will require that Council appoint the standing committee chairs in advance of the Striking Committee process each year. Council as a whole, will continue to deal with all citizen appointments to public agencies and City committees.

Ultimately, it is still City Council that will approve the appointments of its members to the standing committees and public agencies. The Striking Committee is used as

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a means of streamlining the process, and ensuring that each member of Council has an opportunity to apply for appointment to the committees and agencies which are of interest to them.

**CORPORATE STRATEGIC PLAN**

This recommendation supports Goal 5 of the Strategic Plan to have a community-focused, responsive and accountable government.

**FINANCIAL IMPLICATIONS**

None

Original Signed by:

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**Prepared By:**

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General Manager of Information Services/Clerk.  
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lois.giles@guelph.ca

**TO** **Governance Committee**

**SERVICE AREA** CAO - Information Services  
**DATE** April 11, 2011

**SUBJECT** **Delegation of Authority - Special Occasion Permits**

**REPORT NUMBER**

## **RECOMMENDATION**

THAT pursuant to Section 23(1) of the Municipal Act, Council delegate by by-law its authority as set out in Schedule "M" of By-law (2010)-18935, as amended.

## **BACKGROUND**

In 2010, City Council passed a by-law to delegate authority to approve several routine administrative matters. At that time, staff had indicated that they would continue to look for opportunities for Council to delegate other minor approval making authority.

Each year, numerous groups and individuals request Community Festival or Special Occasion status from the City to enable them to acquire a liquor licence permit for their event. The Delegation of Authority By-law authorizes the City Clerk to provide the required letter for applicants that are a registered charity or non-profit corporation, or association organized to promote charitable, educational, and religious or community objects as required by the AGCO. There are several event requests each year that do not meet the criteria and therefore, currently need Council approval. In previous years, each event has been brought forward on an individual basis. The purpose of this report is to minimize the wait times for the applicants, reduce the number of reports needing to be addressed by City Council and to expedite the requests.

## **REPORT**

This report is intended to deal with the delegation of routine administrative matters, which are of a minor nature, and which would contribute to the efficient management of the City while still adhering to the principles of accountability and transparency.

The area of delegation includes authority to approve:  
Special Occasion Permits

These permits are typically requested by groups, organizations or individuals to have their events recognized as a Special Occasion to enable them to obtain a liquor licence permit. These events are considered routine in nature, and are

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subject to the City's Alcohol Risk Management Policy currently in place. The organizers of the event must also provide documentation proving that the City's insurance and risk management requirements are met.

The Schedule has been prepared in the standard format which was developed for delegation of authority, and provides for conditions, limitations and annual reporting requirements.

**CORPORATE STRATEGIC PLAN**

Supports Objective 5: A community-focused, responsive and accountable government

**FINANCIAL IMPLICATIONS**

None.

**DEPARTMENTAL CONSULTATION**

Community Services  
Purchasing and Risk Management

**COMMUNICATIONS**

n/a

**ATTACHMENTS**

Amended Schedule M

Original Signed by:

---

**Prepared By:**

Dolores Black  
Assistant Council Committee Coordinator  
519-822-1260 ext. 2269  
dolores.black@guelph.ca

Original Signed by:

---

**Recommended By:**

Lois A. Giles  
General Manager,  
Information Services/City Clerk  
519-822-1260 ext. 2232  
[lois.giles@guelph.ca](mailto:lois.giles@guelph.ca)

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Schedule "M"

**DELEGATION OF AUTHORITY TO APPROVE COMMUNITY FESTIVALS/SPECIAL OCCASION PERMITS**

<b>Power to be Delegated</b>	Authority to approve Community Festivals and Special Occasions as required by the Alcohol and Gaming Commission of Ontario to permit the sale and service of beverage alcohol at such events.
<b>Reasons in Support of Delegation</b>	<ul style="list-style-type: none"><li>○ Contributes to the efficient management of the City of Guelph.</li><li>○ Meets the need to respond to issues in a timely fashion.</li><li>○ Maintains accountability through conditions, limitations and reporting requirements.</li><li>○ Minor in nature.</li><li>○ Supports Goal 5 of the Strategic Plan of having a community-focused, responsive and accountable government.</li></ul>
<b>Delegate(s)</b>	<ul style="list-style-type: none"><li>○ City Clerk</li><li>○ Executive Director of Community &amp; Social Services</li><li>○ A person who is delegated by the City Clerk under Section 228(4) of the Municipal Act</li><li>○ A person who is appointed by the CAO or selected from time to time by the Director to act in the capacity of the delegate in the delegate's absence</li></ul>
<b>Council to Retain Power</b>	No
<b>Conditions and Limitations</b>	<ul style="list-style-type: none"><li>○ Applicants must be a registered charity or non-profit corporation, or association organized to promote charitable, educational, and religious or community objects as required by the AGCO;</li></ul> and/or <ul style="list-style-type: none"><li>○ Applicants must adhere to the City's Alcohol Risk Management Policy and meet all insurance and risk management requirements requested by City Staff</li></ul>
<b>Review of Decision</b>	N/A
<b>Reporting Requirements</b>	Annual information report for community festivals and special occasion permits authorized pursuant to this delegation of authority.

**Daniel Moore, MSW**

Executive Director

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[www.fcsgw.org](http://www.fcsgw.org)

[info@fcsgw.org](mailto:info@fcsgw.org)

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**519-824-2410**

1-800-265-8300

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**Head Office**

55 Delhi Street

Box 1088

Guelph, ON, N1H 6N3

F 519-763-9628

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**Victoria Road Office**

286 Victoria Road North

Box 1088

Guelph, ON, N1H 6N3

F 519-824-7043

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**Shelldale Centre**

20 Shelldale Crescent

Box 1088

Guelph, ON, N1H 6N3

F 519-766-4537

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**County Office**

6484 Wellington Road 7

Unit 1

Elora, ON, N0B 1S0

F 519-846-1005

January 21, 2011

Tina Agnello, Deputy City Clerk  
City of Guelph  
City Hall  
1 Carden Street  
Guelph, Ontario N1H 3A1

Dear Ms Agnello:

Re: Appointment of City Councillor to F&CS Board of Directors

As requested we have reviewed your letter of December 22, 2010. This review was done by both the Governance and Executive Committees of our Board since the Board as a whole is not scheduled to meet until January 26<sup>th</sup>, 2011.

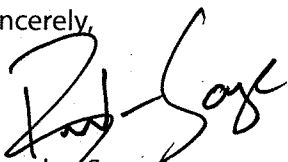
While we recognize that the City Council appointment to our Board is no longer required under legislation we do see tremendous value in this practice and we would hope to see an appointment continue in the future for the following reasons:

- F&CS is a community based agency that was incorporated in 1894, and while we are legislated and funded by the Ministry of Children and Youth Services our Board members and staff remain strongly committed to the delivery of child protection services that meet the needs of our local community of Guelph and Wellington County. Councillors from both the City and the County help in our organization's goal to remain a community focused agency. The County of Wellington continues to appoint a Councillor to our Board for this reason.
- We believe that the City of Guelph's stated vision for children and youth in our community corresponds with our vision. The years of collaboration between F&CS and the City have been enormously assisted by having a City appointed Councillor on our Board;
- Many of our senior staff participate in City led initiatives such as the Local Immigration Partnership, the Poverty Elimination Task Force and the Neighbourhood Support Coalition and we believe that we have developed a positive working relationship with the City that is appreciated in our community and recognized regionally.

We certainly recognize the City's need to review their approach to Board appointments in light of work load demands on Councillors. At the same time we see the value that Councillors in the past and present have brought to our

Board table and we are hopeful that appointments are possible in the future. Of course, F&CS is committed to a close partnership with the City of Guelph and we will continue to look for opportunities to work with City staff and Councillors to better the lives of our most vulnerable citizens.

Sincerely,

A handwritten signature in black ink, appearing to read "Brendan Soye". The signature is written in a cursive style with a large initial "B" and "S".

Brendan Soye  
President, Board of Directors

Cc: Daniel Moore, Executive Director



## CONSENT AGENDA

April 26, 2011

Her Worship the Mayor  
and  
Members of Guelph City Council.

### **SUMMARY OF REPORTS:**

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 immediately. The balance of the Consent Agenda will be approved in one resolution.

#### **A Reports from Administrative Staff**

<b>REPORT</b>	<b>DIRECTION</b>
<p>A-1) <b>PROPOSED DEMOLITION OF 4 FLORAL DRIVE, WARD 5, GUELPH</b></p> <p>THAT Report 11-36 regarding the proposed demolition of a detached dwelling at 4 Floral Drive, City of Guelph, from Planning &amp; Building, Engineering &amp; Environment, dated April 26, 2011, be received;</p> <p>AND THAT the proposed demolition of the detached dwelling at 4 Floral Drive be approved.</p>	Approve
<p>A-2) <b>PROPOSED DEMOLITION OF 5 WOLSELEY ROAD, WARD 2, GUELPH</b></p> <p>THAT Report 11-37 regarding the proposed demolition of a detached dwelling at 5 Wolseley Road, City of Guelph, from Planning &amp; Building, Engineering and Environment, dated April 26, 2011, be received;</p> <p>AND THAT the proposed demolition of the detached dwelling at 5 Wolseley Road be approved.</p>	Approve
<p>A-3) <b>PROPOSED DEMOLITION OF 40 DERRY STREET, WARD 2, GUELPH</b></p> <p>THAT Report 11-42 regarding the proposed demolition of a detached dwelling at 40 Derry Street, City of Guelph, from Planning &amp; Building, Engineering and Environment, dated April 26, 2011, be received;</p>	Approve

AND THAT the proposed demolition of the detached dwelling at 40 Derry Street be approved.

A-4) **ANNUAL ASPHALT, CONTRACT NO. 2-1101**

Approve

THAT the tender of Capital Paving Inc., Guelph, be accepted and the Mayor and Clerk be authorized to sign the agreement for Contract 2-1101 for the Annual Asphalt Contract for a total tendered price of \$2,656,034.52 with actual payment to be made in accordance with the terms of the contract;

AND THAT the \$2,512,800.00 approved by the Federal Gas Tax and allocated to bridge and road works to the City, be dedicated to this Annual Asphalt program.

A-5) **COMMUNITY SURVEY SUMMARY RESULTS**

Receive

THAT the report entitled "City of Guelph: Survey of Residents" completed by Environics Research Group in support of Council's 2011 Strategic Plan Revision process, be received.

A-6) **PURCHASE OF REPLACEMENT ELECTRONIC PATIENT CARE REPORTING SYSTEM**

Approve

THAT Council authorize the transfer of funds of \$104,000 from the Cross Border Agreement for services performed from 2001-2009 to the Emergency Services Capital Reserve;

AND THAT Contract #11-043 in the amount of \$115,537 for the electronic patient care reporting be awarded to Interdev Technologies Inc.

**B ITEMS FOR DIRECTION OF COUNCIL**

B-1) **THE HIGHLAND COMPANIES' MELANCTHON TOWNSHIP QUARRY PROPOSAL**

Approve

THAT Guelph City Council supports Melancthon Township in its efforts to seek a more appropriate commenting period through an extension of the Aggregate Resources Act comment deadline, thereby allowing Melancthon Township and its residents an appropriate opportunity for meaningful involvement in this important matter.

**C ITEMS FOR INFORMATION OF COUNCIL**

attach.

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment  
DATE April 26, 2011

**SUBJECT Proposed Demolition of 4 Floral Drive  
Ward 5, Guelph**

REPORT NUMBER 11-36

## **SUMMARY**

### **Purpose of Report:**

To provide background and a staff recommendation related to a request for demolition approval for a detached dwelling.

### **Council Action:**

Council is being asked to approve the demolition request.

## **RECOMMENDATION**

"THAT Report 11-36 regarding the proposed demolition of a detached dwelling at 4 Floral Drive, City of Guelph, from Planning & Building, Engineering and Environment dated April 26, 2011, be received;

AND THAT the proposed demolition of the detached dwelling at 4 Floral Drive be approved."

## **BACKGROUND**

An application to demolish the existing detached dwelling at 4 Floral Drive has been received by Planning & Building, Engineering and Environment.

The subject property is located on the southwest corner of Floral Drive and Rodney Boulevard, north of College Avenue West, and east of Edinburgh Road South (see Schedule 1 – Location Map). The property is zoned R.1B (Residential Detached) which permits detached dwellings.

The existing dwelling on the property is a 1.5 storey dwelling that was constructed in 1956. The dwelling is not listed on the City's Inventory of Heritage Properties.

## **REPORT**

The City's Demolition Control By-law was passed under the authority of Section 33 of the *Planning Act*. The By-law is intended to help the City "...retain the existing stock of residential units and former residential buildings in the City of Guelph." Section 33 of the *Planning Act* allows that Council's decision may be appealed by

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the applicant to the Ontario Municipal Board. In addition, an applicant may appeal if there is no decision within 30 days of filing the application.

The applicant has not yet finalized the design for the proposed replacement dwelling but has provided conceptual drawings of what the new dwelling will look like. It is the applicant's intent to construct a bungalow with an attached two car garage (see Schedule 3 - Proposed Concept for Replacement Dwelling). The owner has been advised that a projecting garage is not permitted and that the new dwelling should have a front yard setback which is similar to adjacent dwellings.

The approval of the demolition application is recommended as the existing house is to be replaced with a new dwelling unit and therefore there is no loss of residential capacity proposed as a result of this application.

### **CORPORATE STRATEGIC PLAN**

Goal 1: An attractive, well-functioning and sustainable city.

### **FINANCIAL IMPLICATIONS**

N/A

### **DEPARTMENTAL CONSULTATION**

None

### **COMMUNICATIONS**

A sign was posted on the subject property advising that a demolition permit has been submitted and that interested parties can contact Building Services for additional information.

### **ATTACHMENTS**

Schedule 1 - Location Map

Schedule 2 - Site Photograph

Schedule 3 - Proposed Concept for Replacement Dwelling

### **Prepared By:**

Stacey Laughlin

Development & Urban Design Planner

519-837-5616, ext 2327

stacey.laughlin@guelph.ca

"original signed by James Riddell"

---

### **Recommended By:**

James N. Riddell

General Manager

Planning & Building Services

519-837-5616, ext 2361

jim.riddell@guelph.ca

"original signed by Janet Laird"

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### **Recommended By:**

Janet L. Laird, Ph.D.

Executive Director

Planning & Building,

Engineering and Environment

519-822-1260, ext 2237

janet.laird@guelph.ca

**SCHEDULE 1 – Location Map**



**SCHEDULE 2 – Site Photograph (March 2011)**

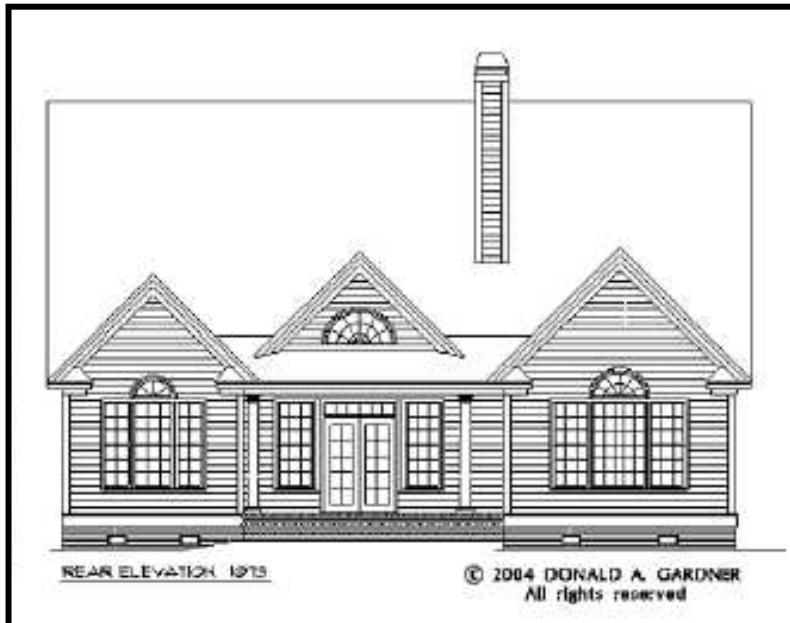


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**SCHEDULE 3 – Proposed Concept for Replacement Dwelling**



Conceptual Front Elevation



Conceptual Rear Elevation

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment  
DATE April 26, 2011

**SUBJECT Proposed Demolition of 5 Wolseley Road  
Ward 2, Guelph**

REPORT NUMBER 11-37

## **SUMMARY**

### **Purpose of Report:**

To provide background and a staff recommendation related to a request for demolition approval for a detached dwelling.

### **Council Action:**

Council is being asked to approve the demolition request.

## **RECOMMENDATION**

"THAT Report 11-37 regarding the proposed demolition of a detached dwelling at 5 Wolseley Road, City of Guelph, from Planning & Building, Engineering and Environment dated April 26, 2011, be received;

AND THAT the proposed demolition of the detached dwelling at 5 Wolseley Road be approved."

## **BACKGROUND**

An application to demolish the existing detached dwelling at 5 Wolseley Road has been received by Planning & Building, Engineering and Environment.

The subject property is located on the southerly side of Wolseley Road, east of Riverview Drive and Riverside Park, north of Speedvale Avenue East (see Schedule 1 – Location Map). The property is zoned R.1A (Residential Detached) which permits detached dwellings.

The existing dwelling on the property is a raised bungalow that was constructed in 1952. The dwelling is not listed on the City's Inventory of Heritage Properties.

## **REPORT**

The City's Demolition Control By-law was passed under the authority of Section 33 of the *Planning Act*. The By-law is intended to help the City "...retain the existing stock of residential units and former residential buildings in the City of Guelph." Section 33 of the *Planning Act* allows that Council's decision may be appealed by

---

the applicant to the Ontario Municipal Board. In addition, an applicant may appeal if there is no decision within 30 days of filing the application.

The applicant has not yet finalized the design for the proposed replacement dwelling but has provided a conceptual drawing of what the new dwelling will look like (see Schedule 3 - Proposed Concept for Replacement Dwelling). It is the applicant's intent to construct a bungalow with an attached garage.

The approval of the demolition application is recommended as the existing house is to be replaced with a new dwelling unit, therefore there is no loss of residential capacity proposed as a result of this application.

### **CORPORATE STRATEGIC PLAN**

Goal 1: An attractive, well-functioning and sustainable city.

### **FINANCIAL IMPLICATIONS**

N/A

### **DEPARTMENTAL CONSULTATION**

None

### **COMMUNICATIONS**

A sign was posted on the subject property advising that a demolition permit has been submitted and that interested parties can contact Building Services for additional information.

### **ATTACHMENTS**

Schedule 1 - Location Map

Schedule 2 - Site Photograph

Schedule 3 - Proposed Concept for Replacement Dwelling

### **Prepared By:**

Stacey Laughlin

Development & Urban Design Planner

519-837-5616, ext 2327

stacey.laughlin@guelph.ca

"original signed by James Riddell"

---

### **Recommended By:**

James N. Riddell

General Manager

Planning & Building Services

519-837-5616, ext 2361

jim.riddell@guelph.ca

"original signed by Janet Laird"

---

### **Recommended By:**

Janet L. Laird, Ph.D.

Executive Director

Planning & Building,

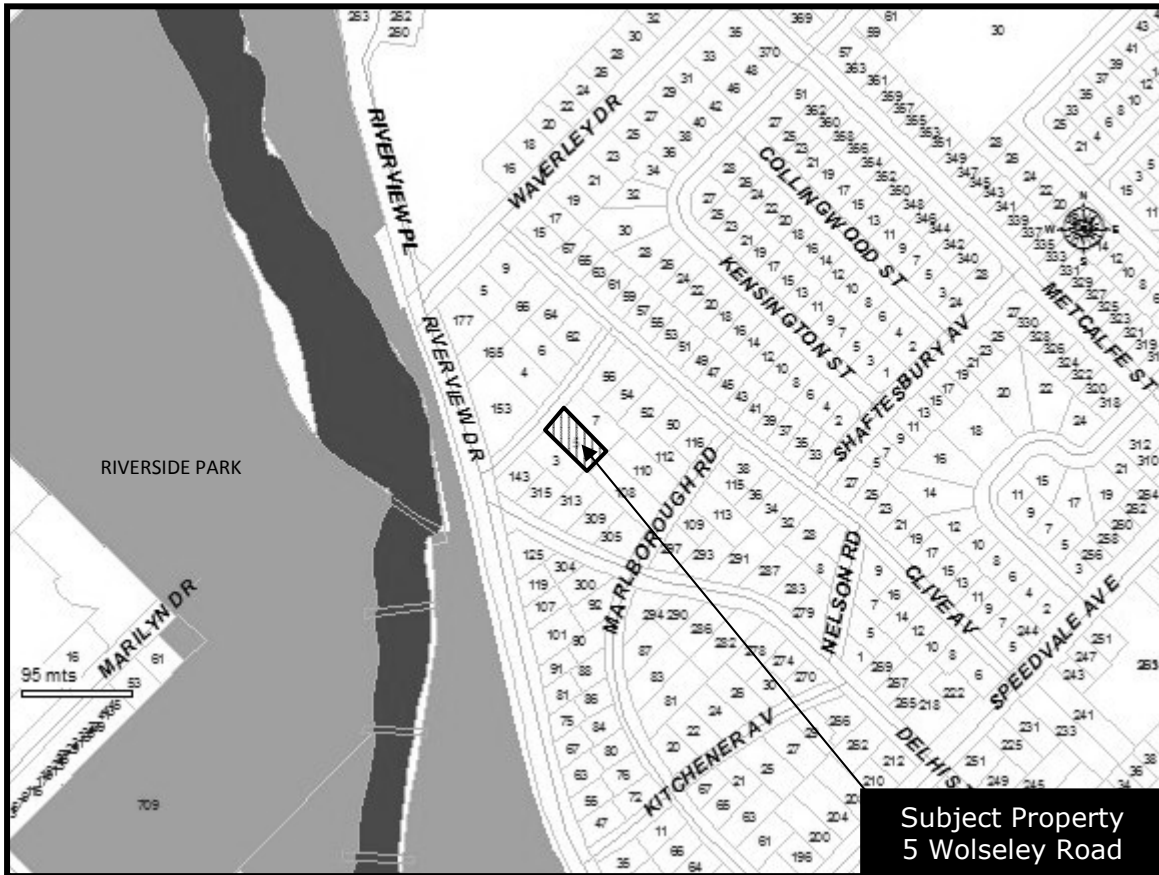
Engineering and Environment

519-822-1260, ext 2237

janet.laird@guelph.ca



## SCHEDULE 1 – Location Map



## SCHEDULE 2 – Site Photograph (March 2011)



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### SCHEDULE 3 – Proposed Concept for Replacement Dwelling



TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment  
DATE April 26, 2011

**SUBJECT Proposed Demolition of 40 Derry Street  
Ward 2, Guelph**

REPORT NUMBER 11-42

## SUMMARY

### **Purpose of Report:**

To provide background and a staff recommendation related to a request for demolition approval for a detached dwelling.

### **Council Action:**

Council is being asked to approve the demolition request.

## RECOMMENDATION

"THAT Report 11-42 regarding the proposed demolition of a detached dwelling at 40 Derry Street, City of Guelph, from Planning & Building, Engineering and Environment dated April 26, 2011, be received;

AND THAT the proposed demolition of the detached dwelling at 40 Derry Street be approved."

## BACKGROUND

An application to demolish the existing detached dwelling at 40 Derry Street has been received by Planning & Building, Engineering and Environment.

The subject property is located on the northerly side of Derry Street, west of Delhi Street, north of Eramosa Road (see Schedule 1 – Location Map). The property is zoned R.1B (Residential Detached) which permits detached dwellings.

The existing dwelling on the property is a raised bungalow with an attached garage that was constructed in 1951. The dwelling is not listed on the City's Inventory of Heritage Properties.

## REPORT

The City's Demolition Control By-law was passed under the authority of Section 33 of the *Planning Act*. The By-law is intended to help the City "...retain the existing stock of residential units and former residential buildings in the City of Guelph." Section 33 of the *Planning Act* allows that Council's decision may be appealed by

---

the applicant to the Ontario Municipal Board. In addition, an applicant may appeal if there is no decision within 30 days of filing the application.

The applicant has not yet finalized the design for the proposed replacement dwelling but has provided a conceptual site plan for the location of the new dwelling on the lot (see Schedule 3 - Proposed Concept for Replacement Dwelling). It is the applicant's intent to construct a new dwelling that is a 'reverse walk-out' meaning it will appear to be three storeys high from the street and two storeys high from the rear due to the change in grade on this lot. A double-car garage is proposed in the lowest level of the dwelling.

The approval of the demolition application is recommended as the existing house is to be replaced with a new dwelling unit, therefore there is no loss of residential capacity proposed as a result of this application.

### **CORPORATE STRATEGIC PLAN**

Goal 1: An attractive, well-functioning and sustainable city.

### **FINANCIAL IMPLICATIONS**

N/A

### **DEPARTMENTAL CONSULTATION**

None

### **COMMUNICATIONS**

A sign was posted on the subject property advising that a demolition permit has been submitted and that interested parties can contact Building Services for additional information.

### **ATTACHMENTS**

Schedule 1 - Location Map

Schedule 2 - Site Photograph

Schedule 3 - Proposed Concept for Replacement Dwelling

### **Prepared By:**

Stacey Laughlin

Development & Urban Design Planner

519-837-5616, ext 2327

stacey.laughlin@guelph.ca

"original signed by James Riddell"

"original signed by Janet Laird"

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### **Recommended By:**

James N. Riddell

General Manager

Planning & Building Services

519-837-5616, ext 2361

jim.riddell@guelph.ca

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### **Recommended By:**

Janet L. Laird, Ph.D.

Executive Director

Planning & Building,

Engineering and Environment

519-822-1260, ext 2237

janet.laird@guelph.ca

### SCHEDULE 1 – Location Map

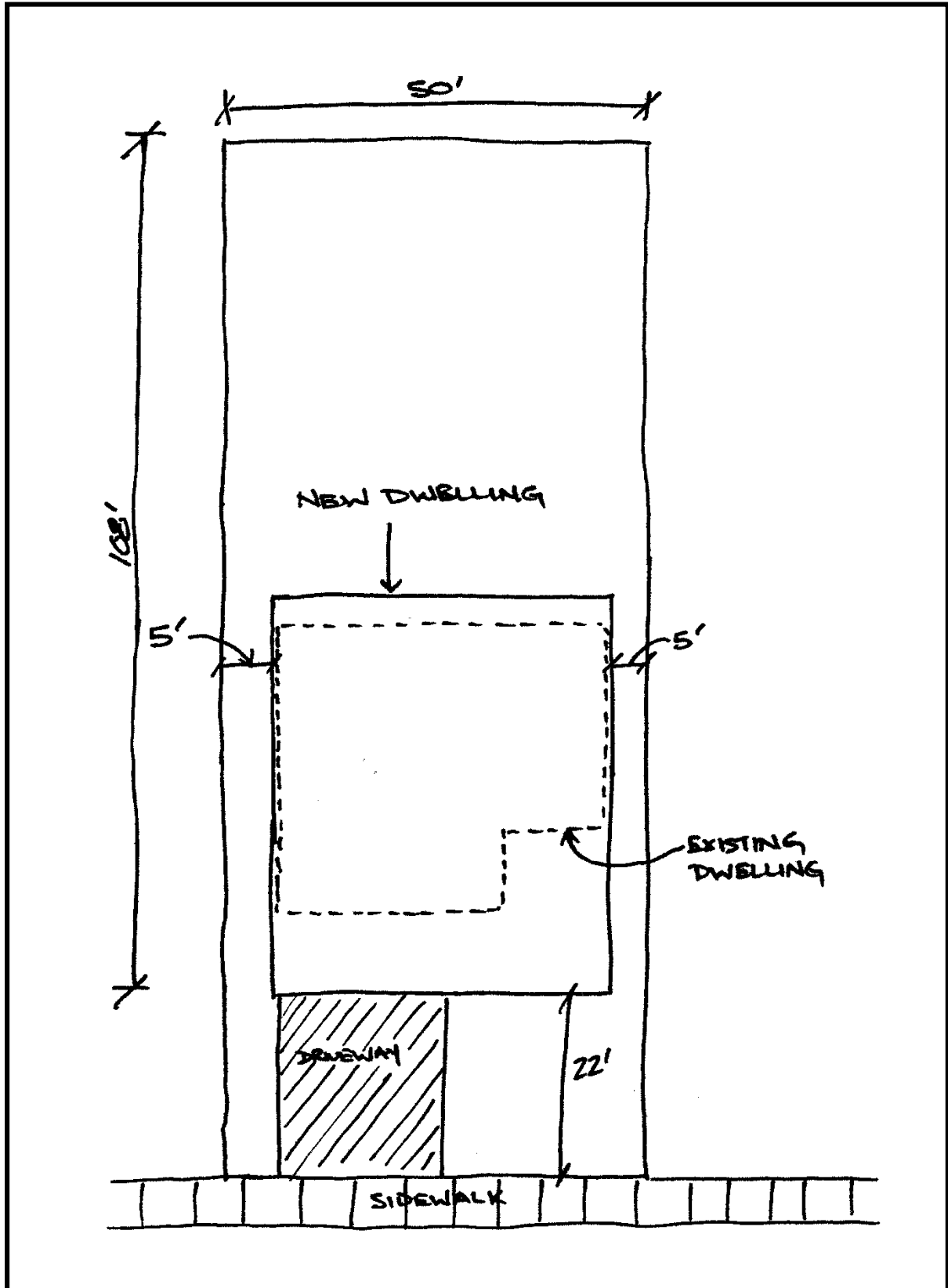


### SCHEDULE 2 – Site Photograph (April 2011)



### SCHEDULE 3 – Proposed Concept for Replacement Dwelling

Conceptual Site Plan



**TO** Guelph City Council

SERVICE AREA Planning & Building, Engineering and Environment  
DATE April 26, 2011

**SUBJECT ANNUAL ASPHALT, CONTRACT NO. 2-1101**  
REPORT NUMBER

**RECOMMENDATION**

“THAT the tender of Capital Paving Inc., Guelph be accepted and that the Mayor and Clerk be authorized to sign the agreement for Contract 2-1101 for the Annual Asphalt Contract for a total tendered price of \$ 2,656,034.52 with actual payment to be made in accordance with the terms of the contract and

THAT the \$2,512,800.00 approved by the Federal Gas Tax and allocated to bridge and road works to the City be dedicated to this Annual Asphalt program.”

**BACKGROUND**

The contract work entails the rehabilitation of existing roads, hot mix asphalt paving and associated improvements including curb and gutters and sidewalks at various locations within the City as part of our ongoing infrastructure sustainability initiatives. A complete list of streets to be improved as part of this program are listed in Appendix 2 of this report. The improvements will not include work to underground infrastructure.

In addition, the contract also includes placement of hot mix surface asphalt paving on new subdivision streets in various locations within the City, which is completely funded by Developer contributions.

The project was tendered in February 2011 as Contract 2-1101.

**REPORT**

Tenders for the above mentioned project were received Friday, March 17, 2011 as follows (prices include 13% HST):

- 1) Capital Paving Inc., Guelph .....\$2,656,034.52
- 2) Coco Paving Inc., Petersburg.....\$2,730,228.23
- 3) Steed and Evans Limited, Kitchener .....\$2,779,090.36
- 4) Cox Construction Limited, Guelph.....\$2,794,964.48

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The tenders were checked for legal and arithmetic accuracy and no errors were found.

Capital Paving Inc. has successfully completed work on previous Annual Asphalt contracts for the City. Staff therefore recommend that the contract be awarded to this firm.

### **CORPORATE STRATEGIC PLAN**

This project supports:

- The City's Strategic Goal #1; "An attractive, well-functioning and sustainable city."

### **FINANCIAL IMPLICATIONS**

Funding for this project will be from the City's approved Capital and operating budgets and developer's contributions as set out in the attached Budget and Financial Schedule, Appendix 1.

### **DEPARTMENTAL CONSULTATION**

N/A

### **COMMUNICATIONS**

A notice of construction will be forwarded to the residents and businesses in the project areas prior to construction and will also be published in the City Page of the Guelph Tribune and on Guelph.ca.

### **ATTACHMENTS**

Budget and Financial Schedule  
Appendix 1

#### **Prepared By:**

Grant Ferguson  
Project Manager, Technical Services  
(519)822-1260, ext. 2251  
grant.ferguson@guelph.ca

"original signed by Don Kudo for"

---

#### **Recommended By:**

Richard Henry, P.Eng.  
General Manager, City Engineer  
(519)822-1260, ext. 2248  
richard.henry@guelph.ca

"original signed by Janet Laird"

---

#### **Recommended By:**

Janet L. Laird, Ph.D.  
Executive Director  
Planning & Building, Engineering  
and Environment  
(519)822-1260, ext. 2237  
janet.laird@guelph.ca



**Budget and Financing Schedule**

Project name: **2011 Annual Asphalt Construction- 2-1101**

Prepared by: Andrew Pike

Date: April 6, 2011

		<b>Available Budget</b>	<b>Amount Requested</b>	<b>Remaining Balance</b>
<b><u>Budget Requirement</u></b>				
Tender Price - Capital Pavement Inc (Contract 2-1101) (Incl. HST)			2,656,035	
less: HST Credit			(305,561)	
add: HST (1.76% on City share)			33,902	
add: HST (13% on developer share)			48,802	
add: Engineering Costs			120,000	
<b>A</b>	<b>TOTAL BUDGET REQUIREMENT</b>		<b>2,553,177</b>	
<b><u>Budget Funding Available:</u></b>				
City Share				
	RD0276 Pavement Deficit	4,272,917	1,986,977	2,285,940
	RD0102 College: Powerhouse Ln	34,835	34,835 -	0
	RD0002 College: Powerhouse Ln	37,602	37,602	0
	WW0117 College: Powerhouse Ln	14,773	14,773	0
	WS0062 College: Powerhouse Ln	20,610	12,790	7,820
	RD0238 ISF Stone Bike Lanes	-99,127	42,000 -	141,127
<b>B</b>	<b>SUBTOTAL CITY SHARE</b>	<b>4,281,609</b>	<b>2,128,977</b>	<b>2,152,632</b>
Developer Share				
	DA0099 Watson Creek Phase 2	105,000	105,000	-
	DA0136 Westminister Woods East, Phase 2	150,000	150,000	-
	DA0137 Watson East, Phase 4	9,200	9,200	-
	DA0143 Victoria gardens, Phase 3	115,000	115,000	-
	DA0153 Watson east, Phase 5	30,000	30,000	-
	DA0161 974 Edinburgh Road	15,000	15,000	-
<b>C</b>	<b>SUBTOTAL DEVELOPER SHARE</b>	<b>424,200</b>	<b>424,200</b>	<b>-</b>
<b>D</b>	<b>TOTAL BUDGET FUNDING AVAILABLE [B+C]</b>	<b>4,705,809</b>	<b>2,553,177</b>	<b>2,152,632</b>

**Additional Notes:**

- Funding for this tender comes from a number of sources including:

Federal Gas Tax, ISF Grants, Developer Contributions and City Reserves.

- The deficit in RD0238 will be funded from the City's share of other ISF projects that have come in underbudget.



TO **Guelph City Council**

SERVICE AREA Corporate Administration  
DATE April 26, 2011

**SUBJECT Community Survey Summary Results**  
REPORT NUMBER

---

## **RECOMMENDATION**

THAT Council receive the attached report entitled "City of Guelph: Survey of Residents" completed by Environics Research Group in support of Council's 2011 Strategic Plan Revision process.

## **BACKGROUND**

On January 17<sup>th</sup>, 2011 Council approved a staff recommendation to proceed with a Community Survey in support of strategic goal and objective setting as well as Service Review efforts for the 2011-2014 Council term of office. In accordance with City of Guelph Procurement Policy and Procedures, Environics Research Group was selected to conduct the public opinion research. The method of inquiry was a ten minute telephone survey of 600 City of Guelph residents (aged 18 and older) and was designed to gain a statistically reliable understanding of current attitudes and expectations.

## **REPORT**

The survey research took place during the month of March, 2011. Areas of focus were determined by first soliciting preliminary Council and staff suggestions that were subsequently discussed at the February 23, 2011 Council Strategic Planning open public meeting. Following that working session, members of Council and the Executive team then completed an individual ranking of priority areas of inquiry. The summary of results was provided to Environics to guide development of the survey content.

The Community Survey results are attached as Appendix A. The valued, representative information will not only inform 2011-2014 Strategic Plan Revision and Service Review efforts but also annual budget development as well as ongoing and future operational improvement activity.

## **CORPORATE STRATEGIC PLAN**

5.6 Organizational Excellence in planning, management, human resources and people practices.

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## **FINANCIAL IMPLICATIONS**

The cost of the Community Survey (\$36,073.92) was pre-approved by Council on January 17, 2011 as part of the total budget for the 2011 Strategic Plan revision process.

## **DEPARTMENTAL CONSULTATION**

All Departments were provided with the opportunity to provide suggestions for survey content. Special thanks for assistance and input from Community and Social Services, Planning & Building, Engineering and Environment.

## **COMMUNICATIONS**

The Community Survey Summary Report will be posted on [guelph.ca](http://guelph.ca) for Council and community review.

## **ATTACHMENTS**

Appendix A – Community Survey Summary Results

“original signed by Brenda Boisvert”

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### **Prepared By:**

Brenda Boisvert, BA, MPA  
Corporate Manager, Strategic Planning and  
Corporate Initiatives

CITY SERVICES

# City of Guelph Survey of Residents April 2011

Prepared for the City of Guelph



**ENVIRONICS**  
RESEARCH GROUP

# Introduction

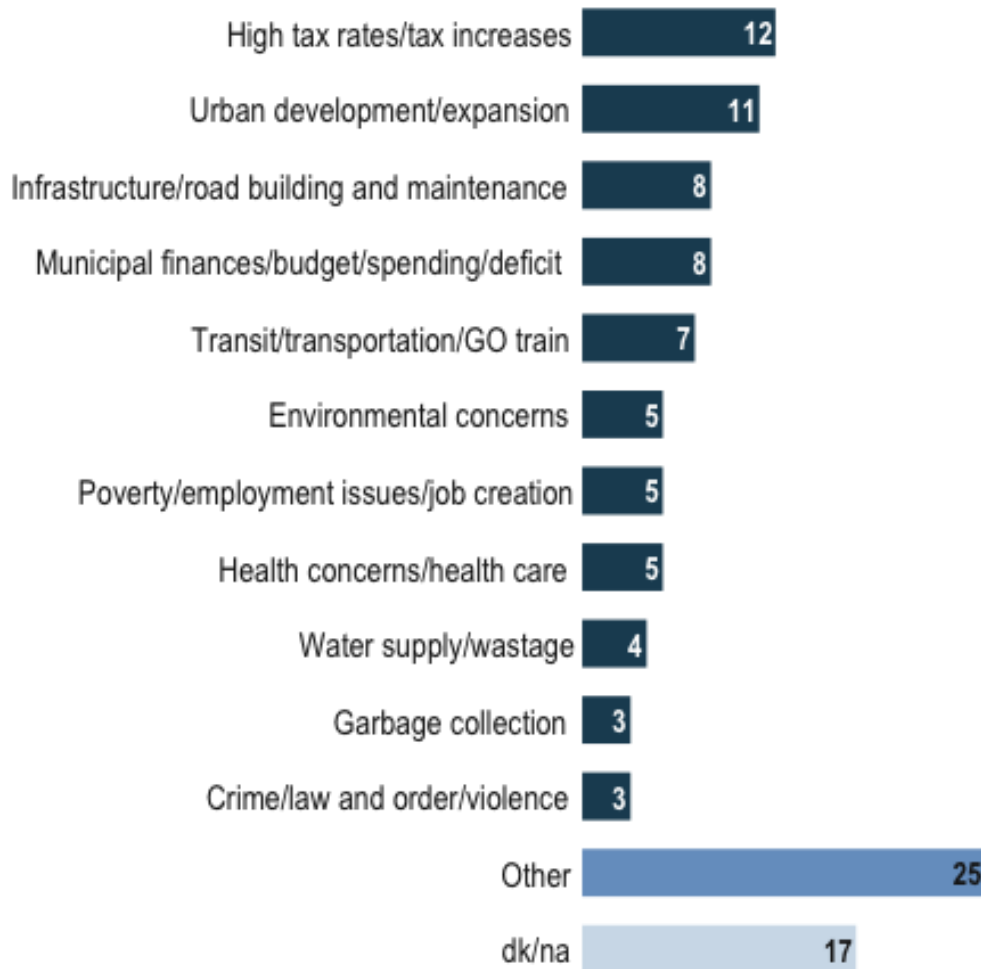
- Environics conducted a survey of residents for the City of Guelph.
- The main topics included:
  - Issues of importance
  - Quality of life
  - Satisfaction with and preferred spending on specific services
  - Contact with City of Guelph and satisfaction with service
  - Perceptions of the City on environmental issues
  - Views toward the future
- Council members and the Executive Team of Guelph developed an initial list of potential focal areas for further discussion and debate at a February 2011 strategic planning meeting. At that time new ideas were also surfaced. Following the meeting, Council members and the Executive Team then individually ranked all suggestions raised and the summarized findings were provided to Environics as the foundation from which to develop the survey tool.

# Methodology

- The survey was conducted by telephone among 600 City of Guelph residents 18 years of age and older between March 16 and April 4, 2011.
- Prior to the official launch of the survey, a full-pretest of the survey instrument was conducted with “live” respondents to assess the questionnaire as to clarity of questions, sequencing of items, and respondent sensitivity or reaction to specific questions or language.
- The sampling included cell phone sample to reach residents who do not have landlines (who are heavily concentrated among younger age groups). A minimum quota was set to include 120 interviews with those aged 18 to 29.
- The data was weighted by the six wards encompassing the City of Guelph to ensure that the results are representative of the population.
- The margin of error for a sample of 600 is plus or minus 4.0 percentage points, 19 times out of 20.

# Most important issue facing Guelph today

- High tax rates or tax increases and urban development or expansion are at the top of the public agenda.
- Following closely behind are infrastructure, municipal finances/spending and transit/transportation issues.



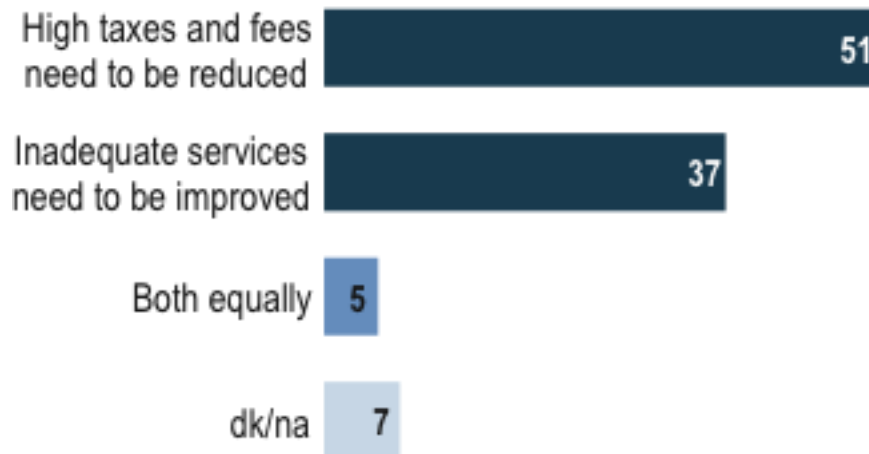
- Those aged 30 years and older are more inclined to mention municipal finances and spending issues.
- Homeowners are more likely than renters to cite high tax rates, urban development and municipal finances.
- Renters are more inclined than homeowners to mention transit/transportation issues.

1. In your view, what is the most important issue facing Guelph today – the one that should receive priority attention from local leaders?



# Biggest challenge – inadequate services or high taxes & fees

- When presented with two views on the biggest challenge facing Guelph, five in ten residents (51%) take the view that fees and taxes are too high and need to be lowered even if it means a small reduction in services compared to about four in ten (37%) who hold the view that inadequate services need to be improved even if it means a small tax increase.

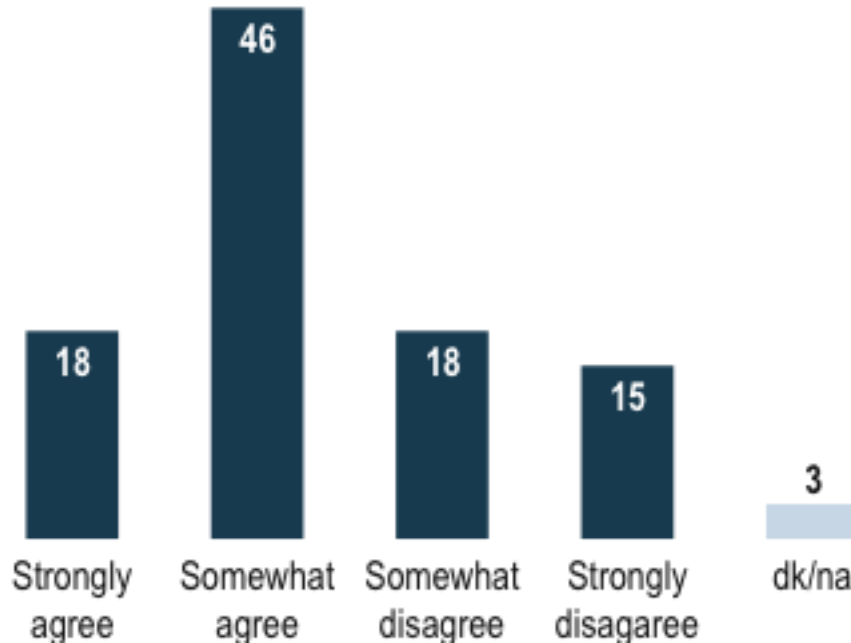


- Majorities of those aged 30 and older think high taxes and fees is the biggest challenge facing Guelph, while a plurality of those aged 18 to 29 think it is inadequate services.
- Majorities in wards 1, 2, 4 and 6 think the biggest challenge facing Guelph is high taxes and fees, while residents residing in wards 3 and 5 are divided between these two views.
- A majority of homeowners think high taxes and fees is the biggest challenge, while a majority of renters think it is inadequate services.

- Some people think that the biggest challenge facing Guelph is inadequate services to residents and we need to improve these services even if it means a small tax increase. Others think the biggest problem is fees and taxes that are too high and we need to lower them even if it means a small reduction in services. Which of these views is closest to your own?

# Services received are good value for tax dollars

- However, when asked to assess the services they receive for their tax dollars, two-thirds of Guelph residents (64%) agree that considering the services they receive, they get good value for their City tax dollars.

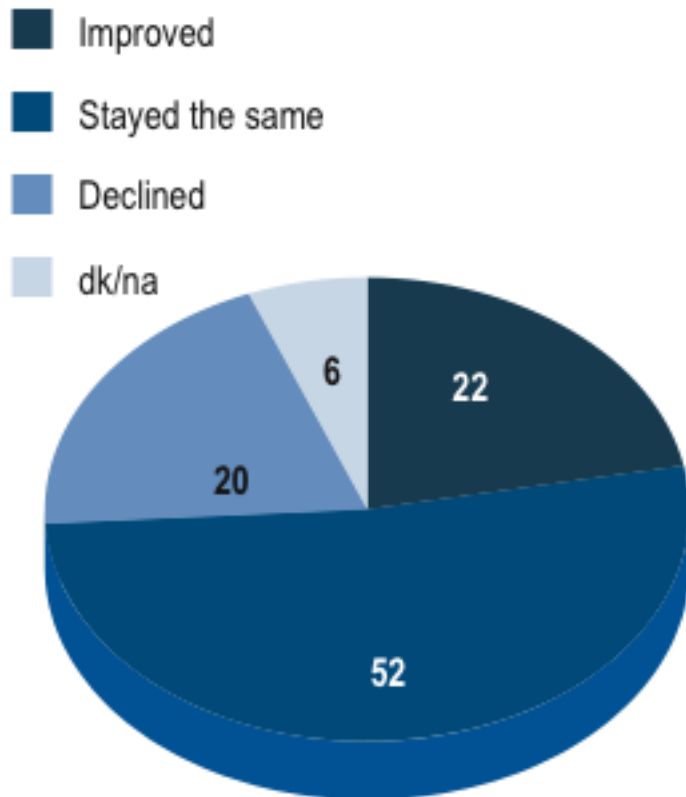


- Majorities across nearly all regional and demographic subgroups agree that the services they receive are good value for their City tax dollars.
- Disagreement is higher than average among those aged 45 to 59.
- Among those who think the biggest challenge facing the City is inadequate services, a large majority (87%) agree that the services they receive are good value for their tax dollars.
- Among those who think the biggest challenge is high taxes and fees, opinion is divided between those who think the services they receive are good value for their tax dollars and those who do not (50% vs. 48%).

7. Do you agree or disagree that considering the services you receive, you get good value for your City tax dollars?...Strongly agree, somewhat agree, somewhat disagree or strongly disagree

# Perception of quality of life in Guelph

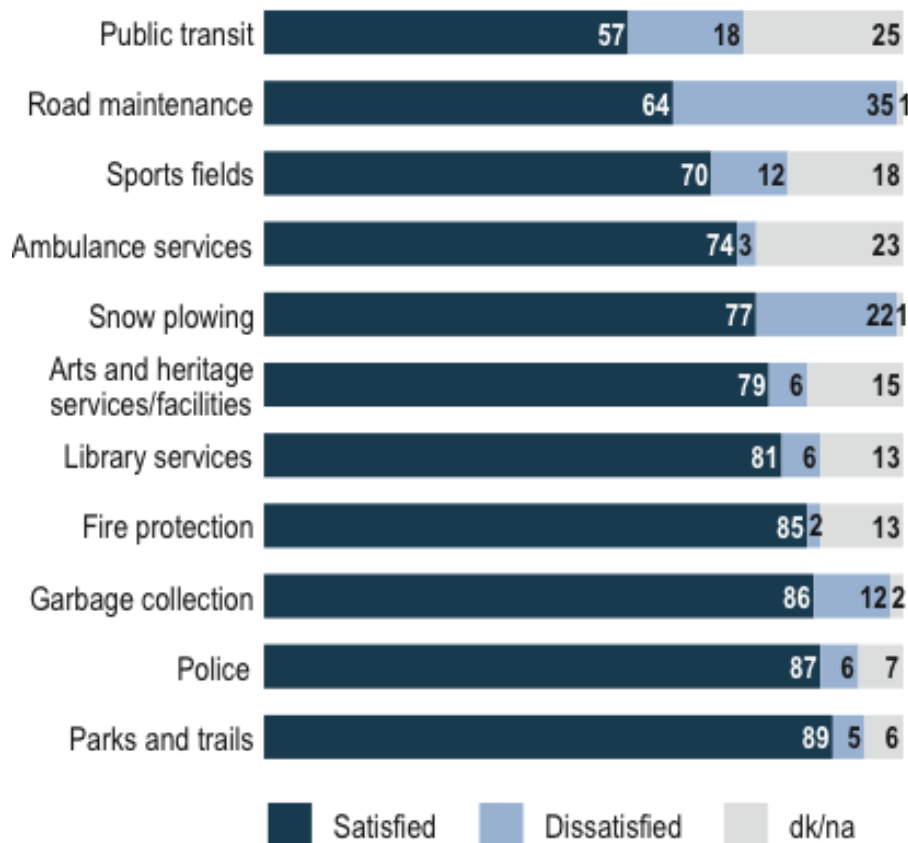
- Half of Guelph residents (52%) say the quality of life in the City over the past few years has stayed the same.
- Two in ten think it has improved (22%), while a similar proportion (20%) think it has declined.



- Majorities or pluralities across nearly all demographic subgroups think the quality of life in Guelph has stayed the same over the past few years.
- Those aged 18 to 29, single residents are more inclined to think the quality of life in Guelph has improved rather than declined.
- In contrast, those aged 45 to 59 and those with a high school or community college education are more likely to think the quality of life in Guelph has declined rather than improved.
- Majorities or pluralities across all wards see no change in quality of life.
- But residents living in wards 3 and 5 are more likely to see an improvement rather than a decline, while those living in ward 2 are more inclined to see a decline rather than an improvement.
- Those who think the services they receive are good value for their tax dollars are more likely to think there has been an improvement rather than a decline, while those who think the services they receive are not good value for their tax dollar are more inclined to see a decline rather than an improvement.

# Satisfaction with City of Guelph services

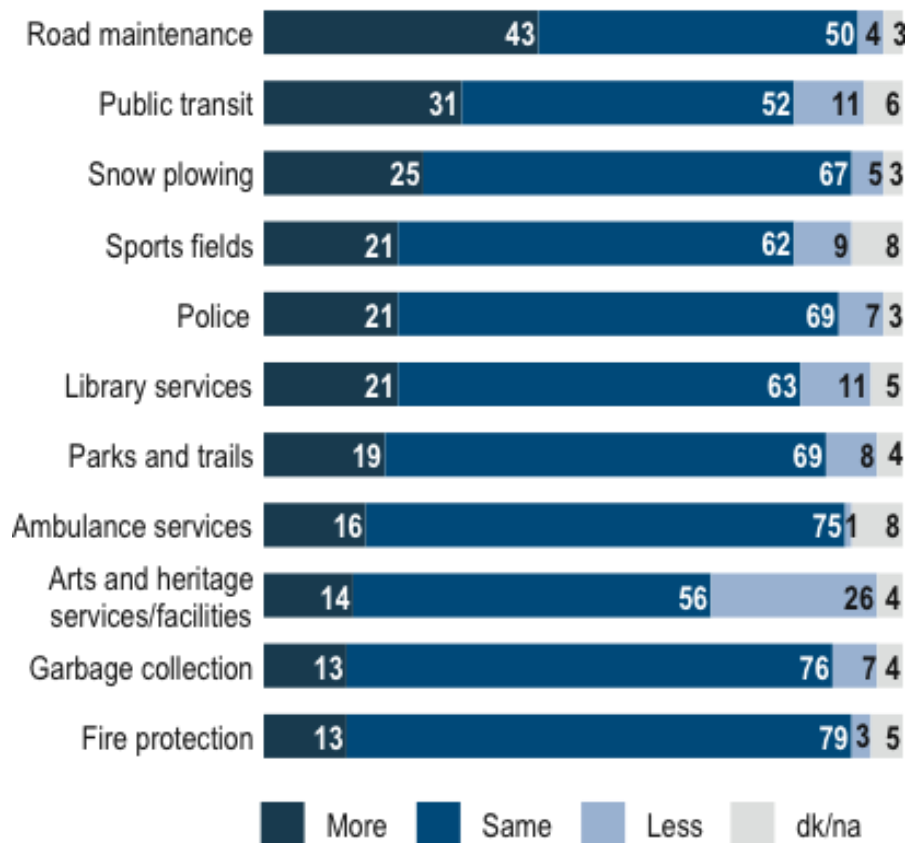
- Majorities of Guelph residents express satisfaction with all of the services tested in the survey.
- The highest marks go to parks and trails, police, garbage collection and fire protection, with more than eight in ten expressing satisfaction with these services.
- Public transit receives the lowest rating, with fewer than six in ten expressing satisfaction. However, it should be noted that one-quarter of residents are unable to express an opinion about this service.
- Two in ten or more are also unable to express an opinion on sports fields and ambulance services.



- Majorities across most demographic subgroups express satisfaction with all the services tested.
- Residents aged 60 and older express higher than average satisfaction with snow plowing, but lower than average satisfaction with parks and trails and sports fields. However, it should be noted that about a third of people in this age group offer no opinion on sports fields and more than one in ten offer no opinion on parks and trails.
- Those aged 18 to 29 express higher than average satisfaction with sports fields and public transit, but are less likely than average to be satisfied with snow plowing.
- Residents of ward 2 are more likely than average to be satisfied with library services and ambulance services, but express lower than average satisfaction with road maintenance.
- Residents of ward 3 express higher than average satisfaction with snow plowing.

# Preferred spending on City of Guelph services

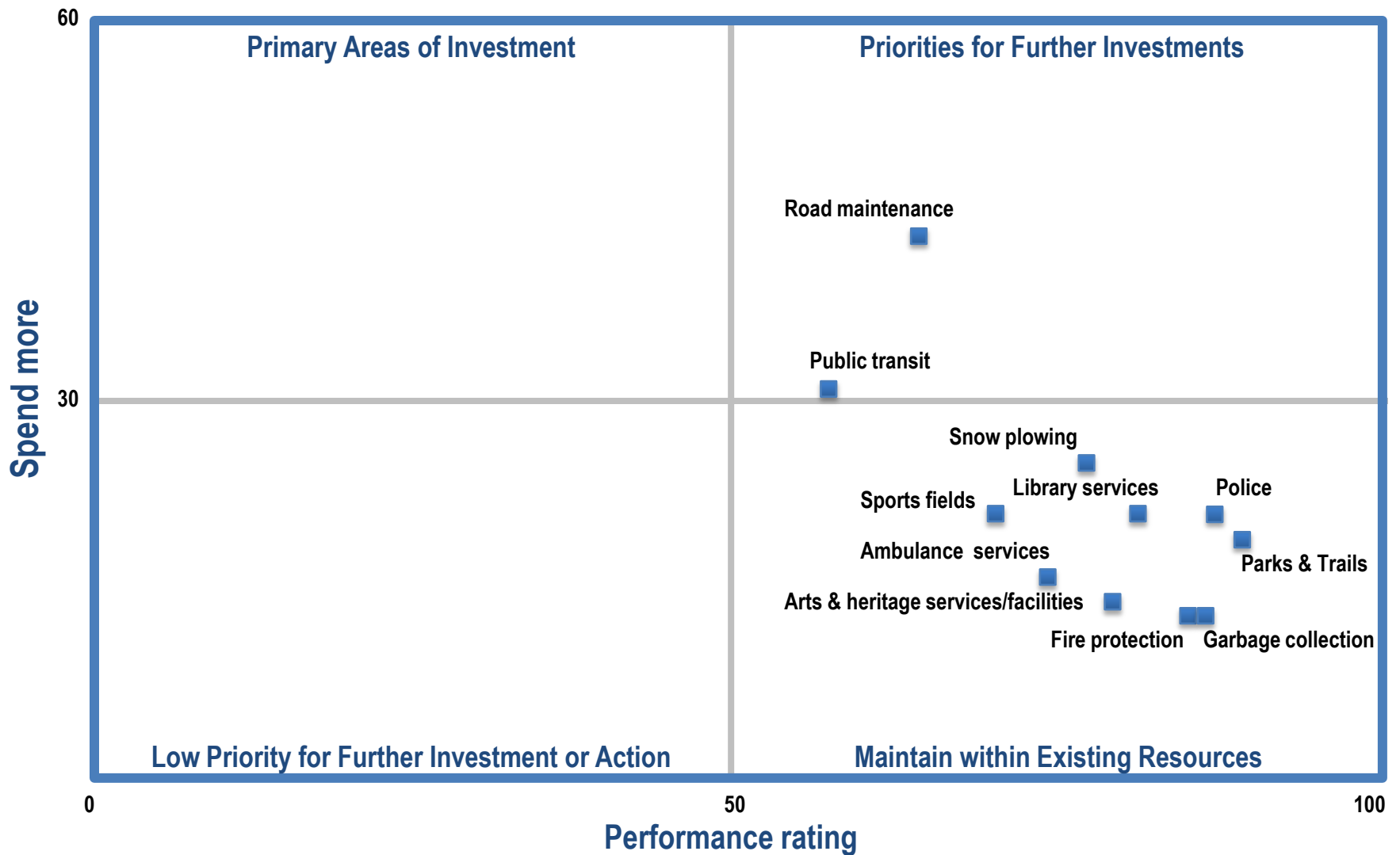
- When it comes to spending on the same services, road maintenance is at the top of the list, with more than four in ten calling for more spending on this service, followed by three in ten wanting increased spending on public transit.
- At the bottom of the list of spending preferences are arts and heritage services, garbage collection and fire protection, with just over one in ten residents wanting increased spending on these services.



- Those aged 18 to 29 are more likely than average to want more spending on public transit and snow plowing.
- Renters are more likely than homeowners to want increased spending on road maintenance, public transit, snow plowing, parks and trails, arts and heritage services/facilities and garbage collection.
- Those residing in ward 5 are more likely than average to want increased spending on library services, while those living in ward 3 express a higher than average preference for more spending on arts and heritage services/facilities.
- Those who think the biggest challenge facing Guelph is inadequate services are more likely than those who think it is high taxes and fees to prefer increased spending on most services tested (except police, sports fields, ambulance services and fire protection).

5. Please indicate whether you think the City of Guelph should be spending more, spending less or spending the same on these services? Keep in mind that as spending increases or decreases, taxes may rise or fall, or spending on other services may need to be re-allocated.

# Spend more vs. satisfaction with services



# Quadrant analysis – interpretation

Spend more

## Primary Areas of Investment

*(Lower satisfaction, higher spending support.)*

## Priorities for Further Investments

*(Higher satisfaction, higher spending support.)*

- Road maintenance
- Public Transit

Higher desire to spend more and higher satisfaction are perceived as municipal strengths in which residents support higher spending.

## Low Priority for Further Investment or Action

*(Lower satisfaction, lower spending support.)*

## Maintain within Existing Resources

*(Higher satisfaction, lower spending support.)*

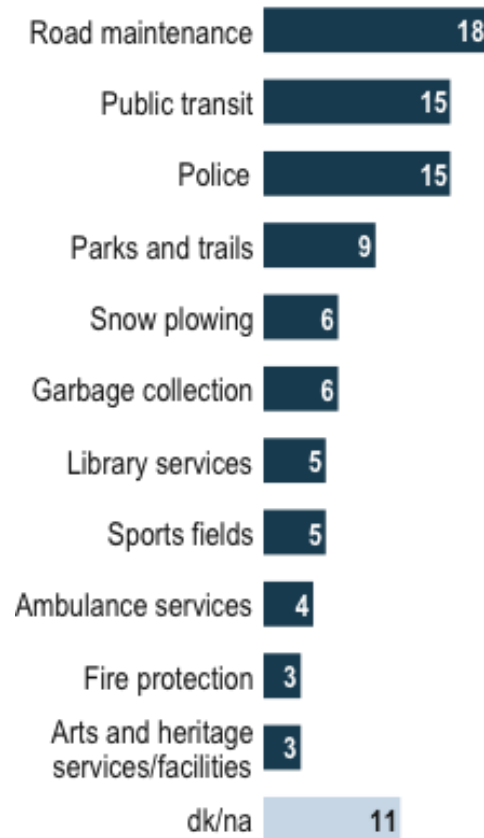
- Snow plowing
- Police
- Sports fields
- Library services
- Parks and trails
- Ambulance services
- Arts & heritage services/facilities
- Garbage collection
- Fire protection

Lower than average desire to spend more and higher satisfaction are viewed as municipal strengths, but residents are less inclined to have the City allocate more resources to these services.

Performance rating

# Preferred core service to be significantly improved

- When residents are asked if it was possible to significantly improve one of the core services tested within the existing budget, which one would they pick, road maintenance, public transit and the police are at the top of the list.
- Ambulance services, fire protection and arts and heritage services/facilities are the least likely to be chosen, with fewer than five percent of residents choosing any of these services.

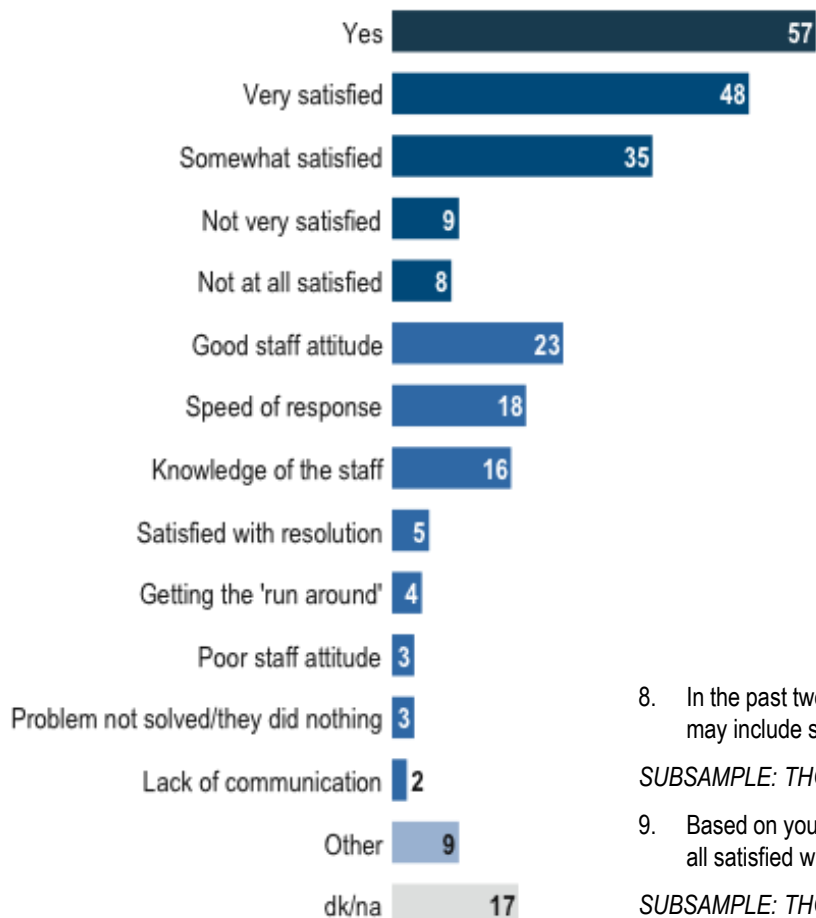


- Those aged 18 to 29 years are more likely than average to choose public transit and snow plowing.
- Those with children under 18 living in the household are more inclined than those without to pick library services.
- Homeowners are more inclined than renters to choose police, library services, sports fields and fire protection, while renters are more likely than homeowners to pick public transit and parks and trails.
- Those who think the biggest challenge facing Guelph is inadequate services are more likely than those who think it is high taxes and fees to pick public transit and library services, and less likely to say the police.



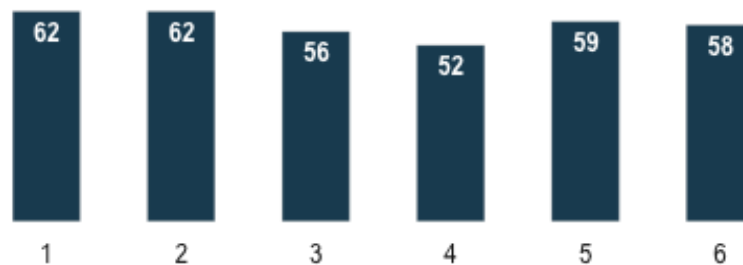
# Contact with City of Guelph and evaluation of service

- About six in ten Guelph residents (57%) have contacted or dealt with the City of Guelph or one of its employees in the past 12 months.
- Among these, eight in ten (83%) say they were satisfied with the service they received; about two in ten (17%) were not satisfied. Moreover, the proportion who were very satisfied (48%) is six times higher than the number who were not at all satisfied (8%).
- The most common reasons for positive assessments of the service they received are good staff attitude, speed of response and knowledge of the staff.
- The most common reasons for negative assessments are speed of response, poor staff attitude, problem was not solved and lack of communication.



- Contact with the City of Guelph is higher than average among those aged 30 to 44, those with children under 18 living in the household and those with a university education.
- Contact is higher among homeowners than among renters (61% vs. 42%).
- There are no significant differences across wards.

**Contact with City in the past 12 months**  
% of residents by ward



8. In the past twelve months, have you contacted or dealt with the City of Guelph or one of its employees? This may include staff at City Hall, recreation facilities, libraries or fire service, etc.

*SUBSAMPLE: THOSE WHO HAVE CONTACTED/DEALT WITH CITY OF GUELPH (N=342)*

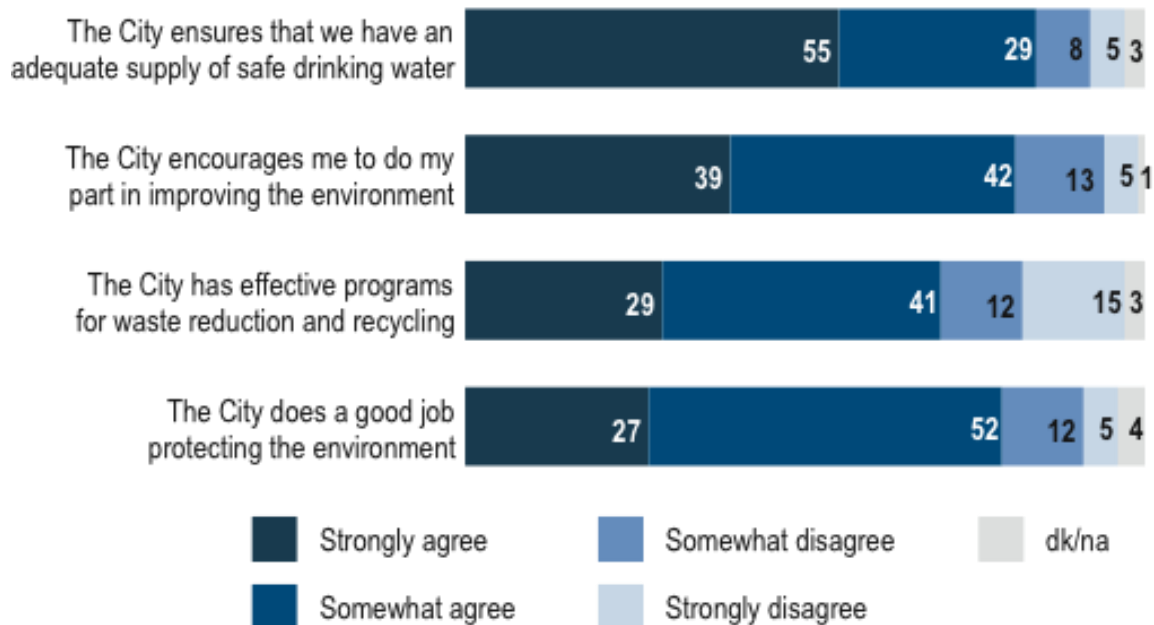
9. Based on your contact with the City, were you very satisfied, somewhat satisfied, not very satisfied, or not at all satisfied with the service you received?

*SUBSAMPLE: THOSE WHO HAVE CONTACTED/DEALT WITH CITY OF GUELPH (N=342)*

10. What aspect of the service was most responsible for your feeling that way?

# Perceptions of the City re. environmental issues

- Large majorities of seven in ten or more have positive perceptions of the City regarding environmental issues.
- The strongest positive perception is found for the statement that the City ensures that they have an adequate supply of safe drinking water: More than half “strongly agree” (55%).
- Four in ten strongly agree that the City encourages them to do their part in improving the environment.
- About three in ten strongly agree that the City has effective programs for waste reduction and recycling and that the City does a good job protecting the environment.

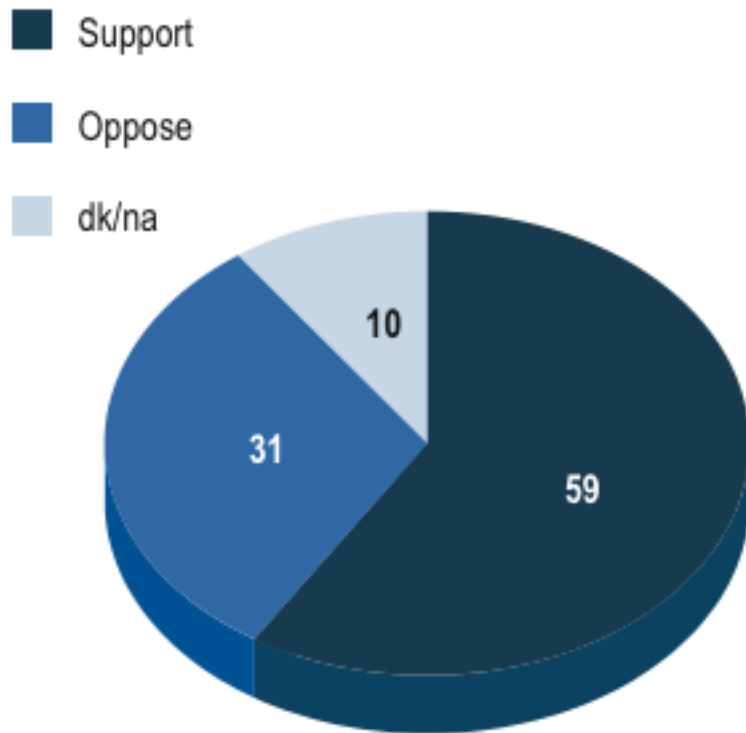


- Those aged 18 to 29 are more likely than average to strongly agree that the City ensures that they have an adequate supply of safe drinking water.
- Those aged 60 and older are more inclined to strongly agree that the City encourages them to do their part in improving the environment.
- Those who agree that the services provided to them are good value for their City tax dollar are more likely than others to strongly agree with nearly all of these statements (except with the statement the City does a good job protecting the environment).

13. Do you strongly agree, somewhat agree, somewhat disagree or strongly disagree with each of the following: a) The City has effective programs for waste reduction and recycling...b)The City encourages me to do my part in improving the environment...c) The City does a good job protecting the environment...d)The City ensures that we have an adequate supply of safe drinking water.

# Moving some University of Guelph operations downtown to support economic development

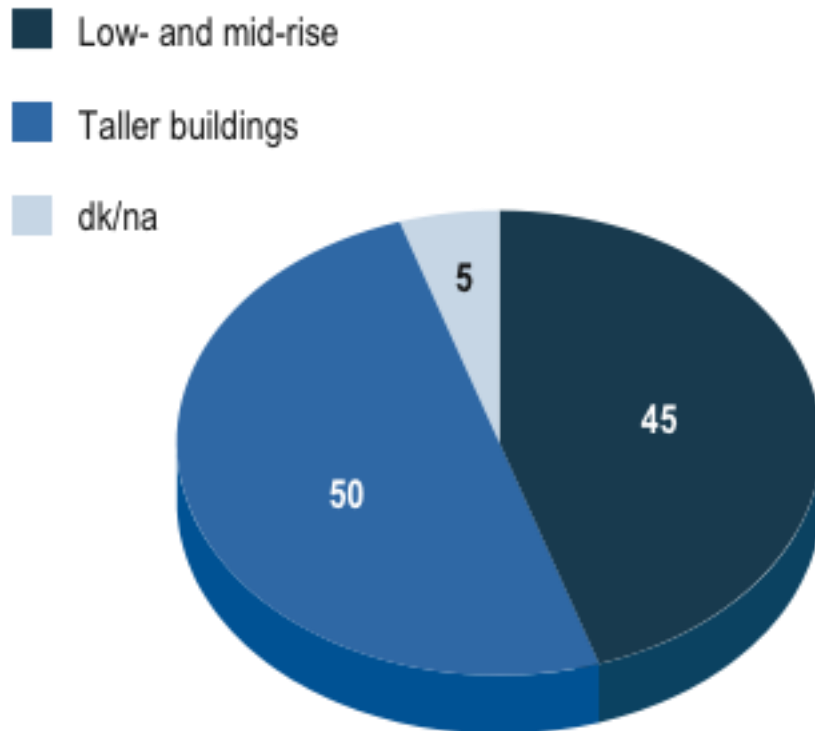
- Six in ten residents (59%) support the idea of the University of Guelph moving some of its operations downtown to support economic development in the City.
- This suggests that City investment in further discussion around post-secondary presence in the downtown is warranted.
- Three in ten (31%) are opposed.



- Majorities across most demographic and regional subgroups support this idea.
- Support is higher than average among those aged 18 to 29.
- Support for this idea is also higher among those who think the services provided to them are good value for their City tax dollar than among those who do not.
- In contrast, opposition is higher among those who do not think the services provided to them are good value for their tax dollar than among those who do.

# Future growth – low/mid rise vs. taller buildings

- Residents were told that as the City continues to grow choices have to be made about the buildings allowed. They were then presented with two views.
- When asked which of these views is closest to their own, opinion is divided between: should only have low and mid rise buildings (1-6 stories) even though they would cover more of a lot's ground area (45%) and taller buildings (7-18 stories) that allow more green space are better (50%).



- Views on this question vary with age. A majority of those aged 60 and older prefer low and mid rise buildings, those aged 45 to 59 are divided between these two views, and majorities of those under the age of 45 prefer taller buildings.
- Homeowners are more inclined than renters to prefer low and mid rise buildings, while renters are more likely than homeowners to prefer taller buildings.

12. As the City continues to grow we need to make choices about the buildings we allow. Some people think we should only have low and mid rise buildings (1-6 stories) even though they would cover more of a lot's ground area. Others think taller buildings (7-18 stories) that allow more green space are better. Which of these views is closest to your own?



**ENVIRONICS**  
RESEARCH GROUP

33 Bloor Street East, Suite 900, Toronto, ON M4W 3H1  
416 920 9010

TO **Guelph City Council**

SERVICE AREA Emergency Services  
DATE April 26, 2011

**SUBJECT Purchase of Replacement Electronic Patient Care Reporting System**

REPORT NUMBER

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## RECOMMENDATION

"That Council authorize the transfer of funds of \$104,000 from the Cross Border Billing Agreement for services performed from 2001 – 2009 to the Emergency Services Capital Reserve,

That contract #11-043 the amount of \$115,537 for the electronic patient care reporting be awarded to Interdev Technologies Inc."

## BACKGROUND

Guelph-Wellington Emergency Medical Service is legislated to record every patient contact. The Ontario Ministry of Health and Long Term Care 'Ambulance Call Report' (ACR) is a medical-legal record of actions/treatment recorded by paramedics that is shared with the hospital as it provides critical information pertinent to the continuous medical treatment of the patient. The ACR is subject to review by various external agencies including the local medical director, Ministry of Health and various legal services to provide an accurate record of the patient care rendered by Paramedics. In 2010, Guelph - Wellington Emergency Medical Service completed over 16, 000 Patient Care Reports inclusive of transports to receiving hospitals, and record of patient refusal of care and transport.

Technology and Patient information is integrated into medical instrumentation used by front line Paramedics. Collecting and recording the information electronically maximizes the capability of the existing equipment and allows the service provider to identify origin of calls, type of call, treatment provided and time stamping for response time reporting. Current statistical data has been obtained utilizing third party dispatch data with proven inaccuracies, under the current system, Guelph Wellington cannot produce the services "own" statistics critical in determining vehicle placement, patient care rendered, and reporting on response time standards.

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The information is protected under the Patient Health Information Protection Privacy Act, (PHIPPA).

## **REPORT**

A previous electronic reporting and records management system has failed, is inoperable, and is beyond its useful service. Ongoing monthly maintenance of approximately \$2,000 for software support were previously accommodated in the 2011 operating budget. These support costs will sustain the maintenance and any required support.

The current paper system does not provide for the protection of personal information and reporting that is required by Guelph Wellington Emergency Medical Service staff. The problem becomes compounded and labour intensive due to the large amount of patient contacts that occur in a reporting period.

An improved electronic patient care reporting system is compatible with medical instrumentation devices and improves efficiency avoiding duplication of effort in recovering and reporting response details. New legislated response time reporting requirements and call tracking for cost sharing purposes with funding partners will be possible.

## **CORPORATE STRATEGIC PLAN**

Goal 2 -A healthy and safe community where life can be lived to the fullest  
2.4 The lowest crime rate and best emergency services record of any comparable-sized Canadian city

## **FINANCIAL IMPLICATIONS**

In 2010, the City recognized revenues owing from other municipalities for services performed from 2001 – 2009 as part of the Cross Border Billing Agreement. The money was not used to offset 2010 expenditures and staff are requesting that Council authorize the use of these funds to pay for the City's share of the Electronic Patient Care Reporting System.

The total funding required would be offset from the revenues received.

## **DEPARTMENTAL CONSULTATION**

Information Services,  
Finance,

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## COMMUNICATIONS

The County Finance Director was consulted and was advised of the need for this expenditure and will make a funding recommendation to County Council.

## ATTACHMENTS

"original signed by Shawn Armstrong"

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**Prepared By:**

K. Shawn Armstrong

"original signed by Shawn  
Armstrong for"

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**Prepared By:**

Sandy Smith,  
EMS Chief,

"original signed by Hans Loewig"

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Hans Loewig,  
Chief Administrative Officer,





#10

Corporation of the Township of Melancthon

Moved by Darren White

Seconded by John Crowe

Date MARCH 24, 2011

Be it resolved that:

WHEREAS The Highland Companies have applied under the Aggregate Resources Act for a Class A, Category 2 Licence for a dolostone quarry on 2,316 acres located in Melancthon Township;

AND WHEREAS Melancthon Township is located at the Headwaters of five major rivers providing water to approximately one million people in Ontario;

AND WHEREAS if approved this quarry will be the second largest quarry in North America;

AND WHEREAS there were only two neighbouring municipalities circulated on the ARA Application Notice;

AND WHEREAS other neighbouring Municipalities have expressed concern after being made aware of the application, as the final date for comment to the Ministry of Natural Resources is April 26<sup>th</sup>, 2011 under the Act;

AND WHEREAS some Municipalities have indicated that they are having trouble finding subject matter experts to review the multitude of documents in such a short time primarily as a result of the number of people contracted by The Highland Companies to prepare their application and those contracted by the Township of Melancthon for the peer review process;

AND WHEREAS the significance of this project will affect generations of Ontarians to follow;

THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Melancthon respectfully requests that the Minister of Natural Resources authorize a 120 day extension of the date for final comments until August 26<sup>th</sup> 2011.

AND FURTHER that this resolution be sent to all municipalities in Dufferin County, Township of Southgate and Municipality of Grey Highlands requesting that they send a letter of support to the Minister and Premier requesting an extension.

Recorded Vote

Yea

Nay

Mayor Bill Hill

Deputy Mayor Darren White

Councillor John Crowe

Councillor Janice Elliott

Councillor Nancy Malek

Carried/Lost: Bill Hill  
MAYOR

- **BYLAWS** -

- <b>April 26, 2011</b> -	
<p>By-law Number (2011)-19179                      A by-law to authorize the execution of an agreement between Drexler Construction Limited and The Corporation of the City of Guelph. (Contract No. 11-036 for the installation of the 400 watermain extension from Couling Crescent to Speedvale Avenue)</p>	<p>To execute Contract No. 11-036 for the installation of the 400 watermain extension from Couling Crescent to Speedvale Avenue.</p>
<p>By-law Number (2011)-19180                      A by-law to appoint Tina Agnello as the Acting City Clerk.</p>	<p>To appoint Tina Agnello as Acting City Clerk.</p>
<p>By-law Number (2011)-19181                      A by-law to amend By-law Number (2002)-17017 and to adopt Municipal Code Amendment #532, amending Chapter 301 of the Corporation of the City of Guelph's Municipal Code. (to add a straight through only to Clair Road W, Clair Road W to 50m east thereof, Westerly, and adding a left turn only to Clair Road W, Clair Road W to 50m east thereof, Westerly in the Lane Designation Schedule VII; add York Road, Wyndham Street to 200m east thereof, westerly direction in the One way Streets Schedule XI; Add no parking to Willow Road, north side, Imperial Road North to Elmira Road, south side of Willow Road, 203m east of Elmira Road North to 187m east thereof, south side of Willow Road, 27m west of Imperial Road North to 60m west thereof, south side of Heritage Drive, Gordon Street to 27m west thereof, and deleting both sides of Willow Road, Imperial Road North to Elmira Road North in the No Parking Schedule XV; add Willow Road, north side, 225m east of Elmira Road North to 318m east thereof 8:00am-4:30pm, Mon-Fri, Willow Road, south side, 203m east of Elmira Road North to 187m east thereof 8:00am-4:30pm, Mon-Fri, Willow Road, south side, 95m east of Elmira Road North to 55m east thereof, Anytime, except buses, Grange Road, north side, Ireland Place to 160m east thereof, 8:00am-</p>	<p>To amend the Traffic By-law.</p>

<p>4:30pm, Mon-Fri, Sep 1-Jun 30, Grange Road, north side, Esker Run to 193m west thereof, 8:00am-4:30pm Mon-Fri, Sep 1-Jun 30, Grange Road, north side, 15m west of Buckthorn Crescent (west) to 33m west of Brydges Court, Anytime, Grange Road, south side, O'Connor Lane to 80m east thereof, 8:00am-4:30pm Mon-Fri, Sep 1-Jun30, Grange Road, south side, 130m east of O'Connor Lane to 80m east thereof, Anytime, Grange Road, south side,21m east of O'Connor Lane to 40m east thereof, Anytime, except buses, Grange Road, south side, 197m west of Clythe Creek Drive to 30m west thereof, 8:00am -4:30pm Mon-Fri, Sep 1-Jun 30, Heritage Drive, north side, Gordon Street to 45m west thereof, Anytime and deleting both sides of Willow Road, 50m east of Flaherty Drive to 192m east thereof, 8:00am-4:30pm, Mon-Fri in the No Stopping Schedule XVI; and add Willow Road, south side, 30m east of Elmira Road North to 65m east thereof for Mitchell Woods Public School, 5min, 8:00am-4:30pm, Mon-Fri, Sep 1-Jun 30, Willow Road, south side, 150m east of Elmira Road North to 62m east thereof fro Mitchell Woods Public School, 5min, 8:00am-4:30pm Mon-Fri, Sep 1-Jun 30, Grange Road, south side, 80m east of O'Connor Lane to 52m east thereof, Holy Trinity Catholic School, 5min, 8:00am-4:30pm Mon-Fri, Sep 1-Jun 30, Grange Road, south side, 251m east of O'Connor Lane to 40m east thereof, Ken Danby Public School, 5min, 8:00am-4:30pm, Mon-Fri, Sep 1- Jun 30 and deleting Willow Road, north side, 30m west of Imperial Road to 171m west thereof, Mitchell Woods Public School, 5min, 8:00am-4:30pm Mon-Fri, Sep 1-Jun 30in the Kiss N' Ride Zones Schedule XXVI)</p>	
<p>By-law Number (20110-19182 A by-law to remove Block 16, Plan 61M159, designated as Parts 1 to 6 inclusive, Reference Plan 61R11583 in the City of Guelph from Part Lot Control. (232, 234, 236, 238, 240 and 242 Severn Drive)</p>	<p>To remove land from part lot control to create 6 separate parcels for on-street townhouse dwellings to be known municipally as 232, 234, 236, 238, 240 and 242 Severn Drive.</p>
<p>By-law Number (2011)-19183 A by-law to remove: Lot 1, Plan 61M167, designated as Parts 31, 32 and 33, Reference Plan 61R11603;</p>	<p>To remove land from part lot control to create separate parcels for semi-detached dwellings to be known municipally as 35, 37, 39, 41, 43, 45,83, 85, 95 and 97 Curzon Cres.</p>

<p>Lot 2, Plan 61M167, designated as Parts 29 and 30, Reference Plan 61R11603;  Lot 3, Plan 61M167, designated as Parts 27 and 28, Reference Plan 61R11603;  Lot 13, Plan 61M167, designated as Parts 7 and 8, Reference Plan 61R11603; and  Lot 16, Plan 61M167, designated as Parts 1 and 2, Reference Plan 61R11603 in the City of Guelph from Part Lot Control. (35, 37, 39, 41, 43, 45, 83, 85, 95 and 97 Curzon Cres.)</p>	
<p>By-law Number (2011)-19184  A by-law to authorize the execution of a release of an Agreement with respect to property described as Lot 75, 61M39, City of Guelph. (78 Munroe Cres.)</p>	<p>To release an agreement with respect to 78 Munroe Cres.</p>
<p>By-law Number (2011)-19185  A by-law to authorize the execution of a Partial Release of Development Covenants and Restrictions with respect to Part Block D, Registered Plan 618, (as described in Instrument No. RO244165), City of Guelph. (507 Elmira Rd. N.)</p>	<p>To execute a partial release of development covenants and restrictions with respect to 507 Elmira Rd. N.)</p>
<p>By-law Number (2011)-19186  A by-law to impose and levy a rate of taxation for the Board of Management for the Downtown Business Improvement Area of the City of Guelph for the 2011 taxation year.</p>	<p>To impose and levy a rate of taxation for the Board of Management for the Downtown Business Improvement Area for the year 2011.</p>
<p>By-law Number (2011)-19187  A by-law to set tax ratios and tax rate reductions for prescribed property subclasses for the Corporation of the City of Guelph for the year 2011.</p>	<p>To set tax ratios and tax rate reductions as per Clause 3 of the Corporate Administration, Finance &amp; Emergency Services Committee.</p>
<p>By-law Number (2011)-19188  A by-law to levy education tax rates for the year 2011.</p>	<p>To levy education tax rates for 2011.</p>
<p>By-law Number (2011)-19189  A by-law to set the tax rates for City purposes for the year 2011 and to provide for a final tax levy and the payment of taxes.</p>	<p>To set the tax rates for 2011.</p>

<p>By-law Number (2011)-19190 A by-law to specify the claw back percentages and the capping threshold parameters for the year 2011 and to establish a fixed date as of which to calculate such claw backs for all properties in the commercial, industrial and multi-residential property classes.</p>	<p>To specify the claw pack percentages and the capping threshold for the year 2011 for properties in the commercial, industrial and multi-residential property classes, as per Clause 3 of the Corporate Administration, Finance &amp; Emergency Services Committee.</p>
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