

CITY COUNCIL AGENDA



DATE **October 24, 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) Mr. Pierre Desmarais, President of the Guelph Wellington Seniors Association – update on their activities

CONFIRMATION OF MINUTES (Councillor Bell)

"THAT the minutes of the Council Meetings held September 20, 26, 27 and October 3, 2011 and the minutes of the Council meetings held in Committee of the Whole on September 26, 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 Affordable Bus Pass Pilot Program			
CSS-2 2011 Service Review Process: Community & Social Services (CSS) – Service Fact Sheets			

Adoption of balance of Community & Social Services Committee Eighth Consent Report - Councillor Laidlaw, Chair

Corporate Administration, Finance & Emergency Services Committee			
Item	City Presentation	Delegations	To be Extracted
CAFES-1 2011 Service Review Process: Corporate Administration, Corporate and Human Resources – Service Fact Sheets			

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

Operations & Transit Committee			
Item	City Presentation	Delegations	To be Extracted
OT -1 2011/2-12 Guelph Storm Mutual Services Agreement			
OT-2 2011 Service Review Process: Service Fact Sheets			
OT-3 Noise By-law Review			

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

Planning & Building, Engineering and Environment Committee			
Item	City Presentation	Delegations	To be Extracted
PBEE-1 Water Services' Operational Plan Endorsement			
PBEE-2 Draft City of Guelph Source Water Protection Policies and Pre-Consultation			
PBEE-3 New Affordable Housing Ontario Initiative			

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

Governance Committee			
Item	City Presentation	Delegations	To be Extracted
GOV-1 Integrity Commissioner, Complaints Process and Council and Local Boards Code of Conduct			
GOV-2 2012 and January 2013 Council and Committee Meeting Schedule			
GOV-3 Chief Administrative Officer (CAO) By-law Update			
GOV-4 CAO Employment Policies and Procedures			
GOV-5 Social Media Principles and Guidelines: A Reference for Elected Officials			
GOV-6 Service and Operational Review Plans			
GOV-7 City of Guelph Procedural By-law Governing Council and Committee Meetings			
GOV-8 Board Appointments – Guelph Non-Profit Housing Board			

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

Council In Closed Session			
Item	City Presentation	Delegations	To be Extracted
COW-1 Citizen Appointments to the Guelph Junction Railway Board of			

Directors			
COW-2 Citizen Appointments to the Organic Waste Processing Facility Public Liaison Committee			

Adoption of balance of the Council as Committee of the Whole Fifth Consent Report –

Council Consent Agenda			
Item	City Presentation	Delegations	To be Extracted
A-1) Debenture Issue			

Adoption of balance of the Council Consent Agenda – Councillor

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 Laidlaw
- Corporate Administration, Finance & Emergency Services – Councillor Hofland
- Operations & Transit – Councilor Findlay
- Planning & Building, Engineering and Environment – Councillor Piper
- Governance – Mayor Farbridge
- Council In Closed Session –
- Council Consent – Mayor Farbridge

SPECIAL RESOLUTIONS

BY-LAWS

Resolution – Adoption of By-laws (Councillor Burcher)

QUESTIONS

MAYOR'S ANNOUNCEMENTS

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

NOTICE OF MOTION

ADJOURNMENT

**The Corporation of the City of Guelph
Meeting of Guelph City Council
Tuesday, September 20, 2011 6:00 p.m., Committee
Room C**

A meeting of Guelph City Council was held on Tuesday, September 20, 2011 in Council Committee Room C at 6:00 p.m.

Present: Councillors, Bell, Dennis, Furfaro, Guthrie (arrived at 6:17p.m.) Kovach, Piper (arrived at 6:41 p.m.), Van Hellemond and Wettstein and Mayor Farbridge

Absent: Councillors Burcher, Findlay, Hofland and Laidlaw

Staff in Attendance: Dr. J. Laird, Executive Director, Planning & Building, Engineering and Environment, Mr. D. Belanger, Water Supply Program Manager; Mr. V. Suffoletta, Supply Supervisor; Mr. G. Best, Supervisor of Distribution; Mr. R. Reynen, Manager of Inspection Services; Mr. K. Taylor, Compliance Coordinator; Ms. B. Roth, Quality Assurance Coordinator; Mr. W. Galliher, Water Conservation Project Manager; Mr. P. Busatto, General Manager, Water Services; Mr. J. Riddell, General Manager of Planning & Building Services; Ms. D. Black, Clerk Designate.

There was no declaration of pecuniary interest.

Taking Care of Your Drinking Water

Dr. Janet Laird, Executive Director of Planning & Building, Engineering and Environment, provided a brief overview of the purpose of the meeting. She noted that Council needs to be aware as owners/operators of the City's water supply.

Mr. Dave Belanger, Water Supply Program Manager, outlined the City's water sources and the source water protection planning.

Mr. Vince Suffoletta, Water Supply Supervisor, addressed the treatment of Guelph's water.

Mr. Gerry Best, Supervisor, Water Distribution, explained the water distribution process and highlighted the distribution goals. He outlined the system backup procedures.

Mr. Rob Reynen, Manager of Inspection Services, explained the purpose of backflow prevention and the various components of the by-law.

Mr. Vince Suffoletta, Supply Supervisor, addressed the monitoring and reporting structure. He outlined the various reports and communications that staff utilize.

Mr. Kier Taylor, Compliance Coordinator, provided an overview of the various drinking water legislation. He highlighted the prerequisites for obtaining the municipal drinking water licence and compliance and conformance management.

Ms. Brigitte Roth, Quality Assurance Coordinator, outlined the conformance management organizational structure. She highlighted the activation guidelines for emergency management. She also advised of audits and reports and customer service.

Mr. Wayne Galliher, Water Conservation Project Manager, addressed water conservation and efficiency management. He addressed affordability, source sustainability and optimization and compliance issues surrounding conservation.

Mr. Peter Busatto, General Manager, Water Services summarized by outlining the key challenges facing the City which included financial sustainability; water demand, source protection, infrastructure sustainability, maintaining the work force, existing system optimization, ensuring a lead free water system, providing quality customer service, reduction of non-revenue water and storm water utility creation.

The meeting adjourned at 7:52 p.m.

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Mayor

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Acting Clerk

Council Caucus Room
September 26, 2011 5:30 p.m.

A meeting of Guelph City Council.

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

Absent: Councillor Burcher

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. D. Jacques, General Manager, Legal/Realty Services/City Solicitor; Mr. S. Worsfold, Deputy City Solicitor; Ms. S. Smith, Associate Solicitor; Mr. R. Kerr, Corporate Manager, Community Energy; Mr. D. Belanger, Water Supply Program Manager; Mr. P. Busatto, General Manager, Water Services; Mr. J. Stokes, Manager of Realty Services; and Ms. T. Agnello, Acting City Clerk

- 1. Moved by Councillor Kovach
Seconded by Councillor Hofland

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

- personal matters about identifiable individuals
- proposed or pending acquisition or disposition of land by the municipality;
- litigation or potential litigation;
- advice that is subject to solicitor-client privilege.

Carried

The meeting adjourned at 5:31 o'clock p.m.

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Mayor

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Acting Clerk

Council Caucus Room
September 26, 2011 5:32 p.m.

A meeting of Guelph City Council closed to the public.

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

Absent: Councillor Burcher

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. D. Jacques, General Manager, Legal/Realty Services/City Solicitor; Mr. S. Worsfold, Deputy City Solicitor; Ms. S. Smith, Associate Solicitor; Mr. R. Kerr, Corporate Manager, Community Energy; Mr. D. Belanger, Water Supply Program Manager; Mr. P. Busatto, General Manager, Water Services; Mr. J. Stokes, Manager of Realty Services; and Ms. T. Agnello, Acting City Clerk

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

Councillor Dennis declared a potential pecuniary interest regarding item 7 as he is employed by a company that may be associated with the project.

Dolime Quarry Expansion – Aggregate Licence Amendment

Mr. Peter Pickfield, solicitor on behalf of the City, provided information regarding the Dolime Quarry Expansion – Aggregate Licence Amendment.

1. Moved by Councillor Kovach
Seconded by Councillor Laidlaw

That Mr. Peter Pickfield, provide an update in open session of Council regarding the status of the Dolime quarry expansion- aggregate license amendment and the city's preparation of a technical response to the responsible regulatory agencies and correspondence to be sent from the Mayor to the Minister of Natural Resources and the Minister of the Environment.

Carried

- 2. Moved by Councillor Kovach
 Seconded by Councillor Laidlaw
 That staff be directed to research options 3 and 4 in Mr. Peter Pickfield's correspondence to Council dated September 26, regarding the Dolime quarry- protection of City Drinking Water Supply.

Carried

Litigation Status Report

The General Manager of Legal Services/City Solicitor provided a verbal update regarding the Litigation Status Report.

Litigation Matter with the County

Susan Smith, Assistant Solicitor provided a verbal update regarding the Litigation Status with the County.

Wellington-Dufferin-Guelph Board of Health Litigation Update

The General Manager of Legal Services/City Solicitor provided a verbal update regarding the Litigation.

Wellington-Dufferin-Guelph Board of Health Appointments

- 3. Moved by Councillor Hofland
 Seconded by Councillor Laidlaw
 THAT Council rise and report in Council open session the following motion under Special resolutions:

PASSED IN COUNCIL
BY SPECIAL
RESOLUTION

WHEREAS there are currently three Councillors appointed to serve at the pleasure of Council as members of the Wellington-Dufferin-Guelph Health Unit Board of Directors;

AND WHEREAS the current functioning and governance of the Board of Health prevents city-appointed members from Guelph from fulfilling their legislated duties;

AND WHEREAS the City has requested a provincially appointed assessor;

BE IT RESOLVED that the appointment of Councillors Jim Furfaro, Leanne Piper and Karl Wettstein to the Wellington-Dufferin-Guelph Health Unit Board of Directors is revoked effective immediately;

AND THAT staff advise the Ministry of Health and Long Term Care of this decision and request a meeting with

Ministry staff to discuss the specific issues and concerns surrounding this decision.

Carried

Report from the Guelph Junction Railway Nominating Committee

REPORT

4. Moved by Councillor Hofland
Seconded by Councillor Kovach
THAT staff be given direction with respect to the citizen appointments to the Guelph Junction Railway Board of Directors.

Carried

Report from the Planning & Building, Engineering and Environment Committee – Citizen Appointments to the Organic Waste Processing Facility Public Liaison Committee

REPORT

5. Moved by Councillor Guthrie
Seconded by Councillor Laidlaw
THAT staff be given direction with respect to the citizen appointments to the Organic Waste Processing Facility Public Liaison Committee.

Carried

Lease Agreement Between the City and Ecotricity Guelph Inc. for a Proposed Anaerobic Digester Facility on Dunlop Drive

Councillor Dennis vacated the room and did not vote or participate in discussion regarding this matter.

PASSED IN COUNCIL
BY SPECIAL
RESOLUTION

6. Moved by Councillor Laidlaw
Seconded by Councillor Wettstein
THAT the report of the Manager of Realty Services dated September 26, 2011 regarding a Lease Agreement between the City and Ecotricity Guelph Inc. for a Proposed Anaerobic Digester Facility on Dunlop Drive be received for information;

THAT Council rise and report in Council open session the following motion under Special resolutions:

THAT the Mayor and Clerk be authorized to execute a Lease Agreement between the City of Guelph and Ecotricity for a parcel of City land as outlined in the closed

session report of the Manager of Realty Services dated September 26, 2011.

Carried

The meeting adjourned at 7:03 o'clock p.m.

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Mayor

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Acting Clerk

Council Chambers
September 26, 2011

Council reconvened in formal session at 7:05 p.m.

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

Absent: Councillor Burcher

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate and Human Resources; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. C. Clack, Interim Executive Director of Community & Social Services; Ms. T. Agnello, Acting City Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

Councillor Piper declared a possible pecuniary interest with regard to Clause 1 of the Planning & Building, Engineering and Environment Consent Agenda – Sign By-law Variance for 133 Woodlawn Road East (Guelph Country Club) because her spouse is a shareholder at that location.

Councillor Dennis declared a possible pecuniary interest with regard to the Special Resolution regarding the Lease Agreement between the City and Ecotricity Guelph Inc.

for a proposed Anaerobic Digester Facility because he is employed by a company that may be associated with the project.

PRESENTATIONS

Guelph Wellington EMS Citizen Lifesaving Awards

Chief Shawn Armstrong presented Guelph Wellington EMS Citizen Lifesaving Awards to: Mr. Peter Coons, Ms. Julia Rolfe and Ms. Michelle Thompkins for their actions at The Athletic Club in March, 2010 assisting with a medical emergency.

Chief Shawn Armstrong presented Guelph Wellington EMS Citizen Lifesaving Awards to: Mr. Joe Guaca, Ms. Dale Rowe, Ms. Marnie Cornett, Ms. Hannah Gray, Ms. Breanne Crusoe for their actions at the West End Recreation Centre in May of 2011 assisting with a medical emergency. Ms. Jaye Donaldson and Ms. Joy Benson will also receive the reward but were unable to attend.

Solid Waste Association of North America Bronze Award of Excellence for Special Waste Handling

Mr. Dean Wyman, General Manager, Solid Waste Resources presented the Mayor with the Solid Waste Association of North America Bronze Award of Excellence for Special Waste Handling.

Presentation request from closed session

Dolime Quarry Expansion – Aggregate Licence Amendment

Mr. Peter Pickfield, Solicitor, was present to provide information regarding a review he conducted regarding the potential impact of the operations at the Dolime Quarry. He recommended that the City submit a very detailed technical response to Dolime's management plan to the Ministry of the Environment and the Ministry of Natural Resources by the end of this month in order to meet the deadline. The submission should include concepts and ideas to address the risks associated with mining the aquitard and a financial assurances plan. The financial assurances plan would require the operator to set monies aside so that when the operation is shut down, money will be available to ensure proper long term management of the risks that were imposed by their operations. He recommends direct written contact from the Mayor to the two ministries outlining the concerns and

Dr. J. Laird
Mayor Farbridge

requesting a specific response to deliver a better safeguard for the water supply.

1. Moved by Councillor Kovach
Seconded by Councillor Piper

THAT the City present a detailed technical response regarding the Dolime to the responsible regulatory agencies and Ms. Liz Sandals, Guelph MPP

AND THAT the Mayor write a letter outlining the City's concerns and requests a meeting with the Minister of the Environment and Minister of Natural Resources, providing a copy to Liz Sandals, Guelph MPP and Mr. Gord Miller, Environmental Commissioner.

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

VOTING AGAINST: (0)

Carried

Minutes

2. Moved by Councillor Laidlaw
Seconded by Councillor Hofland

THAT the minutes of the Council meetings held on July 25 and September 6, 2011 and the minutes of the Council meeting held in Committee of the Whole on July 25, 2011 and September 6, 2011 be confirmed as recorded and without being read.

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

VOTING AGAINST: (0)

Carried

CONSENT REPORTS AND AGENDAS

The following items were extracted from the Community & Social Services Committee Seventh Consent Report to be voted on separately:

- CSS-1 Skatepark Relocation Update and Recommendations
- CSS-2 Community Wellbeing Initiative: Workplan

Councillor Dennis presented the Finance, Administration & Corporate Services Committee Seventh Consent Report.

3. Moved by Councillor Dennis
Seconded by Councillor Wettstein
THAT the September 26, 2011 Corporate Administration, Finance & Emergency Services Committee Seventh Consent Report as identified below, be adopted:

a) **Business Licence Fees 2012**

Ms. T. Agnello
Ms. S. Aram

THAT the information report regarding the Business Licence By-law annual fee review dated September 12, 2011, be received;

AND THAT staff be directed to prepare the necessary amendment to business licence by-law (2009)-18855 to incorporate the 2012 fees based on the annual fee review.

b) **Downtown Façade Improvement Grant & Feasibility Study Grants – 2011 (Second Award)**

Mr. I. Panabaker
Ms. S. Aram

THAT the Downtown Renewal report, dated September 12, 2011 regarding the Downtown Community Improvement Plan Façade Improvement Grants & Feasibility Study Grants, be received;

AND THAT the second round of awards for the Downtown Façade Improvement Grants and Feasibility Study Grants for 2011 be awarded as listed in Appendix "A" attached to the report, attached hereto as Attachment 1, for a total City of Guelph commitment of \$60,864.21 towards 6 applications.

c) **Capital Account to Pay for Stormwater Drainage Oversizing in Subdivisions**

Dr. Janet Laird
Ms. S. Aram

THAT Council approve the creation of a new 2011 Capital account to pay for stormwater drainage oversizing in new residential subdivisions, as outlined in this Report dated September 6, 2011, with funding to come from the Stormwater Development Charges Reserve Fund.

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

VOTING AGAINST: (0)

Carried

Councillor Findlay presented the Operations & Transit Committee Seventh Consent Report.

4. Moved by Councillor Findlay
Seconded by Councillor Van Hellemond
THAT the September 26, 2011 Operations & Transit Committee Seventh Consent Report as identified below, be adopted:

a) **Temporary Allowance of Exotic Animals**

Mr. D. McCaughan

THAT the Operations & Transit Committee Report `Temporary Allowance of Exotic Animals' OT071147 dated September 12, 2011 be received;

AND THAT an exemption to By-law (1998)-12960 be granted to allow exotic animals (maximum of four reindeer) within the City limits during the Annual Winter Lights and Music event.

b) **Animal Control Violations on University of Guelph Lands**

Mr. D. McCaughan

THAT Operations and Transit Committee Report `Animal Control Violations on University Lands' OT071144 dated September 12, 2011 be received;

AND THAT staff be directed to bring forward a By-law amendment to Council amending the Animal Control By-law to appoint the University of Guelph Campus Community Police as an authorized enforcement agency of the Animal Control By-law within the University of Guelph lands.

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

VOTING AGAINST: (0)

Carried

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

- PBEE- 2 Efficient Home Visit Pilot Program
- PBEE- 3 Municipal Property and Building Commemorative Naming Annual Report

Councillor Piper presented the balance of the Planning & Building, Engineering and Environment Committee Sixth Consent Report.

5. Moved by Councillor Kovach
Seconded by Councillor Hofland
THAT the balance of the September 26, 2011 Planning & Building, Engineering and Environment Committee Sixth Consent Report as identified below, be adopted:

a) **Sign By-law Variance for 133 Woodlawn Road East (Guelph Country Club)**

Dr. J. Laird

THAT report 11-83 regarding a sign variance for 133 Woodlawn Road East from Planning & Building, Engineering and Environment, dated September 19, 2011, be received;

AND THAT the request for a variance from the Sign By-law for 133 Woodlawn Road East to permit a mobile sign for four separate thirty-day periods per year, be approved.

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

VOTING AGAINST: (0)

Councillor Piper did not vote on the matter.

Carried

Councillor Kovach presented the balance of the Council as Committee of the Whole Fourth Consent Report.

6. Moved by Councillor Kovach
Seconded by Councillor Hofland
THAT the September 26, 2011 Council as Committee of the Whole Fourth Consent Report as identified below, be adopted:

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

Ms. C. Clack

THAT Catherine Alexander, Lynn Broughton, Ronald A. East, Reinhard Kypke, Greg Pinks, Anuradha Saxena, Elsa Stolfi, Nancy Sullivan and Sally Wismer be appointed to the Cultural Advisory Committee for a term ending November 2012.

b) **Citizen Appointments to the Downtown Advisory Committee**

Mr. I. Panabaker

THAT Will MacTaggart, Kirk Roberts, Tom Lammer, Doug Minnett, John Leacock, David Pell, Don O'Leary, Ken

Hammill, Adrian Harding, Dawn Owen and Barbara Turley-McIntyre be appointed to the Downtown Advisory Committee for a term ending November 30, 2012.

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

VOTING AGAINST: (0)

Carried

Consent Agenda

The following items were extracted from the September 26, 2011 Consent Agenda to be voted on separately:

- A-1 Purchase of Seven (7) Automated Garbage Packers from City of Guelph Contract No. 11-088
- A-2 Proposed Demolition of 166 Dufferin Street, Ward 2
- A-3 Proposed Demolition of 35 Emslie Street, Ward 5

7. Moved by Councillor Kovach
Seconded by Councillor Hofland

THAT the balance of the September 26, 2011 Council Consent Agenda as identified below, be adopted:

a) **Litigation Status Report**

Ms. D. Jaques
Mr. M. Amorosi

THAT the Litigation Status Report dated September 19, 2011 be received for information.

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

VOTING AGAINST: (0)

Carried

DELEGATIONS

Mr. Eric Pool, member of the skateboard park relocation committee, acknowledged the provision of skateboarding for the summer was appreciated but questioned how the skateboarding needs for the rest of the year will be addressed. He stated that people were advised the skatepark issue would be dealt with in a timely manner, and does not believe the year 2017 is timely. He provided

a history of the skatepark issue within the City and stated that 30 years is too long a period to resolve the matter.

Skatepark Relocation Update and Recommendations

Ms. C. Clack 8. Moved by Councillor Guthrie
Seconded by Councillor Bell
THAT Report #CSS-PRPF-1135, dated September 13, 2011 and titled "Skatepark Relocation Update and Recommendations", be received;

AND THAT Council endorse the recommendations of the Skatepark Advisory Group as to both the Silvercreek Park location and the design of a potential skateboard park as per the attached report;

AND THAT staff be directed to report back to the Committee the results of consulting with the public, relevant agencies and the skateboarding community on the primary site and design features;

AND THAT staff be directed to use residual capital funds currently in RP0340 York Road Park, to develop a detailed budget estimate based on the recommended site and design and to report the results back to the Community & Social Services Committee.

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

VOTING AGAINST: (0)

Carried

Municipal Property and Building Commemorative Naming Annual Report

Ms. Susan Frasson, Jessica's Footprint, stated that they do not believe the current park name is inspirational and would like to see the Jessica's foundation recognized and believes there is purpose in renaming the park. She stated that 98% of the homeowners within the surrounding neighbourhood agreed with the proposed name change and she believes it would be supported city-wide.

It was requested that the last two clauses be voted on separately.

9. Moved by Councillor Kovach
Seconded by Councillor Bell

Councillor Piper
Dr. J. Laird

THAT the proposed renaming of York Road Park be referred back to the Planning & Building, Engineering and Environment Committee;

AND THAT the Committee give consideration to alternative opportunities for recognizing the legacy of Jessica's Footprint in our community including the possibility of renaming a portion of York Road Park.

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

VOTING AGAINST: Councillor Van Hellemond (1)

Carried

Dr. J. Laird
Mr. J. Riddell

10. Moved by Councillor Piper
Seconded by Councillor Guthrie

THAT Report 11-66, dated September 19, 2011 from Planning & Building, Engineering and Environment, regarding the Commemorative Naming Committee's recommendations on naming City assets be received;

AND THAT Northview Subdivision Park – 83 Wideman Boulevard be named Northview Park;

AND THAT Cityview Subdivision Park – 32 Cedarvale Avenue be named Cedarvale Avenue Park;

AND THAT Kortright East Subdivision Park – 11 Sweeney Drive naming be deferred to 2012;

AND THAT the Trans Canada Trail – GJR/City Lands (Eramosa Road to Norwich Street, Marcon Street to Speedvale Avenue, be named Gus Stahlmann Trail;

AND THAT the Intermodal Transit Terminal – Carden Street East, be named Guelph Central Station.

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

VOTING AGAINST: (0)

Carried

Community Wellbeing Initiative: Workplan

11. Moved by Councillor Guthrie
Seconded by Councillor Dennis

Ms. C. Clack

THAT Report #CSS-CESS-1136, titled "Community Wellbeing Initiative: Workplan" and dated September 13, 2011, be received;

AND THAT the workplan outlined in Report #CSS-CESS-1136 be approved;

AND THAT \$63,000, as part of the overall Community Wellbeing Initiative budget, be allocated to support the development of the corporate community engagement framework and referred to the 2012 operating budget deliberations.

VOTING IN FAVOUR: Councillors, Dennis, Findlay, Guthrie, Hofland, Laidlaw, Piper, and Wettstein and Mayor Farbridge (8)

VOTING AGAINST: Councillors Bell, Furfaro, Kovach and Van Hellemond (4)

Carried

Efficient Home Visit Pilot Program

12. Moved by Councillor Piper
Seconded by Councillor Hofland

THAT the Planning & Building, Engineering and Environment report dated September 19, 2011 entitled Efficient Home Visit Pilot Program be received;

AND THAT Council authorize the Executive Director of Planning & Building, Engineering and Environment to execute an agreement for \$43,750 with Guelph Environmental Leadership (GEL) for delivery of the Efficient Home Visit Pilot Program, subject to the satisfaction of the Executive Director of Planning & Building, Engineering and Environment and the City Solicitor;

AND THAT staff be directed to report back to the Planning & Building, Engineering and Environment Committee as a part of the annual Water Conservation Program Progress Report on program participation and water savings achieved through the Efficient Home Visit Pilot Program.

13. Moved in amendment by Councillor Kovach
Seconded by Councillor Furfaro

That the second clause be replaced with the following:

“AND THAT Council authorize the Executive Director of Planning & Building, Engineering and Environment to execute an agreement for \$0.00 to the City with Guelph Environmental Leadership (GEL) for delivery of the Efficient Home Visit Pilot Program, subject to the satisfaction of the Executive Director of Planning & Building, Engineering and Environment and the City Solicitor;”

VOTING IN FAVOUR: Councillors Furfaro, Guthrie, Kovach and Van Hellemond (4)

VOTING AGAINST: Councillors Bell, Dennis, Findlay, Hofland, Laidlaw, Piper, and Wettstein and Mayor Farbridge (8)

Defeated

14. Moved in amendment by Councillor Bell
Seconded by Councillor Wettstein

THAT the following clause be added to the motion:

“AND THAT a \$20.00 user fee from the public be implemented.”

VOTING IN FAVOUR: Councillors Bell, Furfaro and Van Hellemond (3)

VOTING AGAINST: Councillors Dennis, Findlay, Guthrie, Hofland, Kovach, Laidlaw, Piper, and Wettstein and Mayor Farbridge (9)

Defeated

15. Moved by Councillor Piper
Seconded by Councillor Hofland

Dr. J. Laird
Ms. S. Aram

THAT the Planning & Building, Engineering and Environment report dated September 19, 2011 entitled Efficient Home Visit Pilot Program be received;

AND THAT Council authorize the Executive Director of Planning & Building, Engineering and Environment to execute an agreement for \$43,750 with Guelph Environmental Leadership (GEL) for delivery of the Efficient Home Visit Pilot Program, subject to the satisfaction of the Executive Director of Planning & Building, Engineering and Environment and the City Solicitor;

AND THAT staff be directed to report back to the Planning & Building, Engineering and Environment Committee as a

part of the annual Water Conservation Program Progress Report on program participation and water savings achieved through the Efficient Home Visit Pilot Program.

VOTING IN FAVOUR: Councillors Bell, Dennis, Findlay, Hofland, Laidlaw, Piper, and Wettstein and Mayor Farbridge (8)

VOTING AGAINST: Councillors Furfaro, Guthrie, Kovach and Van Hellemond (4)

Carried

Purchase of Seven (7) Automated Garbage Packers from City of Guelph Contract No. 11-088

Mr. D. McCaughan
Ms. S. Aram

16. Moved by Councillor Findlay
Seconded by Councillor Piper

THAT Operations & Transit Council Report OT071148 Purchase of Seven (7) Automated Garbage Packers from City of Guelph Contract No. 11-088 be received;

AND THAT Council authorize Finance to issue a purchase order to Joe Johnson Equipment, Innisfil, Ontario for the amount of \$1,901,998 (excluding taxes), for seven (7) automated garbage packers for delivery in 2012.

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

VOTING AGAINST: Councillor Kovach (1)

Carried

Proposed Demolition of 166 Dufferin Street

Dr. J. Laird

17. Moved by Councillor Findlay
Seconded by Councillor Van Hellemond

THAT Report 11-90 regarding the proposed demolition of a detached dwelling at 166 Dufferin Street, City of Guelph, from Planning & Building, Engineering and Environment dated September 26, 2011, be received;

AND THAT the proposed demolition of the detached dwelling at 166 Dufferin Street be approved.

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

VOTING AGAINST: (0)

Carried

Proposed Demolition of 35 Emslie Street, Ward 5

Dr. J. Laird

18. Moved by Councillor Findlay
Seconded by Councillor Hofland
THAT Report 11-89 regarding the proposed demolition of a detached dwelling at 35 Emslie Street, City of Guelph, from Planning & Building, Engineering and Environment dated September 26, 2011, be received;

AND THAT 35 Emslie Street be removed from the City of Guelph's Municipal Register of Cultural Heritage Properties;

AND THAT the proposed demolition of the detached dwelling at 35 Emslie Street be approved.

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

VOTING AGAINST: (0)

Carried

SPECIAL RESOLUTIONS

Appointments to the Wellington-Dufferin-Guelph Health Unit Board of Directors

Mayor Farbridge

19. Moved by Councillor Hofland
Seconded by Councillor Laidlaw

WHEREAS there are currently three Councillors appointed to serve at the pleasure of Council as members of the Wellington-Dufferin-Guelph Health Unit Board of Directors;

AND WHEREAS the current functioning and governance of the Board of Health prevents city-appointed members from Guelph from fulfilling their legislated duties;

AND WHEREAS the City has requested a provincially appointed assessor;

BE IT RESOLVED that the appointment of Councillors Jim Furfaro, Leanne Piper and Karl Wettstein to the Wellington-Dufferin-Guelph Health Unit Board of Directors is revoked effective immediately;

AND THAT staff advise the Ministry of Health and Long Term Care of this decision and request a meeting with

Ministry staff to discuss the specific issues and concerns surrounding this decision.

VOTING IN FAVOUR: Councillors Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw, Piper, Van Hellemond and Wettstein and Mayor Farbridge (10)

VOTING AGAINST: Councillors Bell and Kovach (2)

Carried

Mayor Farbridge

20. Moved by Councillor Kovach
Seconded by Councillor Bell

THAT the City of Guelph once again requests a provincial assessor to assist with the Wellington-Dufferin-Guelph Public Health Unit Board matters, in particular, with respect to legislative and governance issues."

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

VOTING AGAINST: (0)

Carried

Lease Agreement Between the City and Ecotricity Guelph Inc. for a Proposed Anaerobic Digester Facility on Dunlop Drive

Councillor Dennis vacated the room during the discussion of this matter.

Mr. M. Amorosi
Ms. D. Jaques

21. Moved by Councillor Kovach
Seconded by Councillor Guthrie

THAT the Mayor and Clerk be authorized to execute a Lease Agreement between the City of Guelph and Ecotricity for a parcel of City land as outlined in the closed session report of the Manager of Realty Services dated September 26, 2011.

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

VOTING AGAINST: (0)

Councillor Dennis did not speak or vote on the matter.

Carried

BY-LAWS

22. Moved by Councillor Piper
Seconded by Councillor Furfaro
THAT By-laws Numbered (2011) - 19250 to (2011) -
19274, inclusive, are hereby passed.

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

VOTING AGAINST: (0)

Carried

ADJOURNMENT

The meeting adjourned at 9:29 o'clock p.m.

Minutes read and confirmed October 24, 2011.

.....
Mayor

.....
Acting Clerk

Recommended Façade Improvement Grants & Feasibility Study Grant
September 2011

	#	Street	Proposed Improvement	Construction Total	Grant Request	Score (%)
1	27	Quebec St	Repair stone/woodwork, painting	\$25,200.00	\$10,000.00	70%
2	97-99	Wyndham St	Replace glass blocks, new windows/frames	14,036.30	\$7,018.15	65%
3	93	Wyndham St. N	Repair brick/stone/wood and Painting	\$34,088.00	\$10,000.00	64%
4	133	Wyndham St	Repointing/cleaning, Signage, painting	\$38,525.00	\$10,000.00	63%
5	30-42	Quebec St	Paint and wash building, repair stonework and brickwork	\$22,800.00	\$10,000.00	59%
6	90	Carden St	New windows	\$27,692.12	\$13,846.06	55%
			TOTALS Investment Ratio (Private : City dollars)	2.6 : 1	\$60,864.21	

Council Chambers
September 27, 2011 6:00 p.m.

Council convened in formal session at 6:00 p.m.

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

Staff Present: Ms. A. Pappert, Chief Administrative Officer ; Mr. H. Loewig, Chief Administrative Officer Emeritus; Mr. M. Amorosi, Executive Director of Corporate and Human Resources; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. C. Clack, Interim Executive Director, Community & Social Services; Ms. S. Aram, Acting City Treasurer; Ms. T. Agnello, Acting City Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

The Mayor provided an explanation of the budget process and advised that the purpose of this meeting was to hear staff presentations regarding the 2012 Proposed Capital Budget and 10-year Forecast.

Ms. Ann Pappert, Chief Administrative Officer summarized the approach and guiding principles taken to determine the budget including:

- balancing affordability and sustainability;
- building fiscal capacity;
- citizen input; and
- accountability and transparency.

She also addressed the key challenges of the infrastructure gap, building capacity for a sustainable organization and "doing business differently".

Mr. Mark Amorosi, Executive Director, Corporate & Human Resources advised the process was developed and led by staff and reviewed by the Executive Team and the Finance Department. He also outlined the prioritization model.

Mr. Derek McCaughan, Executive Director, Operations & Transit Committee, advised that the fleet was previously unsustainable but noted that the Green Fleet Policy has reduced their projected requirements by \$1 million

dollars. He stated the upcoming challenges are the technology needs and handling growth assets.

Dr. Janet Laid, Executive Director of Planning & Building, Engineering and Environment, provided information regarding the plans to address the infrastructure gap and sustainability issues. She explained that this budget creates capacity towards the end of the 10 year plan.

Ms. Sue Aram, Acting City Treasurer, advised that the funding for the 2012 Capital Budget was approximately \$51 million. She provided a breakdown of the capital financing guideline and addressed the reserve fund levels. She also explained the long-term financial plan and capital asset management goals.

Mr. H. Loewig, provided a summary of the process and thanked the staff for their input.

1. Moved by Councillor Burcher
Seconded by Councillor Piper

THAT the 2012 – 2021 Tax Supported Capital Budget, in the amount of \$449,528,600 be received for information;

AND THAT the 2012 – 2021 Tax Supported Capital Budget be referred to the December 7, 2011 Council meeting for final deliberation and approval.

2. Moved in amendment by Councillor Guthrie
Seconded by Councillor Findlay

THAT staff be report back on alternative resourcing to investigate funding for capital projects, within the ten year forecast and beyond.

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

VOTING AGAINST: (0)

Carried

3. Moved in amendment by Councillor Burcher
Seconded by Councillor Dennis

THAT staff report back on alternatives to funding capital projects, including, but not limited to, leveraging capacity, donations, grants and building partnerships and report back to Council.

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

VOTING AGAINST: (0)

Carried

4. Moved in amendment by Councillor Findlay
Seconded by Councillor Dennis

THAT staff report back on the status of the next steps for the new main branch public library.

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

VOTING AGAINST: Councillor Kovach (1)

Carried

5. Moved in amendment by Councillor Dennis
Seconded by Councillor Findlay

THAT staff report back on the alternatives to funding to move forward on council-identified priority projects that are no longer included in the 10-year capital funding plan;

AND THAT staff report back on time lines and requirements to get the South End Community Centre shovel-ready in the event alternative funding sources become available.

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

VOTING AGAINST: (0)

Carried

6. Moved in amendment by Councillor Laidlaw
Seconded by Councillor Guthrie

THAT staff report back on alternative sources for funding of the skateboard park.

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

VOTING AGAINST: (0)

Carried

7. Moved in amendment by Councillor Findlay
Seconded by Councillor Dennis

THAT staff report back on a policy regarding how to address funding for health facilities/projects.

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

VOTING AGAINST: (0)

Carried

8. Moved in amendment by Councillor Bell
Seconded by Councillor Kovach

THAT staff report back on the re-prioritization of the trails, in particular the Hanlon underpass trail along the Speed River, to determine the feasibility of moving the project up from 2014 to 2012.

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

VOTING AGAINST: (0)

Carried

9. Moved in Amendment Councillor Kovach
Seconded by Councillor Laidlaw

THAT staff report back on the delay of the westerly trail along the Speed River including specific issues surrounding the progress.

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

VOTING AGAINST: (0)

Carried

10. Moved by Councillor Bell
Seconded by Councillor Piper

THAT staff report back on the feasibility of installing a sidewalk on Woodlawn Road West, west of the Home Depot.

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

VOTING AGAINST: (0)

Carried

11. Moved as amended by Councillor Burcher
Seconded by Councillor Piper

Executive Team
Members

THAT the 2012 – 2021 Tax Supported Capital Budget, in the amount of \$449,528,600 be received for information;

AND THAT the 2012 – 2021 Tax Supported Capital Budget be referred to the December 7, 2011 Council meeting for final deliberation and approval;

AND THAT staff report back on alternative resourcing to investigate funding for capital projects, within the ten year forecast and beyond;

AND THAT staff report back on alternatives to funding capital projects, including, but not limited to, leveraging capacity, donations, grants and building partnerships and report back to Council;

AND THAT staff report back on the status of the next steps for the new main branch public library;

AND THAT staff report back on the alternatives to funding to move forward on council-identified priority projects that are no longer included in the 10-year capital funding plan;

AND THAT staff report back on time lines and requirements needed to get the South End Community Centre shovel-ready in order to take advantage of alternative funding sources should they become available;

AND THAT staff report back on alternative sources for funding of the skateboard park;

AND THAT staff report back on a policy regarding how to address health facility funding such as the provincial health projects for 2013;

THAT staff report back on the re-prioritization of the trails, in particular the trail along the Speed River that stops at the Hanlon, to determine the feasibility of moving the project up from 2014 to 2012;

AND THAT staff report back on the delay of the westerly trail along the Speed River including specific issues surrounding the progress;

AND THAT staff report back on the feasibility of installing a sidewalk on Woodlawn Road West, west of the Home Depot.

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

VOTING AGAINST: (0)

Carried

ADJOURNMENT

The meeting adjourned at 8:04 o'clock p.m.

Minutes read and confirmed October 24, 2011.

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Mayor

.....
Acting Clerk

Council Chambers
October 3, 2011 7:00 p.m.

A meeting of Guelph City Council

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

Absent: Councillors Laidlaw and Van Hellemond

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

The Mayor congratulated Ms. Ann Pappert on her appointment as the CAO and wished her well with her new position.

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

Councillor Guthrie declared a potential pecuniary interest with respect to 39-47 Arkell Road and 1408 Gordon Street: Proposed Zoning By-law Amendment (File ZC1006) – Ward 6 because he has a business relationship with one of the property owners.

CONSENT AGENDA

The following items were extracted from the October 3, 2011 Consent Agenda to be voted on separately:

- A-1 - Hanlon Creek Business Park Subdivision (File 23T-03501) Request for an Extension of Draft Plan Approval – Ward 6
- A-2 - 1820 Gordon Street South – Proposed Zoning By-law Amendment (File ZC1108) Ward 6
- A-3 - 781-783 Wellington Street West: Proposed Zoning By-law Amendment (File ZC110) Ward 4

1. Moved by Councillor Kovach
Seconded by Councillor Hofland

THAT the items from the October 3, 2011 Council Consent Agenda as identified below, be adopted:

a) 340 Eastview Road – Morning Crest Subdivision

Remainder of Phase 2 (File 23T-04501) Request for an Extension of Draft Plan Approval – Ward 2

Mr. P. Link
Dr. J. Laird
Mr. J. Riddell

THAT Report 11-84 dated October 3, 2011 regarding a request for a Draft Plan Approval extension for the remainder of Phase 2 of the subdivision at the property municipally known as 340 Eastview Road (23T-04501) from Planning & Building, Engineering and Environment, be received;

AND THAT the application by Almondale Homes Limited for a two (2) year extension to the Draft Plan Approval of the remainder of Phase 2 of the subdivision at 340 Eastview Road (23T-04501) applying to lands legally described as Part of Lot 6, Concession 5, Division C, City of Guelph, be approved to an extended two (2) year lapsing date of October 3, 2013, subject to the conditions contained in Schedule 2 of the Planning & Building, Engineering and Environment Report 11-84, dated October 3, 2011 attached hereto as Schedule 1.

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

VOTING AGAINST: (0)

Carried

PLANNING PUBLIC MEETING

The Mayor 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. The Mayor asked if there were any delegations in attendance with respect to planning matters listed on the agenda.

**39-47 Arkell Road and 1408 Gordon Street:
Proposed Zoning By-law Amendment (File ZC1006)
– Ward 6**

Stacey Laughlin, Senior Development Planner advised that this is a revised zoning application and this is the second public meeting for this application. She advised the applicant proposes to rezone the site from I.1 (Institutional) and R.1B (Residential Single Detached) to a Specialized R.3A Townhouse Zone to permit the development of a 71 unit townhouse development. There will be stacked townhouses and cluster townhouses.

They are requesting specialized zoning regulations for the minimum lot frontage, minimum side and rear yard setbacks, maximum permitted building height and maximum density. She highlighted the changes the applicant has made to the initial application which includes:

- Removal of the apartment building;
- Reduction of Area of land being developed from 1.76 hectares to 1.55 hectares;
- Reduction of 83 units consisting of 19 apartment units, 42 stacked townhouses and 22 cluster townhouses to 71 units consisting of 60 stacked townhouses and 11 cluster townhouses;
- Change to Arkell Road access to a "right-in, right out" only;
- Increase in parking to comply with the zoning by-law; and
- Increase in the setback to neighbours on the east.

Staff were requested to:

- provide information regarding traffic study considerations;
- consider a broader site when reviewing the CEP;
- provide parking requirements information compared to other developments of this size.

Ms. Astrid Clos, on behalf of the applicant, addressed changes made to the plan. She advised they have had two informal public meetings with the neighbours. She reiterated the changes the applicant has made in response to previous concerns.

2. Moved by Councillor Findlay
Seconded by Councillor Burcher

Dr. J. Laird
Mr. J. Riddell

THAT Report 11-86 regarding a revised Zoning By-law Amendment application to permit the development of a townhouse project for the properties municipally known as 39-47 Arkell Road and 1408 Gordon Street, and legally described as Part of Lot 7, Concession 8, City of Guelph, from Planning & Building, Engineering and Environment dated October 3, 2011, be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, , Hofland, Kovach, Piper, and Wettstein and Mayor Farbridge (10)

VOTING AGAINST: (0)

Councillor Guthrie did not participate in the discussion or vote on the matter due to his declared pecuniary interest.

Carried

180 Gordon Street: Proposed Zoning By-law Amendment (File ZC1107) – Ward 5

Stacey Laughlin, Senior Development Planner advised that this is the second public meeting for this application. She provided details of the revised concept plan including:

- reduction of units from 12 to 11;
- increase in rear yard setback d from 0.84 metres to 3 metres;
- increase in landscaped open space s from 9/8% to 17% of the lot area;
- increase in lot area per dwelling d from 132 m² to 143m²; and
- reduction of the size of the accessory structure from 252m² to 173m².

She also advised that remediation and cleanup will be addressed but not through the zoning application.

Mr. Bernard Luttmer, the applicant, highlighted the proposed development which included:

- land dedication to the City;
- expansion of Marianne's Park;
- private roof top amenity areas;
- increased landscaped space;
- increased rear setback;
- larger and wider units;
- increased parking maneuverability;
- increased snow storage;
- increased privacy for neighbours; and
- parking out of view from the river and park.

He stated density and minimum lot area per unit is within the Official Plan parameters and that although the building height is considered four storeys, the top floor will be used for mechanical equipment and they will have mansard roofs compatible with the neighbourhood. He also advised that they now have 17 parking spaces which is three more than required. He stated the building placement was determined to optimize privacy for the existing residential neighbours and eliminating the sight of vehicles from Marianne's Park. He advised they will meet Energy Star standards. He believes the development is an appropriate redevelopment of a brownfield site within a built up area of the city and will benefit the community.

Mr. Oskar Johansson, a representative for the applicant, was present to answer questions.

Dr. Karen Balcom, stated that the revisions to the application have not addressed concerns previously expressed. She believes that separation from the park and river is required to safeguard riverlands values. The limitations on height and density required to meet the objective of the Official Plan and the River Systems Management Plan need to be examined. She raised the issues of the size of the in-fill, protecting the public park space; traffic and parking and the numerous zoning exemptions required to complete the development. She also was concerned about the angular plane being more than twice the size of what is permitted in the Zoning By-law. She requested clarification of the role of the River Systems Advisory Committee and would like to be advised of all advisory committee meetings or any type of public meeting regarding this application. She stated that although the parking meets the requirements under the Zoning By-law, she does not believe it will meet the actual need of the development and residents will park on nearby streets. She also raised the concern of pedestrian safety.

Mr. Dennis Jamieson, a nearby resident feels the development will exacerbate traffic issues of turning left onto Gordon Street. He stated that there is no guarantee the inhabitants will be professionals, or that the units will be bought and rented. He stated that the decrease of one unit is not a sufficient response to the neighbourhood concerns. He does not believe the parking will be sufficient and expressed concern about the large number of exemptions being requested from the Zoning by-law.

Dr. Hugh Whiteley advised he would like staff to address the following five issues:

- i) Evaluation of the proposal's conformity with the Official Plan with special emphasis on the character of development adjacent to the rivers and public open spaces;
- ii) Review of the requirement for street widening, and the feasibility of removing that requirement or nullifying this provision by a reduction in required setback from Gordon Street;
- iii) Examination of the implications on the required buffer for Marianne's Park of a future trailhead connection through Marianne's Park to a south bank Eramosa trail;
- iv) Examination of options for zoning the portion of 180 Gordon Street that is within the required 30m

of vegetated buffer to the river to determine a zoning that provides the required protection against disturbance of this buffer; and

- v) Determination of the buffer width required to protect the Significant Woodland on the east boundary of the site.

He then outlined some very site-specific items that need to be given serious consideration including:

- the property to the south requires privacy so no sight lines into the property should occur;
- the Significant Woodland on the east side of the property requires a buffer;
- Marianne's Park is vulnerable to being demeaned in quality by the adjacent buildings;
- the memorial park requires a respectful distance from development;
- a portion of 180 Gordon Street is within the 30m vegetated buffer of the Speed River under the Official Plan;
- the development will have a large influence on the visual perception of the Riverlands;
- there are specific setback and height restrictions because of the neighbouring park and river.

He stated this development is contradictory to the City's River System Management Plan. He believes the proposed development is too big, too close to the park, too high and too long a façade.

He stated that the following would be more appropriate for the site:

- three two-storey buildings with 8.75m frontage and 12.1m depth ;
- a 7.5m front yard setback from Marianne's Park
- a 7.5m buffer to the Significant Woodlot on the east boundary;
- a 3m buffer next to a 7m roadway at the southern boundary;
- parking with vegetated screening in the 7.5m spacing between the buildings.

Mr. Steven Petric, stated the proposal requests too many exemptions and would not require them if the development was a good fit with the neighbourhood. He stated that if the applicant lowered the density, the number of exemptions would also be lower. He suggested the development is too tall, the angular plane is doubled, and parking will insufficient. He believes the height of the building is detrimental to the purpose of the park.

Ms. Daphne Wainman-Wood, on behalf of OUNRA (Old University Neighbourhood Residents Association), advised their Executive Committee has reviewed the proposal and although there are some environmentally responsible

aspects such as a respective distance to the shelter, there are also negative components to the development. She advised the development is too dense and there is no requirement in the growth plan for such a high density. She stated that if there was a lower density, the traffic and parking issues would be addressed. She does not consider the units to be luxury housing and the building is too high to fit comfortably in the neighbourhood. She stated that the height is exacerbated by the angular plane which is more than double the maximum 40 degrees permitted. She also expressed concern about the 30m setback from the river not being honoured. She believes the project would set a bad precedent and does not support the application in its current form.

Ms. Judy Martin stated the members of the Sierra Club are concerned about the reduced buffer to the Speed River. She stated that a minimum buffer and setback from natural features was established by Official Plan Amendment 42 and the setback of 30 metres is not optional. With the northeast corner being only 21.9 metres, a reduction of 21% could be damaging. She stated that the Natural Heritage Strategy established by the City in 2010, stated that if there was a discrepancy between schedules of the Official Plan and the policy, the policy shall prevail. She stated that she understands the GRCA does not object to the buffer proposed; however, she believes they are only addressing flooding issues.

Ms. Christine Bold addressed the issue of protecting the park from encroachment. She stated that the park provides opportunity for residents to honour victims of violence and to reflect and grieve. She believes the activities of the park, including the annual "Take Back the Night" event would be threatened if this development occurs. She suggested that there may be an incompatibility between people feeling comfortable in their grief and contemplations within close proximity to the residents.

Staff were requested to:

- address Dr. Whiteley's five issues;
- provide examples of conflict of use from surrounding municipalities;
- provide comments on the growth targets for this site;

- explain why the 40% angular plane was established and why staff would or would not support the angular plane exemption for this development;
- address the impact the shadowing of the development will have on the park

3. Moved by Councillor Findlay
Seconded by Councillor Guthrie

Dr. J. Laird
Mr. J. Riddell

THAT Report 11-85 regarding a revised Zoning By-law Amendment application to permit the development of a townhouse project for the property municipally known as 180 Gordon Street, and legally described as Part of Lot A, Plan 302, City of Guelph, from Planning & Building, Engineering and Environment, dated October 3, 2011, be received.

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

VOTING AGAINST: (0)

Carried

Hanlon Creek Business Park Subdivision (File 23T-03501): Request for an Extension of Draft Plan Approval – Ward 6

Ms. Judy Martin inquired why the land was cleared if market conditions were an issue and the remediation would be delayed. She raised the concern that the clearing may already be affecting the temperature of the stream. She believes the five year extension is too long and will affect the soil stabilization, tree replacement and water stabilization. She also requested a status update on the phasing of the development.

Staff advised the remediation for phase two is expected to be completed by the end of October.

4. Moved by Councillor Bell
Seconded by Councillor Furfaro

THAT a one year extension be given for the Hanlon Creek Business Park Subdivision (File 23T-3501): Request for an extension of draft plan approval;

AND THAT staff work with the developer to accelerate the remediation of plantings.

VOTING IN FAVOUR: Councillor Bell (1)

VOTING AGAINST: Councillors Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, and Wettstein and Mayor Farbridge (10)

Defeated

5. Moved by Councillor Piper
Seconded by Councillor Findlay

Mr. B. Luffman
Mr. S. Snyder
Dr. J. Laird
Mr. J. Riddell
Mr. P. Cartwright

THAT Report 11-80 dated October 3, 2011 regarding a request for a Draft Plan Approval extension for the Hanlon Creek Business Park Subdivision (File 23T-03501) from Planning & Building, Engineering and Environment, be received;

AND THAT the application by The City of Guelph, Guelph Land Holdings Inc. and Stanford Robert Snyder, for a five (5) year extension to the Draft Plan Approval of the unregistered portion of the Hanlon Creek Business Park Subdivision (File 23T-03501) be approved to an extended five (5) year lapsing date of November 8, 2016, subject to the original draft plan conditions approved by the Ontario Municipal Board in its Decision/Order No. 3143, issued on November 8, 2006, attached hereto as Schedule 2.

VOTING IN FAVOUR: Councillors Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, and Wettstein and Mayor Farbridge (10)

VOTING AGAINST: Councillor Bell (1)

Carried

1820 Gordon Street South: Proposed Zoning By-law Amendment (File ZC1108) – Ward 6

Mr. Glenn Wellings, on behalf of the applicant stated that they are in support of the staff recommendation.

6. Moved by Councillor Wettstein
Seconded by Councillor Burcher

Mr. G. Wellings
Dr. J. Laird
Mr. J. Riddell
Mr. D. McCaughan
Ms. S. Aram

THAT Report 11-91 regarding a proposed Zoning By-law Amendment application by FCHT Holdings (Ontario) Corporation (ZC1108) for property municipally known as 1820 Gordon Street South, City of Guelph, from Planning & Building, Engineering and Environment dated October 3, 2011, be received;

AND THAT the application by FCHT Holdings (Ontario) Corporation for approval of a Zoning By-law Amendment to amend the existing Specialized CC-20 (Community Shopping Centre) Zone by deleting Section 6.2.3.2.20.2.5

from the regulations (Maximum Building Size per building), be approved, as outlined in Schedule 3 attached hereto.

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

VOTING AGAINST: (0)

Carried

781-783 Wellington Street West: Proposed Zoning By-law Amendment (File ZC1106) – Ward 4

Ms. Nancy Shoemaker, on behalf of the applicant addressed the concerns listed in correspondence received on this item. She advised that the driveway access will not interfere with the adjacent property owner's driveway and the fence will not encroach onto City property so will not affect site lines. She stated that there will be plantings and a wood privacy fence built to prevent car lights from projecting onto the adjacent property. She confirmed that there will be cutoff shields around the parking lot lights and they will be directed toward the property.

7. Moved by Councillor Findlay
Seconded by Councillor Dennis

Ms. N. Shoemaker
Dr. J. Laird
Mr. J. Riddell
Mr. D. McCaughan
Ms. S. Aram

THAT Report 11-88 dated October 3, 2011 regarding a Zoning By-law Amendment application for the property municipally known as 781-783 Wellington Street West from Planning & Building, Engineering and Environment be received;

AND THAT the application by Black, Shoemaker, Robinson & Donaldson Limited for a Zoning By-law Amendment to change the zoning from the Urban Reserve (UR) Zone to a Specialized R.4A (General Apartment) Zone for the property municipally known as 781-783 Wellington Street West and legally described as Part of Lot C, Concession 2, Division E, City of Guelph, be approved in accordance with the regulations set out in Schedule 4 attached hereto;

AND THAT in accordance with Section 34(17) of the *Planning Act*, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment application affecting 781-783 Wellington Street West as set out in Report 11-88 from Planning & Building, Engineering and Environment dated October 3, 2011.

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

VOTING AGAINST: (0)

Carried

BY-LAWS

8. Moved by Councillor Wettstein
Seconded by Councillor Bell
THAT By-laws (2011)-19275 to (2011)-19278, inclusive, are hereby passed.

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

VOTING AGAINST: (0)

Carried

ADJOURNMENT

The meeting adjourned at 9:20 o'clock p.m.

Minutes read and confirmed October 24, 2011.

.....
Mayor

.....
Acting Clerk

Draft Plan Conditions

"THAT the application by Almondale Homes Limited for approval of a Draft Plan of Subdivision (File 23T-04501) on lands municipally known as 340 Eastview Road and described legally as Part Lot 6, Concession 5, Division C, City of Guelph, **be approved**, subject to the following conditions:

CITY CONDITIONS

1. That this approval applies only to the revised draft plan of subdivision prepared by Van Harten Surveying Inc., Project No. 15746-04, dated February 8, 2008, to include the second phase of development of a maximum 324 residential units, as shown on **Schedule 6**, including road widenings and reserves.

Conditions to be met prior to grading and site alteration

1. The Developer shall complete a **tree inventory and conservation plan**, satisfactory to the City Engineer in accordance with City of Guelph Bylaw (1986)-12229 prior to any grading, tree removal or construction on the site.
2. The Developer shall obtain a **Site Alteration Permit** in accordance with City of Guelph Bylaw (2007)-18420 to the satisfaction of the City Engineer.
3. The developer shall prepare and implement a **construction traffic access and control plan** for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer.
4. The Developer agrees that no work, including, but not limited to **tree removal, grading or construction**, will occur on the lands until such time as the Developer has obtained written permission from the City Engineer or has entered into a Subdivision Agreement with the City.
5. The Developer shall enter into an **Engineering Services Agreement** with the City, satisfactory to the City Engineer.
6. The Developer shall prepare a **site drainage and grading plan**, for the entire subdivision, satisfactory to the City Engineer. Such a plan will be used as the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision.
7. The Developer shall construct, install and maintain **erosion and sediment control** facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.

8. The Developer shall provide a qualified **Environmental Inspector**, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures, and compliance with the Environment Impact Study on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
9. The Developer shall submit a detailed **Stormwater Management Report and Plans** to the satisfaction of the City Engineer which shows how stormwater will be controlled and conveyed to the receiving water body. The report and plans shall address the issue of water quantity and quality in accordance with recognized best management practices, Provincial Guidelines, the City's "Design Principles for Storm Water Management Facilities" and the Storm Water Management Design Report for the applicable watershed. Maintenance and operational requirements for any control and/or conveyance facilities must be described.
10. That the developer shall **stabilize all disturbed soil** within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the subdivision agreement on the block/lot so disturbed.
11. The Developer shall ensure that any **domestic wells located within the lands be properly decommissioned** in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any **boreholes** drilled for hydrogeological or geotechnical investigations must also be properly abandoned.

Conditions to be met prior to execution of the subdivision agreement

12. Prior to registration of the plan, the Developer and the City will examine the opportunity to connect the apartment block (Block 95), and all other dwelling units within Phase 2 of the subdivision, to the **district energy system** provided at the closed Eastview landfill site. If that examination shows that a connection to the district energy system may be completed in a timely manner with regard to the other conditions of the plan, at a reasonable cost and is likely to enhance efficiency and energy conservation, the Developer will pursue the connection of the apartment block, and any other dwelling units within Phase 2 of the subdivision that will benefit from connection to district energy system.
13. That any dead ends and open sides of road allowances created by the draft plan be terminated in **0.3 metre reserves**, which shall be conveyed to the City at the expense of the Developer.
14. That with the exception of any share determined by the City to be the City's share in accordance with its by-laws and policies, the Developer is responsible for the total **cost of the design and construction of all services** within and external to the subdivision that are required by the City to service the lands within the plan of subdivision, including such works as sanitary facilities, storm facilities, water facilities, walkways and road works including sidewalks, boulevards and curbs with the distance, size and alignment of such services to be determined by the City.

15. That with the exception of any share determined by the City to be the City's share in accordance with its by-laws and policies, the Developer shall pay to the City the cost of all **municipal services** within and abutting the proposed subdivision, as determined by the City Engineer.
16. The Developer shall pay the cost of supplying and erecting **street name and traffic control signs** in the subdivision, to the satisfaction of the City.
17. The Developer shall pay to the City the flat rate charge established by the City per metre of road frontage to be applied to **street tree planting** within the proposed subdivision.
18. The Developer shall pay to the City the cost of installing **bus stop pads** at locations to be determined by Guelph Transit.
19. The Developer shall submit a **Traffic Impact Study** to the satisfaction of the City Engineer and the Developer shall implement to the satisfaction of the City Engineer the recommendations of the **Traffic Impact Study** undertaken for this subdivision and approved by the City Engineer.
20. The Developer shall provide an **on-street parking plan** for the subdivision to the satisfaction of the City Engineer.
21. The Developer shall submit a final **Noise Impact Report** to the satisfaction of the General Manager of Planning and Building Services. The report shall describe adjacent land uses, which are potential generators of excessive noise and the means whereby their impacts will be reduced to acceptable levels. The Developer shall implement the recommendations of the approved report to the satisfaction of the General Manager of Planning and Building Services and the City Engineer.
22. Developer shall pay the cost of the installation of one Second Order, **Geodetic Benchmark** within the proposed subdivision to the satisfaction of City Engineer.
23. The Developer shall **demarcate the boundary of the Walkway Block 96** in accordance with the City of Guelph Demarcation Policy, to the satisfaction of the General Manager of Planning and Building Services .
24. The Developer shall install a 1.8 metre high chain link fence and landscaping (which may include the retention of existing vegetation) along any lot or Block abutting the **common boundary between the City and the Township of Guelph/Eramosa**, to the satisfaction of the General Manager of Planning and Building Services .
25. The Developer shall phase the subdivision to the satisfaction of the City of Guelph. Such **phasing** shall conform with the current Development Priorities Plan.
26. The Developer shall provide Planning & Building, Engineering and Environment with a **digital file** of the plan of subdivision in either AutoCad – DWG format or DXF Format containing the following information: parcel fabric, street network, and final approved grades/contours.

Conditions to be met prior to registration

27. The Developer shall obtain approval of the City with respect to the availability of **adequate water supply and sewage treatment capacity** being available, prior to the registration of the plan, or any part thereof.
28. The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a qualified consultant to prepare a **Phase 1 Environmental Site Assessment** (and any other subsequent phases required), to assess any real property to be conveyed to the City to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Developer's expense. Prior to the registration of the plan, the consultant shall certify that all properties to be conveyed to the City are free of contamination.
29. Prior to the City accepting any real property interests, the Developer shall:
 - a) submit all environmental assessment reports prepared in accordance with the Record of Site Condition (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the City and the proposed remedial action plan to the satisfaction of the Manger of Reality Services;
 - b) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be conveyed to the City meet the Site Condition Standards of the intended land use; and
 - c) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be conveyed to the City.
30. That the Developer enters into a **Subdivision Agreement**, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise to the satisfaction of the City of Guelph.
31. That the **road allowances** included in the draft plan and the road widening Block 97 be shown and dedicated at the expense of the Developer as public highways and that prior to the registration of any phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the City's "Geometric Design Criteria - July 23, 1993" with the exception of the road widths which shall comply with the widths shown on the approved draft plan of subdivision.
32. That all **easements and rights-of-way** required within or adjacent to the proposed subdivision be granted to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc and other Guelph utilities. Every Transfer Easement shall be accompanied by a Postponement, satisfactory to the City Solicitor, for any mortgage, charge or lease and such Postponement shall be registered on title by the City at the expense of the Developer.
33. The Developer shall pay any **outstanding debts** owed to the City.

34. The Developer shall pay **development charges** to the City in accordance with the City's Development Charges By-law, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board as amended from time to time, or any successor by-laws thereto.
35. The Developer shall erect and maintain **signs** at specified entrances to the subdivision showing the proposed land uses and zoning of all lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the zoning of all lands abutting the subdivision, inquiries should be directed to Planning & Building, Engineering and Environment, City Hall". Further, the signs shall be resistant to weathering and vandalism.
36. The Developer shall place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the City's subdivision agreement to be registered on title:
- "Purchasers and/or tenants of all lots are advised that **sump pumps** will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard."
 - "Purchasers and/or tenants of all lots or units are advised that if any fee has been paid by the purchaser to the Developers for the planting of trees on City boulevards in front of residential units does not obligate the City nor guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling."
 - "Purchasers and/or tenants of all lots or units are advised that a transit route may be installed on Watson Parkway, Severn Drive and Street "A" within the subdivision at the discretion of the City. The location of such route and bus stops will be determined based on the policies and requirements of the City. Such bus stops may be located anywhere along the route, including lot frontages."
 - "Purchasers and/or tenants of all lots or units located in the subdivision plan, are advised prior to the completion of home sales, of the time frame during which construction activities may occur, and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic."
 - "Purchasers and/or tenants of all lots or units in the area of 'stub roads' are advised that these roads are to be extended at some future date when the adjacent lands are developed."
 - "Purchasers and/or tenants of all lots or units are advised that the boundaries of the Walkway Block will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of black vinyl chain link fence adjacent to lot numbers 84, 85, 59 and the most easterly unit in Block 94."

37. The Developer shall ensure that **street lighting and underground wiring** shall be provided throughout the subdivision at the Developer's expense and in accordance with the policies of the City of Guelph and Guelph Hydro Electric Systems Inc.
38. The Developer shall pay to the City, the total cost of reproduction and distribution of the **Guelph Residents Environmental Handbook**, to all future residents within the plan, with such payment based on a cost of one handbook per residential dwelling unit as determined by the City.
39. That **site plans for all corner building lots**, as determined by the City Engineer, shall be submitted to the City Engineer for approval of driveway location.
40. That Lots 14 and 15 shall be conveyed at the expense of the Developer to the City and held until Street "B" can be constructed and extended beyond the terminus of the road as shown on the Plan, or it is demonstrated that the Lots can be graded to final elevations to the satisfaction of the City Engineer. Lots 14 and 15 are still to be maintained by the Developer at his expense. The Developer shall ensure that this road does not have curb and asphalt until the road is extended beyond the terminus of the road as shown on the Plan. The Developer shall provide fencing and signage for the stub road block to the satisfaction of the City.
41. The Developer agrees to eliminate the use of any covenants that would restrict the use of **clotheslines** and that prior to the registration of all or any portion of the plan, the Developer's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.

Conditions to be met prior to issuance of a building permit

42. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official **certifying all fill** placed below proposed building locations has adequate structural capacity to support the proposed building. All fill placed within the allowable zoning by-law envelope for building construction shall be certified to a maximum distance of 30 metres from the street line. This report shall include the following information: lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.
43. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of **soil gases** (radon and methane) in the plan of subdivision in accordance with applicable provisions contained in the Ontario Building Code.
44. Prior to the issuance of a building permit, all **Stage 1 Services** are to be constructed to the satisfaction of the City Engineer.
45. Prior to the issuance of a building permit, the Developer shall provide the City with written confirmation from the Engineering Department of **Guelph Hydro** that the subdivision hydro servicing has been completed to the satisfaction of Guelph Hydro.

46. The Developer acknowledges and agrees that the dwelling units on the subject site will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.

AGENCY CONDITIONS:

47. The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.
48. The Developer and the **Wellington Catholic School Board** shall reach an agreement regarding the supply and erection of signage, at the developer's expense, affixed to the subdivision sign advising potential Separate School supporters of the location of schools serving the area and the current practice of busing students outside the immediate area should schools in the area be at capacity.
49. The Developer agrees to provide the **Upper Grand District School Board** with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information: parcel fabric and street network.
50. The Developer agrees in the subdivision agreement to **advise all purchasers** of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease, until such time as a permanent school is assigned:
- "Whereas the Upper Grand District School Board has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Upper Grand District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bused to a school outside the area, and further, that students may in future have to be transferred to another school.
51. The Developer and the **Upper Grand District School Board** shall reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to Upper Grand District School Board specifications) affixed to the permanent development sign advising perspective residents that students may be directed to schools outside the neighbourhood.
52. The Developer shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations. The developer shall ensure that the eventual lot/home owner is advised in writing by the developer/subdivider/builder that Canada Post has selected the municipal easement to their lot for a Community Mail Box installation and the developer shall be responsible for the installation of concrete pads in accordance with the requirements of Canada Post, in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.

53. That prior to the registration of all or any portion of the plan, the **Wellington Catholic District School Board** shall advise the City in writing how condition 48 has been satisfied.
54. That prior to the registration of all or any portion of the plan, **Upper Grand District School Board** shall advise the City in writing how conditions 49, 50 and 51 have been satisfied.
55. That prior to the registration of all or any portion of the plan, **Guelph Hydro Electric Systems Inc**, shall advise the City in writing how conditions 37 and 45 have been satisfied.
56. That prior to the registration of all or any portion of the plan, **Canada Post** shall advise the City in writing how condition 52 has been satisfied.
57. That this **Draft Plan Approval** shall lapse on October 3, 2013.

OMB Approved Conditions of Draft Plan Approval

HANLON CREEK BUSINESS PARK
CONDITIONS OF DRAFT PLAN APPROVAL
OMB APPROVAL IN PRINCIPLE JUNE 6, 2006

#	Condition
1	That this approval applies only to the draft plan of subdivision dated May 15, 2006, prepared by Astrid J. Clos Planning Consultants (Project No. 0581).
<u>Conditions to be met prior to rezoning of specific Blocks</u>	
2	Prior to the development of Blocks 7, 12, 14, 15, 16, 19, 20, 22, 23, 25, 28, 31, 37, 38, the developers shall enter into a Site Servicing Agreement and Subdivision Agreement and a Cost Sharing or Front-ending Agreement with the City to the satisfaction of the City—in order to ensure that all benefiting lands to the draft plan are serviced with full municipal services and all associated costs are paid to the City, as calculated by the City and to the satisfaction of the City, prior to the development of these Blocks in the plan. (Planning)
<u>Conditions to be met prior to grading and site alteration (and entered into subdivision agreement prior to registration)</u>	
3	That the Developer complete a tree inventory and conservation plan , satisfactory to the City Engineer in accordance with City of Guelph Bylaw (1986)-12229 prior to any grading or construction on the site. Unless recommended for removal, due to health, condition and/or hazard potential by a Certified arborist, in good standing with the International Society of Arboriculture, the three existing maple trees located in proximity to the Crawley heritage house on Block 33, as well as the lilac shrubs surrounding the farm house will be preserved as part of the tree conservation plan immediately to the north of Forestell Road, comprise approximately 19 trees. The single hop hornbeam tree (<i>Ostrya virginiana</i>) will be preserved with a tree protection zone that will extend one metre past the drip-line of the tree. To the extent that the approved tree inventory and conservation plan provides for the removal of any of the remaining trees other than the hop hornbeam tree, replacement trees shall be planted at appropriate locations. (Engineering).
4	That the Developer agrees to stabilize all disturbed soil within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the subdivision agreement on the block/lot so disturbed. (Engineering)
5	That the Developer agrees to prepare a construction traffic access and control plan for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer. Any repair of damage or maintenance required to surrounding streets as a result of such traffic shall be at the Developers cost. Also, the use of Teal Drive and Downey Road shall be specifically excluded in the approved construction traffic access and control plan. (Engineering).

6	That the Developer agrees that no work, including, but not limited to tree cutting, grading or filling , will occur on the lands until such time as the Developer has obtained written permission from the City Engineer or has entered into a Subdivision Agreement with the City. (Engineering)
7	That prior to any grading or construction on the site, the Developer enters into an Engineering Services Agreement with the City, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise, to the satisfaction of the City of Guelph. (Engineering)
8	That the Developer prepare an overall site drainage and grading plan , satisfactory to the City Engineer, for the entire subdivision, prior to any grading or construction on the site. Such a plan will be used as the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision. (Engineering)
9	That the Developer constructs, installs and maintains erosion and sediment control facilities, satisfactory to the City Engineer, prior to any grading or construction on the subdivision lands in accordance with a plan that has been submitted to and approved by the City Engineer. (Engineering)
10	That the Developer shall provide a qualified environmental inspector , satisfactory to the Director of Planning and Development Services, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures, compliance with the Environmental Impact Study and the Environmental Implementation Report on a weekly or more frequent basis if required. The environmental inspector shall report on their findings to the City on a monthly or more frequent basis. (Planning & Engineering)
11	That the Developer shall submit a Storm Water Management Report and Plan to the satisfaction of the City Engineer which shows how storm water will be controlled and conveyed to the receiving water body. The report and plan shall address the issue of water quantity and quality in accordance with recognized best management practices, Provincial Guidelines and the Storm Water Management Design Report for the Hanlon Creek Watershed. Maintenance and operational requirements for any control and/or conveyance facilities must be described in a format to be made available to the City of Guelph's Operations Public Works Division. (Engineering)
12	That the Developer shall prepare an Environmental Implementation Report (EIR) based on terms of reference approved by the City and Grand River Conservation Authority (GRCA). The EIR shall confirm the recharge targets to be met and the developers' responsibilities to demonstrate how the recharge targets will be met through the site plan approval process. Such a report will include a monitoring program to assess the performance of the storm water management facilities and to

	<p>assess seasonal trends in water levels in the core wetland through monitoring of water levels in the wetland. The monitoring program for stormwater facilities will include temperature and stream flow monitoring of Tributary A between Laird and Road A. Modeling of summer stream temperatures on a continuous-in-time model basis shall be undertaken to demonstrate that SWM Ponds 4 and 5, have no significant negative impact on coldwater habitats in Tributary A from temperature increases, to the satisfaction of GRCA. The following factors are to be considered in the modeling: (1) magnitude of temperature difference, (2) duration of discharge, and (3) characteristics of fish species. The EIR shall establish post-development recharge infiltration rate targets that set target infiltration rates on a block-by-block basis through a block-by-block groundwater infiltration reassessment taking into account the spatial distribution of infiltration with special attention to the effects of depressional topography. The Developer shall implement all recommendations of the EIR and establish an appropriate monitoring period to satisfaction of the City and GRCA. Further, the Developer shall address all items and recommendations expressed in the Hydrogeological Report, the Environmental Advisory Committee comments including the detailed comments from the City's former Environmental Planner and the Guelph Field Naturalists comments, and include consideration of the Hanlon Creek State of the Watershed Study, to the satisfaction of the City and the GRCA, prior to the registration of the plan.</p>
13	<p>That any domestic wells located within the lands be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any boreholes drilled for hydrogeological or geotechnical investigations must also be properly abandoned. (Engineering)</p>
14	<p>That the developer shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significant archaeological resources found. No demolition, grading or any soil disturbances shall take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements. (Planning)</p>
15	<p>Prior to any development or grading of the site, the developer shall submit to the City, a report indicating how regular dust suppression will be accomplished during the construction phase of the subdivision.</p>
16	<p>That the developer construct minimum 2 metre high landscaped berms abutting Blocks 2, 3, 9, 10, 31, 32, 36 and 37 to the satisfaction of the Director of Planning and Development Services, prior to the registration of any phase of the development including the blocks abutting the berm.</p>

Conditions to be met prior to execution of subdivision agreement	
17	That the Developer is responsible for the total cost of the design and construction of all municipal services required to service the lands including sidewalks, boulevards and curbs within and external to the limits of the plan of subdivision including roadworks, and sanitary, storm and water facilities unless otherwise funded under the provisions of a legal and binding agreement with another party. The distance and alignment of such services will be determined by the City of Guelph. In addition, the Developer will be required to pay the cost of the design, construction and removal of any works of a temporary nature including temporary cul-de-sacs, sewers, stormwater management facilities, watermains and emergency accesses. (Engineering)
18	That the Developer pay a share of the cost of all existing municipal services within and abutting the proposed subdivision, as determined by the City Engineer. (Engineering)
19	That the Developer pays the cost of supplying and erecting street name and traffic control signs and traffic signals in the subdivision, to the satisfaction of the City. (Engineering)
20	That the Developer pays to the City the cost of installing bus stop pads at locations to be determined by Guelph Transit. (Engineering)
21	The Developer shall have engineering servicing drawings and final reports prepared for the approval of the City Engineer. These drawings must reflect the recommendations of all approved reports and studies prepared in support of this application. Such recommendations will be implemented at the cost of the Developer. (Engineering)
22	That the Developer shall submit a Geotechnical Report to the satisfaction of the City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding (Engineering).
23	That the Developer shall submit a Traffic Impact Study to the satisfaction of the City Engineer addressing vehicular site access, the potential impact of the development on the existing road network, and the design of traffic calming measures within existing and proposed roads (Engineering).
24	That the Developer agrees to provide three second order, second level Geodetic Benchmarks in locations within the proposed subdivision to the satisfaction of the City Engineer. (Engineering)
25	That the Developer shall submit a Monitoring Plan to the satisfaction of the City Engineer for the existing sanitary sewer on Downey Road that will determine actual

	flows in this sewer as each phase of development is completed. At such time as actual flows reach a critical amount, as determined by the City Engineer, the Developer agrees to reconstruct the Downey Road sewer to provide additional capacity for subsequent phases of development. (Engineering)
26	That the Developer agrees that Street 'F' will not be constructed to connect to Forestell Road unless it is required to service future development south of Forestell Road This condition however, will not prevent Street 'F' from being partially constructed to allow local road access to Blocks 32 and 36. (Engineering)
27	That the developer makes arrangements, satisfactory to the City Engineer, concerning the scheduling of the development and the developers payment of cost for services for the subdivision. (Engineering)
28	That the developer pays to the City the flat rate charge established by the City per metre of road frontage, to be applied to tree planting within the proposed subdivision. (Planning)
29	That the developer shall be responsible for the design and development of the entire Pedestrian Open Space Trail System in-lieu of Parkland Dedication for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof, prior to the issuance of any building permits and to the satisfaction of the Director of Community Services. The developer's financial contribution toward this trail construction shall not exceed the cash-in-lieu of parkland dedication as required by the Planning Act. (Community Services)
30	Prior to the release of building permits, the developer shall demarcate the boundary of all SWM Blocks and Open Space Blocks , in accordance with the City of "Guelph Property Demarcation Policy". This shall include submitting drawings for approval, identifying the living fence and/or chain link fence, to the satisfaction of the Director of Community Services and the City Engineer. The developer shall be responsible for the cost of design and development of the living fence and/or chain link fence for the SWM and Open Space Blocks. (Community Services)
<u>Conditions to be met prior to registration of the plan</u>	
31	That prior to the registration of the plan, or any part thereof, the approval of the City must be obtained with respect to the availability of adequate water supply and sewage treatment capacity and capacity within the Downey Road sanitary sewer . (Engineering)
32	The Developer agrees that, in the event that development of the property is to be phased, a phasing plan must be submitted prior to final approval and registration of

	the first phase. The phasing plan shall indicate the sequence of development, the land areas in hectares, the number of lots and blocks in each phase, the proposed use of each block, the specific lots to be developed, site access to each phase, grading and the construction of public services, all to the satisfaction of the City of Guelph. (Planning and Engineering)
33	That the Developer acknowledges that the suitability of the land for the proposed uses is the responsibility of the landowner. The owner of any lands to be conveyed to the City of Guelph shall retain a properly qualified consultant to prepare a Phase 1 Environmental Site Assessment (and any other subsequent phases required), to assess any real property to be conveyed to the City to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the landowner's expense. Prior to the registration of the plan, the consultant shall certify that all properties to be conveyed to the City are free of contamination. (Legal)
34	That prior to final approval of the plan, the Developer enters into a Subdivision Agreement , to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise to the satisfaction of the City of Guelph. (Legal)
35	That the following warning clause shall be included in the subdivision agreement which will be registered on title with the proviso that the portion of the subdivision agreement containing the warning clause shall not be released or removed from title as long as the realigned Laird Road provides access to the Hanlon Expressway (Highway 6) for the aggregate resources in the mineral aggregate resource area located to the west of the Hanlon Creek Business Park in the Township of Puslinch: "When completed, realigned Laird Road (Road D) will be used as a Permissive Truck Route which includes the haulage of mineral aggregate from licensed pit operations located in the Township of Puslinch to Highway 6 (Hanlon Expressway). In addition, a mineral aggregate resource area is identified in the County of Wellington Official Plan to the west of the Hanlon Creek Business Park located in the Township of Puslinch."
36	That the Traffic By-law of the City of Guelph be amended to include the realigned Laird Road (Road D) from Downey Road to the Highway 6 (Hanlon Expressway) as a Permissive Truck Route.
37	That the Developer deeds to the City all lands, or provides an easement over any lands required for Storm Water Management facilities. (Legal)
38	That all easements, blocks, reserves and rights-of-way required within or adjacent to the proposed subdivision be granted free and clear of encumbrance to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc. and other Guelph utilities. (Legal)

39	That the Developer shall pay any outstanding debts owed to the City, prior to the registration of the proposed plan of subdivision. (Planning)
40	That the developer shall pay development charges to the City in accordance with By-law Number (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and The Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereto. (Finance)
41	That street lighting shall be provided throughout the subdivision at the Developer's expense and in accordance with the policies of the City of Guelph and Guelph Hydro Electric Systems Inc. (Engineering)
42	That all telephone service and Cable TV service in the plan be underground and the developer shall enter into a servicing agreement with Bell Canada or another authorized and licenced service provider providing for the installation of underground telephone service, prior to the registration of the plan. (Engineering)
43	That the road allowances included in the draft plan be shown and dedicated as public highway's and that prior to the registration of any phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the City's "Geometric Design Criteria-July 23, 1993", with the exception of the road widths which shall comply with the widths shown on the approved draft plan of subdivision. (Engineering)
44	That the developer shall erect signs at the entrances to the subdivision showing the proposed land uses and zoning of all lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the zoning of all lands abutting the subdivision, inquiries should be directed to Planning and Development Services, Planning Division, City Hall". (Planning)
45	Prior to the registration of the subdivision plan or any part thereof, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook , to all future businesses within the plan, with such payment based on a cost of one handbook per business unit, as determined by the City. (Planning)
46	The Owner agrees to meet all the requirements of Guelph Hydro Electric Systems Inc. including the relocation of existing hydro services and the installation of new hydro services and shall enter into any agreements required by Guelph Hydro Electric Systems Inc. in order to fully service the said lands with hydro facilities to the satisfaction of Guelph Hydro Electric Systems Inc., prior to the registration of the plan. (Engineering & Planning)

47	The developer shall meet all Canada Post requirements to the satisfaction of Canada Post. (Planning)
48	That all non-developable lands ultimately rezoned to the P.1 Zone and the WL Zone shall be dedicated to the City free of any encumbrance and in a form that is satisfactory to the City Solicitor. (Planning & Legal)
49	That the small triangle of land on the west side of Downey Road at the southwest corner of the intersection of Laird Rd. and Downey Rd. that is currently outside of the subdivision plan be dedicated as a road widening, prior to the registration of any phase that includes the intersection of Road D with Downey Road, in order to secure the complete road allowance for the realigned right-of way for Laird Road. (Planning)
<u>Conditions to be met prior to granting of site plan approval</u>	
50	The developer shall submit to the City for approval, noise and vibration assessment reports for development on the northerly Blocks 2,3,9,10 and the portion of Block 11 north of Road A, and on the southerly half of Blocks 20, Block 31,32,36 and 37, and the southerly half of Block 38 in order to confirm that the proposed use, activity and development, in hand with the proposed zoning restrictions and regulations, meets the Ministry of Environment noise and separation distance guidelines, prior to the granting of site plan approval by the City. (Planning) At minimum, all proposed development shall be subject to the Ministry of Environment noise/vibration guidelines, standards and requirements in force at the time of execution of this agreement. (Planning).
50 A	The developer shall submit to the City, for approval, a water-balance analysis that demonstrates that target infiltration rates set out in the EIR for the property covered by the site plan approval will be met. Approval of the analysis is required prior to the granting of site plan approval by the City. (Planning)
<u>Conditions to be met prior to issuance of a building permit</u>	
51	The Developer shall demarcate and fence (living and/or chain link), the boundaries of all lands conveyed to the City in accordance with the policies of the City. (Parks)
52	That all existing roads to be closed and/or used for emergency access be constructed to a standard acceptable to the City Engineer at the expense of the Developer. (Engineering)
53	The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official certifying all fill placed below proposed building locations. All fill placed within the allowable zoning by-law envelope for building construction shall be certified to a maximum distance of 30 metres from the

	street line. This report shall include the following information: lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line. (Building)
54	The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of soil gases (radon and methane) in the plan of subdivision in accordance with applicable provisions contained in the Ontario Building Code. (Building)
55	That the subdivision agreement between the owners and the City contain provisions that Laird Road shall remain as an open and travelled road in its present location and alignment until both new Street D and the MTO grade-separated interchange is constructed and operating in order to directly accommodate the aggregate haul routes to the Hanlon Expressway. Further, the final engineering and design of Road D shall emphasize a thoroughfare route and efficiency of travel and Staff shall encourage businesses to locate driveways on to local streets rather than directly on to Street D, to accommodate the aggregate contractors operating haul routes along Laird Road to and from the Hanlon Expressway. The City shall, require 0.3 metre (1 foot) reserves along Road D in certain locations to control the location of driveway entrances located on Road D. Further, access points to Street D (realigned Laird) from Blocks 34 and 35 shall be required to align with the roads C, E, F, and I, wherever possible. (Planning and Engineering).
56	That the subdivision agreement between the Owners and the City contain provisions requiring the developer to build the realigned Laird Road initially as a three lane roadway with a centre turn lane to provide refuge for left turning vehicles without impeding through traffic.
57	That the subdivision agreement between the Owners and the City contain provisions that the developer shall notify future landowners and tenants that trucks entering/leaving their properties shall use only the Hanlon Expressway and/or Downey Road south of Road A. (Engineering).
AGENCY CONDITIONS	
58	Prior to registration, the City of Guelph shall submit to the Ministry of Transportation for their approval, a final Traffic Impact Study (TIS) indicating the anticipated traffic volumes generated by the subdivision development and their impact upon the intersection of Highway 6 and Laird Road. <i>MTO</i>
59	Prior to registration, the City of Guelph shall enter into a legal agreement with the ministry regarding responsibilities for the highway improvements identified in the TIS, including intersection improvements and a future interchange at Laird Road. <i>MTO</i>

60	Prior to registration, the City of Guelph shall submit to the Ministry of Transportation for their review and approval, a copy of a Stormwater Management Report/Plan indicating the intended treatment of the calculated stormwater runoff for the entire plan of subdivision. <i>MTO</i>
61	Prior to registration, the City of Guelph shall submit to the Ministry of Transportation for their review and approval a copy of the final plan identifying the road and lot layouts for the proposed subdivision. <i>MTO</i>
62	No development will be permitted until the interim improvements covered in the legal agreement have been constructed. <i>MTO</i>
63	Prior to permit approval for Blocks 10, 11, 12, 16, 17 and 19, arrangements shall be made to the satisfaction of the ministry for the installation of a security fence (chain link six feet high, or equivalent) along the Highway 6 boundary of the plan, should a noise barrier not be required. <i>MTO</i>
64	Prior to permit approval, each developer shall submit to the Ministry of Transportation for their review and approval, a copy of a Stormwater Management Report/Plan indicating how the intended treatment of the calculated stormwater runoff from their site complies with the overall stormwater plan for the subdivision. <i>MTO</i>
65	Prior to permit approval, each developer shall submit to the Ministry of Transportation for their review and approval, Site Plans, Grading Plans and Site Servicing Plans . <i>MTO</i>
66	Prior to permit approval on Blocks 10, 11, 12, 16, 17 and 19, each developer of lands adjacent to Highway 6 shall submit to the Ministry of Transportation for their review and approval an illumination plan , prepared by a qualified consultant, indicating the intended treatment of the site lighting glare. <i>MTO</i>
67	<p>Prior to any grading or construction on the site and prior to the registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority:</p> <ul style="list-style-type: none"> <li data-bbox="495 1396 1302 1459">a. A detailed stormwater management report in accordance with the MOE Planning and Design Manual, 2003 <li data-bbox="495 1491 1302 1554">b. A final Hydrogeological Assessment Report to show how infiltration will be maintained throughout all phases of the development. <li data-bbox="495 1585 1302 1638">c. An erosion and siltation control plan in accordance with the Grand River Conservation Authority Guidelines for sediment and erosion

	<p>control, indicating the means whereby erosion will be minimized and silt maintained on site throughout all phases of grading and construction.</p> <p>d. Detailed lot grading and drainage plans.</p>
68	Prior to any grading or construction on the site, that appropriate Fill Construction Alteration to Waterways permits be obtained. GRCA
69	That the subdivision agreement between the owners and the municipality contain provisions for the completion and maintenance of the works in accordance with the approved plans and reports. GRCA
70	Draft Plan Approval of the Hanlon Creek Business Park shall lapse at the expiration of 5 years from the date of issuance of Draft Plan Approval on November 8, 2016.
71	That prior to the registration of all or any portion of the plan, Guelph Hydro Electric Systems Inc. shall advise the City in writing how condition 46 has been satisfied.
72	That prior to the registration of all or any portion of the plan, the MTO shall advise the City in writing how conditions 58 to 66 have been satisfied.
73	That prior to the registration of all or any portion of the plan, the GRCA shall advise the City in writing how conditions 67 to 69 have been satisfied.
74	That prior to the registration of all or any portion of the plan, Canada Post shall advise the City in writing how condition 47 has been satisfied.
75	That prior to the registration of all or any portion of the plan, Bell Canada shall advise the City in writing how condition 42 has been satisfied."

Existing and Proposed Zoning (Regulations)

CC-20 Zone

1820 Gordon Street South

As shown on Defined Area Map Number 73 of Schedule "A" of this *Bylaw*.

6.2.3.2.20.1 Permitted Uses

In accordance with Section 6.2.1.2 of Zoning *By-law* (1995) – 14864, as amended, with the following additional permitted *uses*:

- a) *Building Supply*
- b) *Print Shop*
- c) *Postal Service*
- d) *Repair Service*
- e) *Rental Outlet*
- f) *Institutional Uses* in accordance with Section 8.1.1 of the *By-law*.

6.2.1.1 Neighbourhood Shopping Centre - NC Zone

Dwelling Units with permitted commercial *Uses* in the same *Building* in accordance with Section 4.15.2

Art Gallery

Artisan Studio

Club

Day Care Centre in accordance with Section 4.26

Dry Cleaning Outlet

Financial Establishment

Group Home in accordance with Section 4.25

Laundry

Library

Medical Clinic

Medical Office

Office

Personal Service Establishment

Religious Establishment

Restaurant

Restaurant (take-out)

Retail Establishment

Vehicle Gas Bar

Veterinary Service

Accessory Uses in accordance with Section 4.23

Occasional Uses in accordance with Section 4.21

6.2.1.2 Community Shopping Centre - CC Zone

All *Uses* permitted in Section 6.2.1.1 subject to the regulations of the CC Zone with the following added permitted *Uses*:

Amusement Arcade

Carwash, Automatic

Carwash, Manual

Commercial Entertainment

Commercial School

Funeral Home

Garden Centre

Public Hall

Recreation Centre

Rental Outlet

Tavern

Taxi Establishment

6.2.3.2.20.2 **Regulations**

In accordance with Section 6.2.2 of Zoning *By-law* (1995) – 14864, as amended, with the following exceptions and additions:

6.2.3.2.20.2.1 Maximum Lot Area

Despite Table 6.2.2, Row 3, the maximum *lot* area shall be 53,822.78 square metres.

6.2.3.2.20.2.2 Maximum *Front* and *Exterior Side Yard* (Build-to-Line)

Despite Table 6.2.2, Row 5, all *buildings* shall be located a maximum of 3.0 metres from Gordon Street, Clair Road and any other public road allowance with the exception of *buildings* located on the private road extension of Farley Drive in the central area of this *zone*.

6.2.3.2.20.2.3 Minimum *Building Height* Requirement

In addition to Table 6.2.2, Row 8, *buildings* at the corner intersection of Gordon Street and Clair Road shall have the appearance of two (2) storey *buildings* and shall have a minimum height of 8.5 metres.

6.2.3.2.20.2.4 Maximum *Gross Floor Area*

Despite Table 6.2.2, Row 10, the maximum commercial *gross floor area* shall be 14,000 square metres.

~~6.2.3.2.20.2.5 Maximum *Building Size*~~

~~The maximum *building size* shall be 3,250 square metres *gross floor area* per *building*.~~ **(The proposed zoning bylaw amendment requests the removal of this regulation from this CC-20 Zone).**

6.2.3.2.20.2.6 Off-street Parking

Despite Section 4.13.4.1 of the *By-law*, the minimum off-street parking required shall be 1 space per 23 square metres of *gross floor area*.

6.2.3.2.20.2.7 *Uses* Prohibited in Specific Locations

Gas bars and drive-through *Uses* shall be prohibited from locating within 50 metres of the road corner intersections in this *zone*, with the following exception:

A drive-through *Use* associated with a *Financial Establishment* at the corner intersection of Gordon Street and Clair Road shall be permitted, subject to the vehicular drive-through facility being designed such that it is:

1. Not located between any *Building* and a public *Street*.
2. Significantly screened from public view from all public *Streets*.
3. Safely separated from pedestrian spaces and corridors.
4. Designed in a manner that is compatible with surrounding *Uses* and activities.
5. Provides a minimum of five (5) vehicular stacking spaces with a maximum of three (3) stacking spaces parallel to the *Street Line*.

(For purposes of this *Zone*, a Drive-Through *Use* shall be defined as: A *Use* which involves or is designed to encourage a customer to remain in a *vehicle* while receiving a service, obtaining a product or completing a business transaction. The *Use* shall include vehicular stacking spaces, a serving window and may include an order intercom box).

Regulations and Conditions

The property affected by this Zoning By-law Amendment is municipally known as 781-783 Wellington Street West and legally described as Part of Lot C, Concession 2, Division E, City of Guelph.

The following zoning is proposed:

Specialized R.4A (General Apartment) Zone

Permitted Uses

In accordance with the uses permitted by Section 5.4.1.1 (General Apartment Zone) of Zoning By-law (1995)-14864, as amended.

Regulations

In accordance with Section 4 (General Provisions) and Section 5.4.2 and Table 5.4.2 (General Apartment Zone Regulations) of Zoning By-law (1995)-14864, as amended, with the following exceptions:

Building Height

The maximum permitted building height shall be 4 storeys.

Location of Parking Spaces and Driveways

A maximum of 6 parking spaces, or parts thereof, may be located within the required front and exterior side yards provided that no parking space is located within 3m of any lot line.

The minimum distance required between a surface driveway and a window of a habitable room which is not part of a dwelling unit shall be 1.4m.

The minimum distance required between a surface parking area and a building entrance for an apartment building shall be 2.4m.

Minimum Parking Space Dimensions

The minimum exterior parking space dimensions shall be 2.5m by 5.5m for a maximum of 3 parking spaces for an apartment building.

The minimum exterior parking space dimensions shall be 2.6m by 5.5m for a maximum of 14 parking spaces for an apartment building.

The minimum exterior parking space dimensions shall be 2.7m by 5.5m for a maximum of 5 parking spaces for an apartment building.

Conditions

The following conditions are provided as information to Council and will be imposed through site plan approval:

1. The Owner shall submit to 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 on the said lands to the satisfaction of the General Manager of Planning & Building Services and the General Manager/City Engineer, prior to the issuance of a building permit, and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.
 - a. Further, the Owner commits and agrees that any proposed outdoor lighting will be low-level lighting that will not infringe upon adjacent properties.
2. Prior to the issuance of a building permit, the owner shall provide the City with written confirmation that the building on the subject site will be constructed to a standard that implements energy efficiency in order to support the Community Energy Initiative to the satisfaction of the General Manager of Planning and Building Services and in accordance with the chart attached as Schedule 6 to Report 11-88 from Planning & Building, Engineering and Environment dated October 3, 2011.
3. Prior to the issuance of site plan approval for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future households within the project, with such payment based on a cost of one handbook per residential household, as determined by the City.
4. The Owner shall pay to the City, as determined applicable by the Chief Financial Officer/City Treasurer, development charges and education development charges, in accordance with the City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to Site Plan Approval, at the rate in effect at the time of the issuance of a building permit.
5. The Owner shall pay to the City cash-in-lieu of parkland dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, at the rate in effect at the time of the issuance of a building permit.
6. That prior to the issuance of site plan approval for the lands, certification, satisfactory to the General Manager of Planning & Building Services and the General Manager/City Engineer, that the lands have been decommissioned, in accordance with the current edition of the Ministry of the Environment document entitled "Guideline For Use At Contaminated Sites In Ontario" and that the owner has filed a Record of Site Condition with the Ministry of the Environment.

7. That the owner pays the proportionate share of the actual cost of the existing roadworks and existing municipal services on Fife Road across the frontage of the lands. Furthermore, the owner shall pay to the City the proportionate share of the estimated cost as determined by the General Manager/City Engineer, prior to site plan approval.
8. That the owner pays the proportionate share of the actual cost of the existing roadworks and for the extension of the sanitary sewer along Wellington Street and along Fife Road to service the adjacent properties. Furthermore, the owner shall pay to the City the proportionate share of the estimated cost as determined by the General Manager/City Engineer, prior to site plan approval.
9. That the owner pays to the City the actual cost of the construction of a concrete sidewalk from Fife Road along the entire frontage of the property on Wellington Street. Furthermore, the owner shall pay to the City the estimated cost of the construction of a concrete sidewalk as determined by the General Manager/City Engineer, prior to site plan approval.
10. That the owner pays to the City the actual cost of constructing and installing any service laterals required including any curb cuts and/or curb fills, furthermore, the owner shall pay to the City the estimate cost of the service laterals, as determined by the General Manager/City Engineer, prior to site plan approval
11. Prior to site plan approval, the owner shall have a Professional Engineer design a grading plan and stormwater management system, satisfactory to the General Manager/City Engineer
12. (a) Prior to site plan approval, the owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:
 - i) a traffic impact and operations report certified by a Professional Engineer covering all aspects of access and egress to the site and the effect of the development on the surrounding roads including recommendations with detailed cost estimates of the works recommended on the municipal roadways;
 - ii) a geotechnical report certified by a Professional Engineer that analyses the permeability and hydraulic conductivity of the soils and recommends measures to ensure that they are not diminished by the construction and development;
 - iii) a detailed stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines

- and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site together with a monitoring and maintenance program for the stormwater management facility;
- iv) a detailed erosion and sediment control plan in accordance with the Grand River Conservation Authority Guidelines, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction;
 - v) a tree inventory and conservation plan, by a qualified professional in accordance with By-law (1986)-12229;
- (b) The owner shall be responsible for the actual cost to the City, as determined by the General Manager/City Engineer, of designing, constructing and installing any road or municipal service improvements recommended by the report outlined in subsection (a) i) of this clause. Furthermore, prior to site plan approval, the owner shall pay to the City, the City's estimate of the cost of designing, constructing and installing the roadworks and municipal service improvements recommended by the studies, plans and report outlined in subsection (a) i) of this clause.
- (c) The owner shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections (a) ii) to (a) v) inclusive, of this clause.
13. That the owner grades, develops and maintains the site including the stormwater management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
14. Prior to any development of the lands and prior to any construction or grading on the lands, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
15. Prior to site plan approval, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.

16. That the owner pays to the City the actual cost of construction of the new driveway entrance and the required curb cut, and furthermore, prior to site plan approval, the owner shall pay to the City the estimated cost of the new driveway entrance and the required curb cut, as determined by the General Manager/City Engineer.
17. That the owner constructs the new building at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
18. That all telephone and Cable TV service to the lands be underground and the owner shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground telephone service, prior to any construction or grading on the lands.
19. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
20. That all electrical services to the lands are underground and the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
21. That any domestic wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.
22. The Owner shall meet all the requirements of Guelph Hydro Electric Systems Inc., including the relocation of existing hydro services and the installation of new hydro services and shall enter into any agreements required by Guelph Hydro in order to fully service the said lands with hydro facilities to the satisfaction of Guelph Hydro, prior to the issuance of site plan approval for the lands.
23. That the Owner shall complete any requirements of Canada Post including the provision of a centralized mail facility, at the owner's expense, prior to site plan approval.
24. That prior to site plan approval, the owner shall enter into a site plan control agreement with the City, registered on title, satisfactory to the City Solicitor, the General Manager of Planning & Building Services and the General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.

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

October 24, 2011

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

Your Community & Social Services Committee beg leave to present their EIGHTH CONSENT REPORT as recommended at its meeting of October 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) Affordable Bus Pass Pilot Program

THAT Report #CSS-CESS-1140 entitled "Affordable Bus Pass Pilot Program" dated October 12, 2011, be received;

AND THAT Council approves Option 2 as outlined in the Affordable Bus Pass Pilot Program report, to introduce a two year Affordable Bus Pass Pilot Program, to take forward as part of the 2012 budget deliberations;

AND THAT staff provide Council with quarterly reports during the duration of the pilot program.

**2) 2011 Service Review Process: Community & Social Services (CSS)
– Service Fact Sheets**

THAT Report #CSS-ADM-1144 entitled "2011 Service Review Process: Community and Social Services – Service Fact Sheets", dated October 12, 2011, be received for information;

AND THAT a service review be carried out on Community and Social Services Programming and Educational Activities – Parks/Recreation;

AND THAT an operational review be carried out on Community & Social Services: Civic Precinct Management and that staff report back on the best timing for this operational review;

AND THAT no action be taken on the following Community & Social Services review of services:

- Youth Services Coordinator
- Community Engagement Consultation, research and public policy
- Market Square Programming

All of which is respectfully submitted.

Councillor Maggie Laidlaw, Chair
Community & Social Services Committee

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

COMMITTEE REPORT



TO **Community and Social Services Committee**

SERVICE AREA Community and Social Services – Community Engagement and Social Services Liaise

DATE October 12, 2011

SUBJECT Affordable Bus Pass Pilot Program

REPORT NUMBER CSS-CESS-1140

SUMMARY:

Purpose of the Report: To provide Committee with the estimated resources and time required to implement a two year Affordable Bus Pass pilot program and, should Committee wish to approve the pilot, recommend a preferred option to take forward as part of 2012 budget deliberations.

Committee Action: Consider introducing a pilot program as part of the 2012 budget deliberations.

RECOMMENDATION

THAT Report # CSS-CESS-1140 entitled "Affordable Bus Pass Pilot Program" dated October 12, 2011 be received;

AND THAT Council approves Option 2 as outlined in the Affordable Bus Pass Pilot Program report, to introduce a two year Affordable Bus Pass pilot program, to take forward as part of 2012 budget deliberations.

BACKGROUND

As part of 2011 budget deliberations, Council directed staff to explore the resources and timelines required to implement an affordable bus pass program. This direction was in response to a number of community delegations that highlighted the importance of affordable transportation to residents living with a low income.

Following this direction, staff began working with the Guelph and Wellington Task Force for Poverty Elimination (Poverty Task Force) to develop options for a two year pilot program. In July staff brought forward to Council Report # CSS-CESS-1131. This report provided an update on the project and the comparative research completed to date. It also highlighted the recommendations made by the Guelph and Wellington Task Force that required further consideration and evaluation. These recommendations concluded:

-
- eligibility for the program should be defined by the Low Income Measure (LIM)
 - the number of passes available on the program should be unlimited
 - the cost of the pass should be set at 50 per cent of the current full fare

Staff committed to bringing forward a second report that would clarify the pilot program features/components and indicate the costs, resources and timelines required for implementation.

REPORT

Building on the work undertaken to date, this report aims to:

- clarify the objectives of the potential affordable bus pass pilot program;
- outline the program components such as general eligibility requirements, administration process and methods for evaluating the program impact;
- provide Committee with estimated costs and resource requirements, based on a series of program scenarios, to assist decision making;
- recommend a preferred option to put forward to 2012 budget deliberations, should Committee wish to proceed with the development of the program.

This report has been developed with input from Transit Services and in consultation with the Poverty Task Force.

Affordable Bus Pass Program Pilot - Components

Program objectives

Transit services are essential components in creating a successful and prosperous city that offers a good quality of life for all of its residents. The 2010 Transit Growth Strategy clearly shows how transit supports and contributes to achieving the City's numerous strategic plans. The strategy recognizes that efficient and effective transit service is contributory to achieving an accessible and inclusive community, which is an important City-wide and community objective.

Local research shows there are many Guelph residents who experience barriers to accessing public transit, which can negatively impact upon their quality of life. For people with a limited income, affordability is a key barrier. Purchasing transit passes and tickets can divert a family's limited resources away from basic necessities. The creation of an affordable bus pass program would aim to minimize these barriers for people living on a low income.

Currently there is no official tool to measure poverty, however the real life impact of poverty is widely known. Poverty has a significant impact upon an individual and family's health and wellbeing which can have an intergenerational impact. A recent Fact Sheet (August 2010) developed by the United Way of Guelph and Wellington summarized these negative impacts as: *People living in poverty are more likely to have shorter life expectancies, low birth-weight children, and experience depression*

and stress. Children living in low income families experience an increased likelihood of mental health issues (including hyperactivity), physical impairment, illness, and decreased school success.

Poverty also comes with an economic cost. The cost of poverty in Ontario has been estimated to equal 5.5 to 6.6 per cent of Ontario's Gross Domestic Product (GDP) when private and public costs (or social costs) are combined.¹

The development of an affordable bus pass program could be considered an investment in supporting people out of poverty. The anticipated outcomes of this program are based upon the recorded impacts of similar programs in other cities. Staff proposes a simple but systematic approach based on qualitative and quantitative methods to evaluate the impact of the pilot program based on the following objectives:

- enabling more residents living with a limited income, to purchase a monthly transit pass;
- making a positive impact on the budget of low income residents by enabling them to allocate more of their budget to basic needs such as food, clothing and shelter;
- improving perceptions of overall quality of life;
- helping people to connect and contribute to their communities such as maintaining connections to family and friends, getting to work/keeping a job, accessing educational, recreational, sporting and cultural opportunities.

Staff will provide updates on the progress of the pilot, every six months following the program start. These updates will include statistics such as:

- number of passes sold and trend data;
- available program capacity;
- budget variance reporting.

At the end of the pilot, a detailed survey will be undertaken with registered program users which will explore how easily accessible the program has been and how access to the program has impacted on their lives. This survey will provide decision makers with the information required to facilitate informed and evidence based decision making, when considering continuation of the program beyond the pilot phase.

A person-centred program

The City aims to make its programs and service responsive to the needs of residents. This pilot program will:

¹ Ontario Association of Food Banks. (November 2008). *The Cost of Poverty. An Analysis of the Economic Cost of Poverty in Ontario.*

-
- ensure that information about the program is widely available and effectively communicated;
 - be guided by the principles set out in the City's Corporate Communications Plan;
 - be easily accessible. Application forms will be available in a variety of locations throughout the city, not just City facilities. The main program access points will be widely promoted;
 - ensure that the application process and application forms will be easy to understand and simple to complete. Where residents require additional support, they will receive this support from staff that are trained and informed about the new pilot program, and sensitive to individual needs.

Throughout the pilot period, program users will be encouraged to share their comments and suggestions about their experiences accessing the program. At the end of the pilot, a comprehensive user survey will be conducted that will explore customer experience more fully. Staff are committed to learning from this valuable feedback and will use it to drive service improvement activities, as part of the pilot program and more broadly across all City services.

Cost of the Pass

The cost of the current subsidized bus pass for people with a disability and living in low income is priced at \$30. This equates to 41 % of a regular adult monthly bus pass. This pass price has remained the same since the program inception 10 years ago and has not been tied to the cost of a regular adult pass (currently at \$72).

It is recommended that this policy be changed. It is also recommended that this program merge with the new expanded program, and that the cost of the pass is available at 50 % of the current pass prices for youth, adult and senior rates. This would put the cost of the pass at \$31 for a youth pass, \$36 for an adult pass, and \$30 for a seniors pass. This would mean an increase of \$6 per month for existing users of the subsidized program.

Eligibility

In report CSS-CESS-1131, staff committed to exploring the potential use of both the Low Income Cut-off (LICO) and the Low Income Measure (LIM) as a measure of eligibility for the pilot. This commitment was based upon the Poverty Task Force recommendation that the LIM be used, and also to be consistent with the Ontario Poverty Reduction Strategy. Staff have explored both of these measures and the LICO (after tax) is being recommended at this point. There were two main reasons for this:

1. there was limited data available at the time to explore how the use of the LIM might impact upon program costs;
2. the City and other local organizations are currently using the LICO more readily for program eligibility of this nature. Further discussion is required to move forward in a consistent way.

It is recommended that the pass should be available to all Guelph residents that fall below the LICO (after tax) thresholds. All ages would be eligible to apply for the program. Based on Statistics Canada, 2006 Community Profile data an estimated 8.3 % of people could be eligible for this program, equating to 9,210 individuals. This figure does not include children aged 0-4 years who can already access free transit use (Appendix 2).

The table below outlines the 2010 LICO (after tax) thresholds.

Low income cut-offs (1992 base) after tax	
2010	
Size of Family	Income
1 person	\$ 15,865
2 persons	\$ 19,308
3 persons	\$ 24,043
4 persons	\$ 29,996
5 persons	\$ 34,157
6 persons	\$ 37,881
7 persons or more	\$ 41,604

Administration of the Program and Implementation Timelines

The administrative processes (including application process) to deliver the pilot program will be based upon those operated for the current subsidized bus pass program. Initial evaluation of the administrative requirements and the costs associated with the adaptation of current processes (including staffing requirements) indicates that the pilot program can be administered within current capacity by maximizing efficiency opportunities. However, because this is a new program, staff will be monitoring the administrative implications closely.

Staff understands that a number of local organizations provide transit passes or money to buy transit passes to local residents. The City currently works in partnership with Homewood, The Ministry of Community and Social Services (Ontario Disability Support Program staff) and Arc Industries to make the process of applying for the current subsidized bus pass program more accessible. These partnerships are successful and staff intends to continue with these arrangements. The pilot period will be used to identify any additional opportunities for joint working, however it is important that the application process for delivering the new pilot program is tried and tested thoroughly first. Therefore there are no further recommendations for integrating the application process with any additional organizations at this time.

Because the pilot program will be utilizing already developed administrative processes and systems it is anticipated that the program would be ready to go live

at the start of 2012. This assessment takes into account any adaptations to the current administrative processes and data management systems.

Financial Impact of the Program

Developing scenarios

In assessing the potential impact of an expanded affordable bus pass program on City services and budgets, Community and Social Services worked closely with Transit Services to develop a number of different scenarios based on an 'impact model' (Appendix 1). The use of scenarios was agreed to be the best way to explore potential costs in the absence of certain key data. It is anticipated that careful evaluation of the pilot program will help to address these data gaps to assist longer term decision making. These scenarios were based on a number of key variables:

- a) The uptake level/demand
 - o Uptake levels of 18.5 %, 25 % and 50 % were used
- b) The price of the pass
 - o Price points were set at 41.7 % (equal to the price of the current subsidized pass), 50 % and 60 %.
- c) The number of new transit riders that might purchase the pass
 - o Set at 25 % (estimate)
- b) The number of existing transit riders that might purchase the pass
 - o Set at 75 % (estimate)

The rationale for developing these variables was based upon the following known data, estimates and assumptions:

- a) **the uptake level/demand** (18.5 %, 25 % and 50 %)
 - o It is not possible to accurately predict uptake levels for this program. The total number of eligible residents is estimated to be 9,210. This is a new program to Guelph, and although we can gain some idea of similar programs in other cities, each program and community differs so significantly that it would not be directly comparable. The only reliable reference to local demand for a program of this nature is our experience of the City's current subsidized bus program for people with a disability and a low income. It is estimated that this program has an uptake level of approximately 18.5 %. This is based on the estimated number of eligible residents (in this case, estimated number of Ontario Disability Support Program recipients has been used as a guide), and the actual number of monthly pass sales.
 - o Staff at this point believe the 18.5 % uptake level to be the closest estimate, but caution must be taken. When applying an 18.5 % uptake level to those eligible for a new expanded program (where eligibility is

defined by the LICO), this translates into 18.5 % of 9,210 individuals (Appendix 2). This would mean that 1,700 passes could be sold each month. As staff cannot predict the true demand at this time, scenarios based on an 18.5 %, a 25 % and a 50 % uptake level have been calculated.

- Staff at this point, believe the 18.5 % uptake level to be the closest estimate.
- Transit staff don't anticipate any difficulty absorbing the additional ridership that is predicted through this program.

b) the price of the pass (41.7 %, 50 % and 60 % of full fare)

- The previous staff report recognized that a variety of price points should be explored. Based on comparative research, the Poverty Task Force recommended that the City aim for a pass price that was 50 % of the regular one. The additional options of 41.7 % (keeping the adult fare at \$30) and 60 % have also been included.

c) the number of new riders (25 %)

- There is no way of accurately predicting the number of new transit riders that might be attracted by the program or the level of new revenue that this would bring. Given this limitation, a number of scenarios have been explored to give a broad range of potential impact, however a figure of 25 % has been used as a guide.

d) the number of existing riders (75 %)

- There is no way of accurately predicting the total number of current transit riders that will begin purchasing passes at the new affordable rate. Research has suggested that households in the lowest income category are more likely to have used public transit²; however staff cannot quantify this locally. A figure of 75 % has therefore been used as a guide.

What the scenarios told us

The use of scenarios enabled staff to gain more understanding about the relationship between these key variables. A summary of these variables and the scenarios can be found in Appendix 1.

² Statistics Canada. EnvironStats (Summer 2010). Public transit in Canada, 2007.

Put simply, the scenarios enable us to answer questions such as:

- “What would happen if the cost of the pass was increased or decreased?”
- “What impact would greater demand for the pass have on the costs of the program?”
- “If 25 % of the program riders were new riders, how much new revenue would be generated?”

In summary, these scenarios enabled us to estimate that the subsidy required for a new affordable bus pass program (including the current subsidized program costs) could realistically range from between \$317,800 and \$1,122,000 per year (not including evaluation costs or pass production costs).

When the cost of the City’s current program is subtracted from these figures, this translates to an additional annual subsidy requirement of between \$145,000 and \$870,100 to introduce the new affordable bus pass program in 2012, (this does not include evaluation costs or pass production costs).

Options and Recommendations

The options being put forward for consideration are clarified below. The core assumptions are as follows:

- there would be 18.5 % up-take of the program (equating to 1,700 passes sold each month);
- 25 % of pilot program riders will be new transit riders;
- pass prices will be tied to the current regular cost of youth, adult and seniors monthly passes;
- the number of passes sold will not be ‘capped’ (limited).

Option 1 The price of the monthly pass is set at 47.1 % of the regular pass equal to a 58.3 % subsidy (e.g. cost of adult pass would be \$30)

	Year 1	Year 2	Total
Total subsidy required to expand the existing program	\$573,800	\$573,800	\$1,147,600
Evaluation		\$ 10,000	\$ 10,000
Pass production	\$ 14,500	\$ 5,000	\$ 19,500
Offset Transit Revenue (current program)	\$ 251,900	\$ 251,900	\$ 503,800
Net impact to corporate budget	\$336,400	\$336,900	\$ 663,300

Option 2 The price of the monthly pass is set at 50 % of the regular pass equal to a 50 % subsidy (e.g. cost of adult pass \$36)

	Year 1	Year 2	Total
Total subsidy required for expanded program	\$457,700	\$457,700	\$915,400
Evaluation		\$ 10,000	\$ 10,000
Pass production	\$ 14,500	\$ 5,000	\$ 19,500
Offset Transit Revenue (current program)	\$ 216,000	\$ 216,000	\$432,000
Net impact to corporate budget	\$256,200	\$256,700	\$512,900

Option 3 The price of the monthly pass is set at 60 % of the regular pass equal to a 40 % subsidy (e.g. cost of adult pass \$43)

	Year 1	Year 2	Total
Total subsidy required for expanded program	\$ 317,800	\$317,800	\$635,600
Evaluation		\$ 10,000	\$ 10,000
Pass production	\$ 14,500	\$ 5,000	\$ 19,500
Offset Transit Revenue (current program)	\$ 172,800	\$ 172,800	\$345,600
Net impact to corporate budget	\$159,500	\$160,000	\$319,500

Recommendation

Staff recommend that Option 2 be approved, to put forward as part of 2012 budget deliberations. This translates into a corporate budget expansion request of \$512,900 to cover the entire two year pilot.

In addition to this, it is recommended that if, during the pilot, statistical trends indicate that the allocated program budget is insufficient to meet eligible user demand, staff will formally report back to Committee and Council with recommendations related to potential budget expansion or program modification.

Staff gave consideration to designating of cap on the number of passes available through this program, but are not recommending that a cap be placed at this time. This decision was based on recommendation from the Poverty Elimination Task Force, feedback from the Community & Social Services committee and the experience of other communities.

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 expansion of the current subsidized bus pass program would have a net impact on the corporate budget of \$256,200 in Year 1 and \$256,700 in Year 2. This is a total of \$512,900 over the two year pilot period. Initial evaluation of the administrative costs, including staffing requirements, indicates that the program can be administered within current capacity by maximizing efficiency opportunities. However, staff will be monitoring this closely and will manage any budget adjustments within the approved program costs. Publicity and marketing of the program will be undertaken in-house and in partnership with local organizations, and will not require any additional resources.

DEPARTMENTAL CONSULTATION

Community and Social Services

Operations and Transit

COMMUNICATIONS

Guelph and Wellington Poverty Task Force

ATTACHMENTS

Appendix 1 – Impact Model

Appendix 2 – Population Breakdown

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IMPACT OF AFFORDABLE TRANSIT PASS

Quantitative Impact with Variables of Uptake, Pricing & New Ridership

Alternative price points as a percentage of each fare level (Youth, Adult and Senior) at 41.7 %, 50 % or 60 %

	Youth	Adult	Senior	Total
Potential Affordable Pass Users including current subsidized pass-holders	1,860	6,130	1,220	9,210
Estimated number of eligible individuals for current subsidized pass	n/a	2,700	n/a	2,700
Estimated eligible population (LICO defining eligibility) excluding current subsidized pass-holders	1,860	3,430	1,220	6,510
Monthly pass price – current full fare	\$62.00	\$72.00	\$60.00	n/a
Monthly pass price - current subsidized program	n/a	\$30.00	n/a	n/a
New Affordable Pass Prices under various percentages of full fare				
At 41.7 %	\$26.00	\$30.00	\$25.00	n/a
At 50.0 %	\$31.00	\$36.00	\$30.00	n/a
At 60.0 %	\$37.00	\$43.00	\$36.00	n/a

Appendix 1: Impact Model

Variable Conditions					Annual Impact					Number of Monthly Passes Provided Including 500 Current Adult Subsidized Pass Holders			
Uptake	Pass as a % of Full Fare	Subsidy as a % of Full Fare	New Riders	Existing Riders	Increased ¹ Annual Ridership	Revenue Increase re: New Riders	Revenue Decrease re: Existing Riders	Existing Program Cost	Net subsidy required	Youth	Adult	Senior	Total
%	%	%	%	%	#	\$	\$	\$	\$	#	#	#	#
18.5 % ²	41.7 %	58.3 %	25.0 %	75.0 %	195,100	100,800	422,700	251,900	573,800	340	1,130	230	1,700
25.0 %	41.7 %	58.3 %	25.0 %	75.0 %	263,700	136,200	571,200	251,900	686,900	470	1,360	310	2,140
50.0 %	41.7 %	58.3 %	25.0 %	75.0 %	527,300	272,400	1,142,500	251,900	1,122,000	930	2,220	610	3,760
18.5 % ³	50.0 %	50.0 %	25.0 %	75.0 %	195,100	120,800	362,500	216,000	457,700	340	1,130	230	1,700
25.0 %	50.0 %	50.0 %	25.0 %	75.0 %	263,700	163,300	489,900	216,000	542,600	470	1,360	310	2,140
50.0 %	50.0 %	50.0 %	25.0 %	75.0 %	527,300	326,600	979,800	216,000	869,200	930	2,220	610	3,760
18.5 % ⁴	60.0 %	40.0 %	25.0 %	75.0 %	195,100	145,000	290,000	172,800	317,800	340	1,130	230	1,700
25.0 %	60.0 %	40.0 %	25.0 %	75.0 %	263,700	196,000	391,900	172,800	368,700	470	1,360	310	2,140
50.0 %	60.0 %	40.0 %	25.0 %	75.0 %	527,300	391,900	783,900	172,800	564,800	930	2,220	610	3,760

Note: Green indicates highest subsidy required. Yellow indicates lowest subsidy required.

¹ Increased number of rides

² Option 1

³ Option 2

⁴ Option 3

Appendix 2

BREAKDOWN OF POPULATION BY TRANSIT AGE GROUPS

Source: Statistics Canada, 2006 Community Profiles, Guelph

	Census 2006	Extrapolate to 2011	LICO After Tax (estimated at 8.3 %)
<u>Children</u>			
0 to 4 years	6,875	7,057	590
<u>Youth</u>			
5 to 9 years	6,960		
10 to 14 years	7,335		
15 to 19 years	7,565		
	21,860	22,439	1,860
<u>Adult</u>			
20 to 24 years	9,190		
25 to 29 years	8,555		
30 to 34 years	8,470		
35 to 39 years	8,620		
40 to 44 years	9,550		
45 to 49 years	8,960		
50 to 54 years	7,555		
55 to 59 years	6,440		
60 to 65 years	4,615		
	71,955	73,861	6,130
<u>Seniors</u>			
65 to 69 years	3,575		
70 to 74 years	3,330		
75 to 79 years	3,145		
80 to 84 years	2,395		
85 years and over	1,820		
Total Population	14,265	14,643	1,220

Total Population	114,955	118,000	9,800

COMMITTEE REPORT



TO **Community and Social Services Committee**

SERVICE AREA Corporate Administration
DATE October 12, 2011

SUBJECT 2011 Service Review Process: Community and Social Services (CSS) - Service Fact Sheets

REPORT NUMBER CSS-ADM-1144

SUMMARY

Purpose of the Report: To further Council's understanding of the scope and benefits of select Community and Social Services Department's services identified in the 2011 Service Review Process; and to seek direction as to whether additional Executive Team consideration should be given to service and/or operational review activity on these services.

Committee Action: To receive the report for information.

RECOMMENDATION

That Report # CSS-ADM-1144 entitled "2011 Service Review Process: Community and Social Services – Service Fact Sheets" and dated October 12, 2011 be received for information

BACKGROUND

In the first quarter of 2011, Council initiated a Service Review Process with the examination of an initial list of 75 legislated and discretionary services currently provided by the City. Analysis of Council's preliminary assessment results revealed a high degree of variability in how some of the services were rated, indicating a confirmed lack of understanding in many cases. To that end, the Executive Team recommended that information on select services with high standard deviation scores be provided to Council to improve understanding of the scope and benefits. That recommendation was endorsed by Council on July 25th, 2011.

REPORT

Consistent with Council direction, Service Fact Sheets on five services in the Community and Social Services Department of the Corporation have been completed for Committee receipt and review and are attached as Appendices 1 - 5. Financial figures provided reflect 2011 budget allocations.

CORPORATE STRATEGIC PLAN

Goal 5.6 – Organizational excellence in planning and management.

FINANCIAL IMPLICATIONS

N/A

DEPARTMENTAL CONSULTATION

Community and Social Services and the Executive Team were consulted on the development of this report

COMMUNICATIONS

N/A

ATTACHMENTS

Appendix 1 – Service Fact Sheet: Youth Services Coordinator

Appendix 2 – Service Fact Sheet: Programming and Educational Activities – Parks/Recreation

Appendix 3 – Service Fact Sheet: Civic Precinct Management

Appendix 4 – Service Fact Sheet: Community Engagement Consultation, Research and Public Policy

Appendix 5 – Service Fact Sheet: Market Square Programming



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Service fact sheet

<p>TITLE:</p>	<p>Youth Services Coordinator</p>
<p>DESCRIPTION:</p>	<p><u>Purpose</u></p> <ul style="list-style-type: none"> • Supports the development and coordination of community-based youth programs and services and training • Provides consultation and support in the development of youth programs offered by the City of Guelph • Provides consultation, support and leadership concerning youth related issues to internal departments and external partners. (i.e. Human Resources regarding best practices for managing adolescent employees, Parks and Recreation regarding skateboard issues, Wyndham House regarding Adolescent mental health and addiction issues, etc.) • Works with neighbourhood group community leaders and youth-focused agencies to facilitate supports needed to ensure that youth programs and services are accessible to "at risk" youth. • Facilitates the development of the Guelph Youth Council and their initiatives through support and leadership. • Maps emerging issues and service coverage and overlaps. • Engages youth in focus groups and community consultation in service coordination and development. • Participates in Municipal wide plan responding to current and emerging youth needs. • Collaborates on identified issues, internally and with local agencies .(i.e. Graffiti in the downtown core with DBM, Youth Violence issues with Police Services and Youth Violence Task Force, Youth Programming with Neighbourhood Groups, etc.) • Strengthens relationships with local schools. <p><u>Intended Outcomes</u></p> <p>Youth</p> <ul style="list-style-type: none"> • Youth experience a caring community. • A belief in the future of and involvement in their community. • Increased accessing of supports and services • Increased youth involvement with community recreation, activities and events. • Better engaged, connected, proud and active population of young people. <p>Community</p> <ul style="list-style-type: none"> • Effective community partnering increases • Integrated youth service delivery increases

- Youth proactively accessing supports/services
- Reduction of youth violence and crime
- Decreased instances relating to substance misuse
- Decreased chronic use of emergency-based services by homeless youth
- Increased capacity to monitor trends in adolescent
- Increased capability of serving all youth with recognition of special sub-populations of adolescents with unique sets of needs.
- Increased availability of positive non-school activities
- Friendly and inclusive public places and spaces, welcoming of young people.
- Develop a strong and better coordinated strategic alliance with Police and other organisations to support community safety outcomes.
- Opportunity for young people to play a direct role in the design and functioning of spaces directly relevant to them.
- A municipal approach to issues response and service delivery resulting in efficient and effective use of finite resources.
- Working with other corporate departments to ensure young people are represented in strategic planning.
- Cross-sector approaches and solutions to emerging issues achieved.
- City Council better connected into the projects, initiatives and broader community youth networks.

Direct and Indirect Clients

- **Approx 15,000 young people living in Guelph (Indirect)**
 - Highly engaged, achieving young people.
 - At-risk and marginalized young people.
 - New Canadian and Immigrant Youth.
- **4620 young people participated in Youth Services programs, events, or trainings (2010) (Direct)**
 - 3220 youth engaged in Youth Services supported Drop-In recreation programming.
 - 1400 youth participated/attended Youth Services events promoting youth culture, arts and community.
- **32 Youth Services/Youth Council volunteers dedicating more than 2700 hours of service to the city.**
- **External Community Partners** supporting youth in our community i.e. Guelph Community Health Centre, Volunteer Centre of Guelph/Wellington, WDG Public Health, Wyndham House, Trellis, Guelph Police Services, Neighbourhood Groups, Second Chance, Public and Separate School Boards, Faith Based Organizations.
- **Internal Corporate Partners** partnered and supported youth initiatives with Councils Leads on Children & Youth, Human Resources, Parks and Recreation Programming and

Facilities, Park Maintenance and Development, Water Services, Information Services and Community & Social Services.

Mission, Vision and Values

Mission

We build a well-designed and appealing city that celebrates a thriving economic, social, cultural and environmentally-sustainable community.

Youth Services recognizes, celebrates, and promotes youth culture and accomplishment in the City of Guelph. The department encourages and engages young people across Guelph’s socio-economic continuums.

We engage the community to ensure an accountable, transparent and accessible organization.

Youth Services continues to engage young people and their allies in community development, consultation and planning including focus groups discussing the needs of Guelph’s young new Canadian and Immigrant communities to Park Planning through the eyes of youth to facilitation of the Guelph Youth Council.

We provide quality, innovative and valued services in a fiscally responsible manner.

Through partnership and community capacity building, Youth Services has been able to implement and support several meaningful programs in our community. We’ve supported homeless and marginalized youth in accessing recreation and social programming, we’ve supported National Volunteer campaigns to engage young people in community volunteerism and we continue to develop Guelph’s leaders of tomorrow through the Guelph Youth Council.

Vision

To be the City that makes a difference....

Youth Services continues to make a difference in the lives of our community’s young people through supportive, challenging and meaningful programming. We are committed to supporting youth and our youth serving partners through innovative, targeted and relevant support and programs.

Acting locally and globally to improve the lives of residents, the broader community and the world.

Acts of volunteerism supported through Youth Services have raised awareness and addressed outstanding needs locally and globally. The Guelph Youth Council has successfully raised funds, gathered resources and provided support for Guelph most in need residents. These acts have included annual Adopt A Family holiday campaigns, hat and mitt drives, food drives, homelessness awareness campaigns, etc. Globally, the Guelph Youth Council regularly runs Amnesty International campaigns to highlight and support the needs of young people around the world. They have also made a

	<p>conscious effort to ensure all Youth Council activities are sensitive to environmental and global economic responsibilities(i.e. fair trade purchase, electronic agendas, reusable containers, etc)</p> <p>Values</p> <p>Integrity in our relationships</p> <p>Youth Services has positioned itself as a valued and dependable partner in Guelph youth serving community. Our commitment to young people in our community has been recognized regularly by community partners, volunteers and fellow staff members.</p> <p>Excellence in our service</p> <p>Youth Services continues to evaluate all of our efforts in the community and continues to follow nationally recognized best practices in serving young people. We continue to be responsive to the needs of our community and endeavor to provide meaningful, accessible and enjoyable programming throughout the community.</p> <p>Wellness for our people</p> <p>Youth Services has recognized and answered the needs of young people in our community. We have provided recreational and pro-social activities throughout the community and have supported our community partners in doing the same. We continue to support programs that meet the physical, social and health related needs of our young population, and have recognized the needs of our marginalized and at-risk teens as a priority.</p>
LEGISLATED/NON-LEGISLATED:	Non-Legislated
% OF TAX BASE FUNDING:	100%
GROSS AND NET COSTS:	\$ 84,000 (Based on 2011 budget allocations)
STAFFING STRUCTURE:	1 Youth Services Co-ordinator who reports to the Supervisor of Neighbourhood Engagement
2012 OBJECTIVES:	<ul style="list-style-type: none"> • Update of 2003's Community Youth Strategy. • Coordination and Support of STEPS program supporting 700+ marginalized youth and young adults in the community resulting in a decrease in anti-social behaviour and associated outcomes (substance misuse, criminal behaviour, poor social supports). • Coordination of Drop-in Recreation Programs, providing free access to recreational activities for 5700 young people whom may not have access to recreation and leisure otherwise. Programming targets high needs time periods in the early evenings and on weekend nights. • Develop a range of strategies, programs and events designed to acknowledge and promote the positive contributions the diverse cultures of young people make to the broader community including; City of Guelph Awards, Recognition in internal and external publications, public arts installations and

	<p>performances, etc).</p> <ul style="list-style-type: none"> • Coordination of City’s Skateboard Park Study and Development (Short and Long term solutions) • Launch Corporate Youth Services website, as a hub for all youth activities in Guelph. Expected in the Fall of 2011 • Increase National Youth Week presence in the city including; City wide youth volunteerism in partnership with the Volunteer Centre of G-W, Daily events celebrating youth culture and opportunities in Guelph and City-wide Celebration of youth achievements, art, music, voice and activism. Goal to increase participation by 25% over last year’s numbers projected attendance for 2011 youth events -1750 youth • Host Interdepartmental Youth Services training session, highlighting opportunities for youth engagement internally, providing best practices in youth work to corporate departments and overcoming gaps/barriers in youth engagement within the corporation. • Continue City of Guelph’s involvement with the Youth Crime Prevention Task Force, The Guelph-Wellington Drug Strategy (Prevention and Education), The Guelph Youth Service Providers Network, and the Volunteer Centre of Guelph-Wellington’s Youth Engagement Committee. • Continue supporting National Youth Challenge activities, engaging 500+ high school students in volunteerism. • Continue facilitating and supporting Guelph Youth Summit, providing 280 high school students in training, motivational and pro-social workshops.
<p>CONSEQUENCES OF NOT PROVIDING THE SERVICE:</p>	<ul style="list-style-type: none"> • A significant deficit in accessible pro-social activities for youth in our community with potential to see a rise in anti-social behavior where opportunities once existed. • Loss of liaison and partner to the City of Guelph’s youth serving agencies. • Loss of expertise and resource to internal departments regarding youth related issues. • A significant amount (15,000 teenagers) of our population without a dedicated staff contact municipally. • Loss of Youth Services could result in a perception within community is that youth based initiative/program/supports are not valued. • Loss of more than 2500 volunteer hours directly supported by Youth Services.

Service fact sheet

TITLE:	Programming and Educational Activities – Parks/Recreation
DESCRIPTION:	<p>Provide recreational programming to individual Guelph area residents. Some programs are general in their scope (e.g. fitness, swimming lessons) while others target a specific demographic (i.e. summer camps). All clients are direct clients. Most of the programs require prior registration although there are a few that are drop-in.</p> <p>Programs included in this would be all swim lessons, aquafits, exercise classes, summer camps, recreation (i.e. volleyball), arts, lessons (e.g. tennis, fencing), shinny, public swims and public skates.</p>
LEGISLATED/NON-LEGISLATED:	Non-Legislated. None of the programs are legislated although there are a variety of legislated/regulated rules that apply when operating them.
% OF TAX BASE FUNDING:	18%
GROSS AND NET COSTS:	Gross: \$1,774,287, Net: \$315,810 (Based on 2011 budget allocations)
STAFFING STRUCTURE:	<p>All programs are managed as part of the existing recreation facilities management structure. Aquatics programs have 2 full time Supervisors (WECC and Victoria Road Recreation Centre) and a total of 5 other full time staff.</p> <p>Community programs are run by 1.6 FTEs based at WECC.</p> <p>Program staffing (e.g. Instructors, Counsellors) for all programs is provided by non-union casual staff.</p> <p>The overall direction of the programs is provided by the 2 Managers, 1 at WECC and 1 at Victoria Road Recreation Centre.</p>
2012 OBJECTIVES:	<p>Increase numbers of participants</p> <p>Equal or exceed net revenue expectations in budget.</p>
CONSEQUENCES OF NOT PROVIDING THE SERVICE:	<p>The City would become facility rental managers only. There is no one else in the City with the facilities or expertise to fill the resulting gap in services.</p> <p>Residents of Guelph would only be able to access recreation facilities by joining a group already renting a facility or by renting it themselves.</p>

Appendix 2

	<p>Guelph residents would have considerably less access to recreational services or facilities.</p> <p>Guelph residents would be less active overall.</p> <p>Without access to proper swimming lessons many children would be placed at risk around water.</p> <p>Recreational facilities would be less utilized and less accessible to anyone who is not part of an organized group.</p>
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Service fact sheet

TITLE:	Civic Precinct Management
DESCRIPTION:	Provide property management and support services to the following facilities; City Hall, POA, Museum, Intermodal Transit and Market Square. Those services being: maintenance, cleaning, security, life safety, compliance oversight of legislated requirements with respect to lawful building operation and occupancy. Direct and indirect clients are citizens, staff and business partners.
LEGISLATED/NON-LEGISLATED:	Non-Legislated; although legislated requirements exist within (provision of a Council Chamber, POA Court Services) along with legislated compliance actions for the lawful operation and occupancy of a building (life safety system regulations, health and safety regulations, electrical and building regulations, etc.)
% OF TAX BASE FUNDING:	100 %
GROSS AND NET COSTS:	\$1,244,910 (Based on 2011 budget allocations)
STAFFING STRUCTURE:	Manager (1 FTE) Maintenance Technician (1 FTE) Cleaners (5 FTEs) Facility Maintainers (2 FTE)
2012 OBJECTIVES:	Identify and implement operational and fiscal efficiencies within the Civic Precinct.
CONSEQUENCES OF NOT PROVIDING THE SERVICE:	Services such as cleaning, maintenance, and security would not be provided, elimination of City Hall as a Cooling Centre. Legislated requirements related to the operation and occupancy would not be met, ultimately facilities in their entirety or equipment within a facility would be shut down and occupancy compromised or denied by persons having authority.

Service fact sheet

TITLE:	Community Engagement Consultation, research and public policy
DESCRIPTION:	Fosters and develops more efficient and productive community engagement processes and tools, so residents can provide meaningful input to City polices and services and City departments can be responsive to resident concerns. Similarly undertakes reviews of the County's delivery of social services. This results in service efficiencies, greater customer service increased accountability and new partnerships. Provides data gathering, analysis and project management to support departmental and corporate initiatives such as: Community Investment Strategy, Affordable Transit Pass, the Community Well Being Initiative and oversight of the City's social services such as Wyndham House – Youth Shelter
LEGISLATED/NON-LEGISLATED:	Non-Legislated
% OF TAX BASE FUNDING:	\$217,425 100% tax supported \$200,000 – one time, social services reserve
GROSS AND NET COSTS:	\$417,425 (Based on 2011 budget allocations)
STAFFING STRUCTURE:	2 FTEs Research & Policy Analyst and Social Services Policy and Program Co-ordinator. Supervised by GM of Community Engagement
2012 OBJECTIVES:	Complete implementation of the Community Investment Strategy Complete Program and Service Review of the CMSM (County Social Services) Begin 2 year pilot of Affordable Transit Pass based on Council approval Complete year 1 of the four year Community Well Being Initiative Implement a Corporate Community Engagement Framework
CONSEQUENCES OF NOT PROVIDING THE SERVICE:	City is not responsive to changing community needs and interests resulting in poorly planned and implemented services and programs, decreased customer satisfaction and decreased

Appendix 4

	involvement of residents in City initiatives. Continued lack of transparency and accountability for social services. Missed opportunities to develop and refine programs and services based on best practices.
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Service fact sheet

TITLE:	Market Square Programming
DESCRIPTION:	To provide civic hosted events and celebrations on the new Market Square space located in front of City Hall. Events are to have broad public-wide appeal and to attract people to the downtown core, and specifically to Carden Street. Some events will be annual (i.e. New Year's Levee, Holiday Decorating and Programming), and others will be more event specific and could include summer concert series, film screenings, outdoor marketplaces, and themed skating parties.
LEGISLATED/NON-LEGISLATED:	Non-Legislated
% OF TAX BASE FUNDING:	100%
GROSS AND NET COSTS:	\$28,500 in expenses (Based on 2011 budget allocations)
STAFFING STRUCTURE:	No staff – events will be coordinated and organized by existing staff within the Arts, Culture and Entertainment Division. Expenses budgeted are to cover programming and artist fees, equipment rental (sound, lighting, staging equipment), decorations, and marketing expenses for the events
2012 OBJECTIVES:	Launch the programming for Market Square, animating the space and drawing public into the downtown core. The intention is to attract customers and patrons into the Civic Precinct, generating economic spinoffs for the businesses in the area.
CONSEQUENCES OF NOT PROVIDING THE SERVICE:	The newly constructed Market Square space would simply be used as a passive park space for skating in the winter and access to the water feature in the summer, but no Civic hosted special events would take place.

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

October 24, 2011

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

Your Corporate Administration, Finance & Emergency Services Committee beg leave to present their EIGHTH CONSENT REPORT as recommended at its meeting of October 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) 2011 Service Review Process: Corporate Administration, Corporate and Human Resources – Service Fact Sheets

THAT the additional descriptive data on specific services within Corporate Administration, Corporate and Human Resources identified in the 2011 Service Review Process, be received for information;

AND THAT no action be taken at this time with respect to service and operational reviews with respect to:

- Strategic Planning and Corporate Initiatives
- Manager of Labour Relations – Attendance Management
- Corporate Initiatives for Employee Engagement
- Diversity Strategy

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 October 11, 2011 meeting.

COMMITTEE REPORT



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

SERVICE AREA Corporate Administration
DATE October 11, 2011

SUBJECT 2011 Service Review Process: Corporate Administration, Corporate and Human Resources - Service Fact Sheets

REPORT NUMBER

SUMMARY

Purpose of the Report: To further the Committee and Council understanding of the scope and benefits of select Corporate Administration, Corporate and Human Resources services identified in the 2011 Service Review Process; and to seek direction as to whether additional Executive Team consideration should be given to service and/or operational review activity on these services.

Committee Action: To receive the report for information.

RECOMMENDATION

That the CAFES Committee, receive for information, additional descriptive data on specific services within Corporate Administration, Corporate and Human Resources identified in the 2011 Service Review Process.

BACKGROUND

In the first quarter of 2011, Council initiated a Service Review process with the examination of an initial list of 75 legislated and discretionary services currently provided by the City. Analysis of Council's preliminary assessment results revealed a high degree of variability in how some of the services were rated, indicating a confirmed lack of understanding in many cases. To that end, the Executive Team recommended that information on select services with high standard deviation scores be provided to Council to improve understanding of the scope and benefits. That recommendation was endorsed by Council on July 25th, 2011.

REPORT

Consistent with Council direction, Service Fact Sheets on four services in the Corporate Administration, Corporate and Human Resources Service Areas of the corporation have been completed for Committee receipt and review and are attached as Appendix 1.

CORPORATE STRATEGIC PLAN

5.6 – Organizational excellence in planning and management.

FINANCIAL IMPLICATIONS

n/a

DEPARTMENTAL CONSULTATION

The Executive Team was consulted in the development of this report.

COMMUNICATIONS

n/a

ATTACHMENTS

Appendix 1 – Service Fact Sheets:

- a) Strategic Planning and Corporate Initiatives
- b) Attendance Management
- c) Corporate Initiatives for Employee Engagement
- d) Diversity – Staffing and Workforce Planning

“original signed by Brenda Boisvert”

Prepared By:

Brenda Boisvert
Corporate Manager, Strategic Planning
and Corporate Initiatives

“original signed by Mark Amorosi”

Recommended By:

Mark Amorosi
Executive Director
Corporate and Human Resources
X2281
mamorosi@guelph.ca

Service fact sheet

TITLE:	Strategic Planning and Corporate Initiatives
DESCRIPTION:	<p>Strategic Planning and Corporate Initiatives primarily serves the Mayor, Council and Executive Team with leadership in the development and implementation of a variety of projects focused on operational performance and strengthened governance practices.</p> <p>Functional focus areas include strategic planning; corporate strategy development and implementation (e.g. customer service strategy); performance measurement and reporting; qualitative and quantitative research design; strategic communications; meeting planning and facilitation; service and operational review planning and development; Committee and Board support (Governance, Sustainable Solutions, Guelph Municipal Holdings Inc.)</p> <p>The position also holds membership in the GTA Strategic Initiatives Roundtable group which shares information and best practices on strategic planning and related corporate initiatives.</p> <p><u>2011 Accomplishments</u></p> <ul style="list-style-type: none"> • Completion of requirements and Council approval of a Municipal Holding Company to further excellence in corporate asset management. • Design development and Council approval of the Strategic Plan Revision Process for 2011-2014. • Planning and Council approval of the corporate Service Review process resulting in the collaborative assessment of a preliminary list of 75 by Council and the Executive Team. • Design and Council approval of a Community Survey to support the Strategic Plan Revision Process. • Research and development of an environmental scan to support the Strategic Plan Revision Process. • Development of internal and external communications content and strategies to ensure awareness of and progress on strategic initiatives. • Mission and Vision statement facilitation for the Guelph Farmers' Market. Further facilitation of governance options

	<p>planned for 2011.</p> <ul style="list-style-type: none"> Formalization of a cross departmental team of staff focused on devising recommendations for enhanced usage of metrics to drive performance, strengthened tracking and reporting of efficiencies and the integration of measures in linked processes and across departments.
LEGISLATED/NON-LEGISLATED:	Non-legislated
% OF TAX BASE FUNDING:	100%
GROSS AND NET COSTS:	<ul style="list-style-type: none"> Salary and benefits combined \$120,100 \$15,000/year for one-time expenditure on Strategic Planning every four years No additional budget requirements
STAFFING STRUCTURE:	<ul style="list-style-type: none"> 1 FTE
2012 OBJECTIVES:	<ul style="list-style-type: none"> A revised Strategic Plan with renewed direction and measureable objectives for the corporation that responds to current community needs and expectations. Guelph Municipal Holdings Inc. fully incorporated with functional Board meetings on a regular basis and the achievement of all reporting requirements as set out in the Council approved Shareholder Agreement. Implementation of recommendations to strengthen performance measurement capacity and results reporting in the organization. Renewal of the Service Excellence Strategy and implementation of corporate customer service standards.
CONSEQUENCES OF NOT PROVIDING THE SERVICE:	<ul style="list-style-type: none"> Increased cost of external consulting fees for departments (i.e. Emergency Services and Operations) for strategic, planning and facilitation services provided by this position Decreased capacity for the planning, implementation and support of CAO, ET and Council corporate and strategic initiatives designed to enhance organizational performance and position the city for future success. Decreased support for otherwise costly strategic and facilitation services provided to local partners and community groups i.e. Poverty Task Force, Family and Children Services, Guelph and District Multicultural Group, Sustainable Solutions.

Service fact sheet

TITLE:	Manager of Labour Relations – Attendance Management
DESCRIPTION:	<p>Attendance Management Plan:</p> <p>The purpose of the Attendance Management service is to measure and improve employee attendance by offering support and assistance, and to ensure employee understanding of attendance expectations and the impact of absence on the workplace.</p> <p>The City has had for several years an Attendance Management Policy and attendance has been regularly managed for those employees with excessive absenteeism.</p> <p>A new Attendance Management Program has been developed to provide corporate consistency in managing attendance based on thresholds of absenteeism, and to provide Managers/Supervisors with more thorough reporting and documented processes to assist them in meeting with staff regarding their attendance.</p> <p>Where employees' attendance reaches an established threshold meetings are held with the employee(s) and attempts are made to identify if there are any medical condition(s) that could be impacting the employee's ability to attend work and if accommodation is required.</p> <p>The intended outcome is to improve employee attendance, reduce the direct and indirect cost of absenteeism and to support the employee in attendance at work.</p> <p>The Attendance Management Plan applies to all City of Guelph full-time, part-time, casual and temporary employees.</p>
LEGISLATED/NON-LEGISLATED:	Non-Legislated
% OF TAX BASE FUNDING:	N/A

GROSS AND NET COSTS:	<p><u>STD Claim Expenditures</u></p> <table border="1"> <thead> <tr> <th>2008</th> <th>2009</th> <th>2010</th> </tr> </thead> <tbody> <tr> <td>\$282,846</td> <td>\$479,132</td> <td>\$354,533</td> </tr> </tbody> </table> <p><u>LTD Claim Expenditures</u></p> <table border="1"> <thead> <tr> <th>2008</th> <th>2009</th> <th>2010</th> </tr> </thead> <tbody> <tr> <td>\$328,314</td> <td>\$528,503</td> <td>\$404,292</td> </tr> </tbody> </table> <p><u>WSIB Claim Expenditures</u></p> <table border="1"> <thead> <tr> <th>2008</th> <th>2009</th> <th>2010</th> </tr> </thead> <tbody> <tr> <td>\$312,419</td> <td>\$376,631</td> <td>\$402,733</td> </tr> </tbody> </table> <p><u>Total Days Off due to Sickness/Injury</u></p> <table border="1"> <thead> <tr> <th>2008</th> <th>2009</th> <th>2010</th> </tr> </thead> <tbody> <tr> <td>14,755</td> <td>15,499</td> <td>16,303</td> </tr> </tbody> </table>	2008	2009	2010	\$282,846	\$479,132	\$354,533	2008	2009	2010	\$328,314	\$528,503	\$404,292	2008	2009	2010	\$312,419	\$376,631	\$402,733	2008	2009	2010	14,755	15,499	16,303
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STAFFING STRUCTURE:	<p>Attendance Management support currently is part of the duties of the Health and Safety Specialist and the Labour Relations Specialist in the Human Resources Department.</p> <p>All leaders with staff reports are responsible to manage employee absences.</p>																								
2012 OBJECTIVES:	<ul style="list-style-type: none"> - Full year implementation of the Attendance Management Program - Continued reporting of Attendance data in the HR Annual Report - Target average 9 days sick leave per employee as per the HR Scorecard 																								
CONSEQUENCES OF NOT PROVIDING THE SERVICE:	<p>Not managing attendance will lead to increased costs for the organization. Costs of Short Term Disability, Long Term Disability and Workplace Safety and Insurance Board compensation continue to increase, are highly variable and can increase (or decrease) depending on the nature and duration of the illness or claim.</p> <p>Research indicates that in order to manage attendance employees require support and assistance to ensure early and safe return to work. Not providing assistance or management of attendance is not recommended.</p>																								

Service fact sheet

TITLE:	Corporate Initiatives For Employee Engagement
DESCRIPTION:	<p>Corporate initiatives for employment engagement encompass a wide variety of activities including but not limited to corporate learning and development for leadership and employees, group/team performance consulting and support as well as corporate programs which support employee wellness, recognition and reinforcement of the Corporate Values.</p> <p>The focus of this service fact sheet is on the latter.</p> <p>Primarily led by the Organizational Development team, corporate initiatives for employee engagement directly support the following goals of the City's draft MVV:</p> <ul style="list-style-type: none"> • To be recognized as a top employer • To treat employees with the same level of respect and commitment which they are expected to deliver to the community • To achieve wellness for our people <p>Indirectly, these activities support all other stated goals, as we require an engaged workforce to effectively deliver the City's desired services.</p>
LEGISLATED/NON-LEGISLATED:	Non-legislated
% OF TAX BASE FUNDING:	100%
GROSS AND NET COSTS:	<ul style="list-style-type: none"> • 706-0200.3480WELL - Corporate wellness programming: 2011 budget \$13,000 • 706-0200.2415EMEN - "employee engagement" activities - 2011 budget \$38,875 • Funds are budgeted outside of the OD section for the Mayor's Holiday Celebration, CAO BBQ and Long Service Awards and employee health initiatives • Costs associated with 0.5 OD Specialist FTE and 0.25 of

	clerical support FTE for program implementation
STAFFING STRUCTURE:	<p>Services delivered primarily within the OD team, consisting of 2 Organizational Development Specialists and half time clerical support.</p> <p>Some corporate employee recognition events are led by others within and outside Human Resources.</p>
2012 OBJECTIVES:	<p>To deploy an employee engagement survey initiative to establish baseline data and provide renewed focus for employee engagement activities.</p> <p>To increase employee participation in corporate employee engagement initiatives.</p> <p>To increase corporate employee engagement initiative effectiveness to positively influence employee engagement metrics.</p>
CONSEQUENCES OF NOT PROVIDING THE SERVICE:	<p>Research shows that an engaged workforce yields the following benefits for organizations:</p> <ul style="list-style-type: none"> • Improved work quality, performance and productivity • Reduced absenteeism, presenteeism and turnover • Fewer accidents, injuries and lower health care costs • An ability to better attract and retain top quality employees • Improved customer service and satisfaction <p>The City's People Practices Strategy has provided a framework, to build an infrastructure of corporate programs to position the organization to compete with other public and profit employers within our community for talent. Despite this, some measures of employee engagement highlighted in the 2010 Human Resources Annual Report are trending in a negative direction. (e.g. turnover and absenteeism)</p>

Service fact sheet

TITLE:	Diversity Strategy
DESCRIPTION:	<p>The City of Guelph Diversity Strategy has been developed as an action item within the People Practices Strategy, which serves as the framework that supports The City of Guelph’s goal of becoming recognized as a top employer within the community.</p> <p>Purpose</p> <p>The goals of the Diversity Strategy are to:</p> <ol style="list-style-type: none"> 1. Support the attraction, retention and development of a workforce that is reflective of our community 2. Identify and Address Barriers within our Employment systems 3. Contribute towards greater public satisfaction with City Services <p>Intended Outcomes</p> <ul style="list-style-type: none"> • Recognition as a top employer • Improved ability to attract and retain qualified candidates by accessing a broader talent pool • Improved employee satisfaction and engagement • Improved services that are valued by the community <p>Link to draft MVV Goals</p> <p>To be recognized as a top employer in the community To provide quality, valued services</p>
LEGISLATED/NON-LEGISLATED:	The Integrated Standard under the Accessibility for Ontarians with Disabilities Act contains requirements with respect to employment. The City of Guelph is expected to be compliant to the employment standard by January 1, 2014. The goals of the diversity

	<p>strategy support the requirements of the AODA.</p> <p>The goal of the strategy to “identify and address barriers in employment systems” (typically to support Employment Equity) will also support the City’s duties as an employer under the Ontario Human Rights Code.</p>
<p>% OF TAX BASE FUNDING:</p>	
<p>GROSS AND NET COSTS:</p>	<p>The costs for the Diversity Strategy will be higher in the first few years as we conduct training, the Workforce Census and the Employment Systems Review. Overall programming costs for 2012 and 2013 are estimated at \$42,000 per year.</p>
<p>STAFFING STRUCTURE:</p>	<div data-bbox="565 743 1446 1062" data-label="Diagram"> <pre> graph TD DN["Dana Nixon Manager, Staffing & Workforce Planning"] JB["Jeff Beaton Staffing Specialist"] LK["Lindsay Kolbuc Staffing Specialist"] JO["Jeremiah Oliver Workforce Planning & Development Specialist"] NB["Nicole Borics Human Resources Assistant"] DN --- JB DN --- LK DN --- JO DN --- NB </pre> </div> <p>The above is the structure of the Staffing and Workforce Planning Team. Staff shaded in blue have direct responsibility for the Diversity Strategy as part of their overall portfolio, which also includes Workforce Planning, Employee Orientation, Career Development.</p>
<p>2012 OBJECTIVES:</p>	<p>Provide training on the Diversity Strategy to staff; provide other training to support Diversity including but not limited to cross cultural competence, religious accommodation, physical ability accommodation etc.</p> <p>Promote the Diversity Steering Committee as an internal resource to corporate and departmental committees</p> <p>Conduct a Workforce Census to identify the extent to which the workforce is or is not reflective of the community. Identify possible areas where barriers may exist. The census is the precursor to an Employment Systems Review which is scheduled for 2013.</p> <p>Develop a Religious Accommodation Policy in support of employee attraction and retention</p> <p>Develop, implement and maintain policies in accordance with</p>

	<p>requirements under the AODA Employment Standard with respect to accommodation in employment</p> <p>Continue outreach to the community to broaden access to potential talent and to promote the City as a top employer</p>
<p>CONSEQUENCES OF NOT PROVIDING THE SERVICE:</p>	<p>To effectively thrive in an increasingly competitive labour market, employers must promote an inclusive work culture to attract and retain the best and brightest people available. As an employer, the City of Guelph must ensure that employment policies, procedures, processes and practices are fair, equitable and free from discrimination, to support the attraction, recruitment, selection, promotion and retention of a workforce that is reflective of the community.</p> <p>Not providing this service would mean not fulfilling the People Practices Strategy which would impact the City's ability to be recognized as a top employer.</p>

CONSENT REPORT OF THE OPERATIONS & TRANSIT COMMITTEE

October 24, 2011

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

Your Operations & Transit Committee beg leave to present their EIGHTH
CONSENT REPORT as recommended at its meeting of October 17, 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 Operations & Transit Committee
will be approved in one resolution.*

1) 2011/2012 Guelph Storm Mutual Services Agreement

THAT the Operations & Transit Committee Report OT071151 '2011/2012
Guelph Storm Mutual Services Agreement' dated October 17, 2011 be
received;

AND THAT the Mayor and City Clerk be authorized to sign the Mutual
Services Agreement with the Guelph Storm satisfactory to the Executive
Director of Operations & Transit (or the designate) and the City Solicitor (or
designate).

2) 2011 Service Review Process: Service Fact Sheets

THAT the Operations and Transit Committee Report OT071152 '2011 Service
Review Process: Service Fact Sheets' dated October 12, 2011 be received.

AND THAT no action be taken at this time with respect to service and
operational reviews with respect to:

- Christmas Tree Collection
- Bridge, Headwall and Retaining Wall Maintenance

3) Noise By-law Review

THAT the Operations & Transit Committee Report OT071153 'Noise By-law
Review' dated October 17, 2011 be received;

Page 2
October 24, 2011
Operations and Transit Committee Report

AND THAT amendments to the Noise By-law as set out in Operations & Transit Committee Report OT071153 'Noise By-law Review' dated October 17th, 2011 be approved.

All of which is respectfully submitted.

Councillor Findlay, Chair
Operations & Transit Committee

***PLEASE BRING THE MATERIAL THAT WAS DISTRIBUTED WITH THE
AGENDA FOR THE OCTOBER 17, 2011 MEETING.***

COMMITTEE REPORT



TO **Operations and Transit Committee**

SERVICE AREA Operations & Transit
DATE October 17, 2011

SUBJECT 2011/2012 Guelph Storm Mutual Services Agreement
REPORT NUMBER OT071151

SUMMARY:

Purpose of Report: To formalize an ongoing informal agreement between Guelph Transit and the Guelph Storm for the exchange of services.

COUNCIL ACTION:

Approve the Mutual Services Agreement between Guelph Transit and the Guelph Storm for the 2011/2012 hockey season, and direct staff to formulate a policy in 2012 related to cross promotional and exchange activities between the City and external parties.

RECOMMENDATION

THAT the Operations & Transit Committee Report OT071151 2011/2012 Guelph Storm Mutual Services Agreement dated October 17, 2011 be received;

AND THAT the Mayor and City Clerk be authorized to sign the Mutual Services Agreement with the Guelph Storm satisfactory to the Executive Director of Operations & Transit (or the designate) and the City Solicitor (or designate).

BACKGROUND

In 2006 Guelph Transit and Guelph Storm entered into an informal agreement whereby Guelph Transit provided free transit service to passengers who were travelling to downtown Guelph for the Storm Game on Friday nights in return for a variety of print and electronic media placements in Guelph Storm advertisements at no cost to Guelph Transit. There has been no exchange of funds associated with the existing arrangement.

REPORT

For the past five years Guelph Transit and Guelph Storm have exchanged services informally to the mutual benefit of each party. The key services that have been exchanged are summarized in Appendix 1.

At the present time there is no corporate policy in place to guide agreements for the exchange of services or services-in-kind between the City and third parties.

In order to provide a solid defensible framework for the City to assess future cross promotional and/or commercial opportunities, it is recommended that staff develop a policy related to this matter in 2012. This type of activity should be encouraged where the criteria of the policy are satisfied and there is an economic benefit to the City.

In the interim, to allow this arrangement to continue for 2011/2012 hockey season, it is recommended that a short-term-term agreement is signed between the two parties based on the historical exchange of services. Any future agreements will reflect the guiding principles and requirements of the policy to be developed. The proposed short-term agreement is provided in Appendix 2.

CORPORATE STRATEGIC PLAN

- 1.4 A sustainable transportation approach that looks comprehensively at all modes of travel to, from and within the community.
- 2.1 A complete community with services and programs for children, youth and adults of all ages.
- 3.6 The city as a tourist destination of choice.
- 5.4 Partnerships to achieve strategic goals and objectives.
- 6.2 Less total greenhouse gas emissions for the City as a whole compared to the current global average.

FINANCIAL IMPLICATIONS

Based on the activities undertaken and services provided/received by each party, Guelph Transit and the Guelph Storm receive approximately the same financial value from this agreement.

COMMUNICATIONS

N/A

DEPARTMENTAL CONSULTATION

Legal Services
City Clerk's Office
Corporate Communications

ATTACHMENTS

- Appendix 1 - Summary of Services Provided/Received
- Appendix 2 - Guelph Storm Mutual Services Agreement



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Appendix 1 - Summary of Services Provided/Received

Guelph Transit provides the following support to Guelph Storm:

- (a) After 5:00 p.m. on each Friday when the Storm has a home game at the Sleeman Centre, the City shall provide a free ride on Guelph Transit, from anywhere on Guelph Transit's routes to the vicinity of the Sleeman Centre and from the vicinity of the Sleeman Centre to anywhere on Guelph Transit's routes, for each person producing a ticket or ticket stub for that Friday night Storm home game (the "Free Ride Fridays" program);
- (b) During the period October 1, 2011 to March 31, 2012, the City shall permit the Storm to display a Bus Kong (large exterior advertisement space) on one Guelph Transit vehicle, and interior advertising rack cards (11 inches x 35 inches) in 20 Guelph Transit vehicles to advertise the Storm using advertisements prepared and supplied by the Storm (production and installation at the Storm's sole expense); advertisements must be in compliance with the City's advertising policies;
- (c) On each Friday when the Storm has a home game at the Sleeman Centre, the City shall include the mention "Go Storm Go" on the electronic display boards (destination signs) on all Guelph Transit conventional vehicles;
- (d) The City shall include mention of the Storm (satisfactory to the Storm) on the Guelph Transit website (guelphtransit.ca); and
- (e) The City shall include mention of the Storm (satisfactory to the Storm) on Guelph Transit's electronic social media sites.

Guelph Transit receives the following advertising support from the Guelph Storm:

- (a) The Storm shall publish a full page, colour advertisement (design prepared and supplied at the City's sole expense) promoting Guelph Transit, to be placed in two of the three program guides produced and published by the Storm;
- (b) The Storm shall make a minimum of two mentions (satisfactory to the City) of Guelph Transit's Free Ride Fridays program on the public address system at the Sleeman Centre during each Friday night home game of the Storm;
- (c) The Storm shall include a mention (satisfactory to the City) of Guelph Transit's Free Ride Fridays program in each radio advertisement promoting the Storm, on each radio station used by the Storm for advertising;
- (d) The Storm shall include a mention (satisfactory to the City) of Guelph Transit in the scrolling, continuous advertising loops on both the upper and lower advertising bands in the Sleeman Centre (design prepared and supplied at the City's sole expense); the mentions of Guelph Transit shall be on display for at least 10 minutes per Friday night home game;

-
- (e) The Storm shall include, concurrently with each mention in the above-described scrolling continuous advertising loops, an advertisement (design prepared and supplied at the City's sole expense) promoting Guelph Transit on the full screen of the video score clock in the Sleeman Centre; the advertisement shall be on display for at least two minutes per Friday night home game;
 - (f) The Storm shall include mention of Guelph Transit (satisfactory to the City) on the Storm's electronic social media sites; and
 - (g) During the period October 1, 2011 to March 31, 2012, the Storm shall permit Guelph Transit to display a static sign on the interior display boards in the Sleeman Centre to advertise Guelph Transit using advertisements prepared and supplied electronically by Guelph Transit (production and installation at the Storm's sole expense).

Appendix 2

Mutual Services Agreement made the day of September, 2011 between:

The Corporation of the City of Guelph
(the “City”)

Of the first part

and

Guelph Storm Limited
(the “Storm”)

Of the second part

WHEREAS the City owns and operates a municipal arena (“Sleeman Centre”), bus transit system (“Guelph Transit”), Guelph Transit website and Guelph Transit electronic social media sites;

AND WHEREAS the Storm operates a hockey team and provides or has access to several advertising media;

AND WHEREAS the City wishes to obtain advertising of Guelph Transit;

AND WHEREAS the Storm can provide such advertising;

AND WHEREAS the City can provide services to the Storm, equal in value to the services provided by the Storm to the City;

AND WHEREAS the provision of services by the City to the Storm pursuant to this Agreement does not constitute direct or indirect assistance through the granting of bonuses;

NOW THEREFORE, in consideration of the mutual agreements contained herein, the parties hereto hereby agree as follows:

1. The parties hereto shall cooperate in the reasonable pursuance of this Agreement for their mutual benefit.
2. This Agreement shall be in force for and apply to the period from September 1, 2011 to May 31, 2012 (the “Exchange Period”). However, either party may terminate this Agreement upon at least seven days written notice to the other party, whereupon the parties shall adjust the values of services provided up to the date of termination.
3. During the Exchange Period the City shall provide the following to the Storm at no expense to the Storm, except as provided:
 - (a) After 5:00 p.m. on each Friday when the Storm has a home game at the Sleeman Centre, the City shall provide a free ride on Guelph Transit, from anywhere on Guelph Transit’s routes to the vicinity of the Sleeman Centre and from the vicinity of the Sleeman Centre to anywhere on Guelph Transit’s routes, for each person producing a ticket or ticket stub for that Friday night Storm home game (the “Free Ride Fridays” program);
 - (b) During the period October 1, 2011 to March 31, 2012, the City shall permit the Storm to display a Bus Kong (large exterior advertisement space) on one Guelph Transit vehicle, and interior advertising rack cards (11 inches x 35 inches) in 20 Guelph Transit vehicles to advertise the Storm using advertisements prepared and supplied by the Storm (production and installation at the Storm’s sole expense); advertisements must be in compliance with the City’s advertising policies as detailed in Appendix A;
 - (c) On each Friday when the Storm has a home game at the Sleeman Centre, the City shall include the mention “Go Storm Go” on the electronic display boards (destination signs) on all Guelph Transit conventional vehicles;

-
- (d) The City shall include mention of the Storm (satisfactory to the Storm) on the Guelph Transit website (guelphtransit.ca); and
 - (e) The City shall include mention of the Storm (satisfactory to the Storm) on Guelph Transit's electronic social media sites.
 4. During the Exchange Period the Storm shall provide the following to the City at no expense to the City, except as provided:
 - (a) The Storm shall publish a full page, colour advertisement (design prepared and supplied at the City's sole expense) promoting Guelph Transit, to be placed in two of the three program guides produced and published by the Storm;
 - (b) The Storm shall make a minimum of two mentions (satisfactory to the City) of Guelph Transit's Free Ride Fridays program on the public address system at the Sleeman Centre during each Friday night home game of the Storm;
 - (c) The Storm shall include a mention (satisfactory to the City) of Guelph Transit's Free Ride Fridays program in each radio advertisement promoting the Storm, on each radio station used by the Storm for advertising;
 - (d) The Storm shall include a mention (satisfactory to the City) of Guelph Transit in the scrolling, continuous advertising loops on both the upper and lower advertising bands in the Sleeman Centre (design prepared and supplied at the City's sole expense); the mentions of Guelph Transit shall be on display for at least 10 minutes per Friday night home game;
 - (e) The Storm shall include, concurrently with each mention in the above-described scrolling continuous advertising loops, an advertisement (design prepared and supplied at the City's sole expense) promoting Guelph Transit on the full screen of the video score clock in the Sleeman Centre; the advertisement shall be on display for at least two minutes per Friday night home game; and
 - (f) The Storm shall include mention of Guelph Transit (satisfactory to the City) on the Storm's electronic social media sites.
 - (g) During the period October 1, 2011 to March 31, 2012, the Storm shall permit Guelph Transit to display a static sign on the interior display boards in the Sleeman Centre to advertise Guelph Transit using advertisements prepared and supplied electronically by Guelph Transit (production and installation at the Storm's sole expense).
 5. Each party (the "Indemnitor") shall indemnify and save harmless the other party, its officers, directors, employees, contractors and agents (collectively the "Indemnitees") from and against all actions, causes of action, claims, demands, costs, damages, expenses or losses which the Indemnitees or any of them may bear, suffer, incur, become liable for or be put to by reason of any loss, damage to property, injury or death by reason of non-performance by the Indemnitor of any provision of this Agreement or arising in connection with this Agreement or arising out of any act, omission, neglect or default by the Indemnitor or any of its officers, directors, employees, contractors or agents, related in any way to this Agreement, including any matters related to inventions, copyrights, trademarks, patents or similar or related rights.
 6. The respective contacts regarding this Agreement shall be:
 7.
 - (a) For the City:

Heather Mathewson
Guelph Transit
519-822-1260 ext 2794
heather.mathewson@guelph.ca
 - (b) For the Storm:

Matt Newby
Guelph Storm
519-837-9690
mnewby@guelphstorm.com

-
8. This Agreement shall bind and enure to the benefit of the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals.

The Corporation of the City of Guelph

Date: _____

Mayor - Karen Farbridge

Acting City Clerk - Tina Agnello

Guelph Storm Limited

Date: _____

Director of Business Operations - Matt Newby
I am/we are authorized to bind the corporation

COMMITTEE REPORT



TO **Operations & Transit Committee**

SERVICE AREA Operations & Transit

DATE October 12, 2011

SUBJECT 2011 Service Review Process: Service Fact Sheets

REPORT NUMBER OT071152

SUMMARY

Purpose of the Report: To further the Committee and Council understanding of the scope and benefits of select Operations and Transit services identified in the 2011 Service Review Process; and to seek direction as to whether additional Executive Team consideration should be given to service and/or operational review activity on these services.

Committee Action: To receive the report for information.

RECOMMENDATION

That the Operations and Transit Committee Report OT071152 2011 Service Review Process: Service Fact Sheets dated October 12, 2011 be received.

BACKGROUND

In the first quarter of 2011, Council initiated a Service Review process with the examination of an initial list of 75 legislated and discretionary services currently provided by the City. Analysis of Council's preliminary assessment results revealed a high degree of variability in how some of the services were rated, indicating a confirmed lack of understanding in many cases. To that end, the Executive Team recommended that additional information on select services with high standard deviation scores be provided to Council to improve understanding of the scope and benefits. That recommendation was endorsed by Council on July 25th, 2011.

REPORT

Consistent with Council direction, Service Fact Sheets on two services in the O&T Service Area of the Corporation have been completed for Committee receipt and review and are attached as Appendix 1. Staff overseeing the delivery of these two services will be available to address any questions.

CORPORATE STRATEGIC PLAN

5.6 – Organizational excellence in planning and management.

FINANCIAL IMPLICATIONS

n/a

DEPARTMENTAL CONSULTATION

The Executive Team was consulted on the development of this report.

COMMUNICATIONS

n/a

ATTACHMENTS

Appendix 1 – Service Fact Sheets:

- a) Christmas Tree Collection
- b) Bridge, Headwall and Retaining Wall Maintenance



Prepared & Recommended By:

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Service fact sheet

TITLE:	a) Christmas Tree Collection		
DESCRIPTION:	Yearly roadside collection and disposal of post Christmas Season Christmas Trees.		
	2010 Manhours (Absorbed by winter control accounts)	Equipment Cost	Trees Collected
	1145.0	\$12,229.26	4,732
LEGISLATED/ NON- LEGISLATED:	<ul style="list-style-type: none"> • Non -Legislated 		
% OF TAX BASE FUNDING:	<ul style="list-style-type: none"> • 100% 		
GROSS AND NET COSTS:	<ul style="list-style-type: none"> • 2011 gross costs; \$59,177.00 		
STAFFING STRUCTURE: (FTE amount)	<ul style="list-style-type: none"> • There are no FTE's budgeted for this service. This Service is performed by Winter Control staff already on duty. The Service is funded through Winter Control accounts. 		
2012 OBJECTIVES: OR current service standard	<ul style="list-style-type: none"> • Service standard is to collect trees roadside following the Orthodox Christmas in early January when staff resources normally assigned to winter control activities can be redeployed. The nature of this type of resource allocation can 		

Appendix 1
(a)

	lead to delays in having trees collected. Collection is interrupted by adverse weather.
CONSEQUENCES OF NOT PROVIDING THE SERVICE:	<ul style="list-style-type: none">• Not collecting the trees at curbside will place onus on resident to deliver their tree to the WRIC. Past trends suggest a number of them will be abandoned on the roadside or in nearby parks. Uncollected trees and the need to collect them would fall to the Public Works Department, regardless of service policy decision. Increased debris on the right of way may cause an increased risk to the corporation, pedestrians and motorists.

Service fact sheet

TITLE:	b) Bridge, Headwall and Retaining Wall Maintenance
DESCRIPTION:	Bi-annual inspection of all bridge structures as legislated by province in addition to minor repairs and aesthetic maintenance to ensure safe usability for the general public. Storm Inlet and outfall headwall inspections for structural, functional and aesthetic maintenance to ensure effective, efficient stormwater conveyance. Retaining wall inspections and maintenance to ensure structural and aesthetic functionality to protect right of way assets and the general public.
LEGISLATED/NON-LEGISLATED:	Only the bridge inspections are a legislated activity.
% OF TAX BASE FUNDING:	100%
GROSS AND NET COSTS:	<ul style="list-style-type: none"> 2010 gross maintenance costs; \$29,600.00 Yearly inspection costs: \$21,000.00
STAFFING STRUCTURE: (FTE amount)	<ul style="list-style-type: none"> 0.4 FTE
2012 OBJECTIVES: OR current service standard	<ul style="list-style-type: none"> Service standard is to inspect all structures bi-yearly (third party engineer). Perform minor, (within budget scope) structural and aesthetic maintenance/repairs. Treat graffiti tags as soon as possible once becoming aware of the tag.
CONSEQUENCES OF NOT PROVIDING THE SERVICE:	<ul style="list-style-type: none"> Contrary to legislation (bridges) Increased risk to the corporation with respect to structural deficiencies, (i.e. retaining wall collapse), property damage, third party injury to public. Unattended graffiti tags would create an unpleasant aesthetic result or offend members of the public and/or embarrass the corporation.

COMMITTEE REPORT



TO **Operations and Transit Committee**

SERVICE AREA Operations & Transit

DATE October 17, 2011

SUBJECT Noise Bylaw Review

REPORT NUMBER OT071153

SUMMARY

Purpose of Report: To provide Council an update with respect to the Noise Bylaw Review.

Council Action:

To receive report and direct staff to create amendments to the City's Noise Bylaw based on public input.

RECOMMENDATION

THAT the Operations & Transit Committee Report OT071153 Noise Bylaw Review dated October 17, 2011 be received;

AND THAT amendments to the Noise Bylaw as set out in Operations & Transit Committee Report OT071153 Noise Bylaw Review dated October 17th, 2011 be forwarded to Council for approval.

BACKGROUND

On July 25, 2011, Council received the Operations & Transit Committee Report Noise Bylaw Service Review OT071141, and passed the following resolutions:

- that a review of the current set fine for noise violations be conducted;
- that staff be directed to obtain public input with respect to the effectiveness of the Noise Bylaw (2000)-16366 and report back to Council on recommended amendments to the Noise Bylaw

REPORT

Public Input

In August 2011, staff placed advertisements in the local papers encouraging the public to forward comments regarding the effectiveness of the City's Noise Bylaw. Within the 62 comments received, staff identified a total of 20 themes (attachment A). It is staff opinion the majority of issues could (and will) be addressed through enforcement practices of staff assigned to the Enhanced Enforcement Program.

Through the public survey, the three following specific topics were identified as issues that are currently not defined within the existing bylaw as offenses:

Air Conditioners:

- Currently only noise generated from improperly working air conditioners is regulated. This wording has caused difficulty for staff they do not have the expertise to determine if an air conditioner is in proper working order.
- To address this concern, staff suggest the Noise Bylaw be amended to regulate noise from air conditioners based on a maximum allowable decibel level. While there are a number of recommended guidelines from various organizations, other Municipalities such as Ottawa, London, Toronto and Kitchener often refer to the decibel levels and guidelines found in the Ministry of the Environment's Publication NPC-216 (attachment B).

Yelling:

- Currently, the City's Noise Bylaw only addresses noise generated from yelling between the hours of 11:00 p.m. to 7:00a.m. Monday to Friday and 11:00p.m. to 9:00a.m. Saturdays, Sundays and Holidays. Staff are often requested to attend to unnecessary yelling calls occurring outside of these hours but are unable to address the situation as is not an offense under the current Bylaw.
- Therefore, staff will bring forward to Council's attention an amendment to the City's Noise Bylaw prohibiting unnecessary yelling 24 hours a day. This amendment will require the enforcing officer to be subjective in the determination of whether an offense has occurred. Specifically, the officer will need to determine if the yelling was unnecessary based on the activity occurring. For example, yelling during a sporting activity may be appropriate, whereas a person berating another would not.

Downtown Noise:

- Currently the City's Noise Bylaw includes the Downtown area in the same category as Industrial Parks and the University Lands (attachment C). This inclusion has often caused dissatisfaction to residents within the downtown as they are not afforded the same protection against noise as other residential neighbourhoods. Noise generated in the downtown is often not enforceable until after 11:00 p.m.
- Recognizing the mixed land use of the downtown, staff will bring forward an amendment to creating a specific category for the downtown. This category will allow for noise created within the downtown related to music and other events provided the activity is either approved by City staff or for events taking place within the activity court of St. George's square by the Downtown Guelph Business Association.
- This recommendation (which is supported by both the Downtown Guelph Business Association and the Downtown Neighbourhood Group) will allow approved events to occur and at the same time allow Bylaw Compliance and Police staff to address unwanted noise occurring within the downtown.

In addition to the items listed above, concerns regarding noise generated by Churches and other religious activities were raised through the public input process. Staff received comments from organizations requesting general exemptions to the noise Bylaw and also received comments from residents requesting additional noise restrictions. Given this information, staff are recommending that Churches and other religious organizations wishing to hold special events apply for a noise exemption. Once an application for an exemption is received, staff will work with the organization and the neighbourhood to assist the success of the event while limiting the impact to residents.

Staff will forward amendments to the Noise Bylaw for Council's consideration, specifically noise associated with air conditioners, yelling and noise generated within the downtown area.

Set Fines

Set Fines are not approved by City Council or by staff but are established by the Regional Senior Judge of the Ontario Court of Justice on application made by a municipality. If approved, such fines become the amount payable when an enforcement officer issues a ticket for an offence. The practice of issuing tickets is intended to be for relatively minor offences and is intended that a person receiving a ticket can satisfy the offence by making an "out of court" payment by paying the set fine.

While Council may direct a specified fine amount when making application for Set Fines, historically, determining the requested fine amount has been an administrative responsibility. The requested amount is determined after considering Set Fines of similar Bylaws of the City of Guelph and those of surrounding municipal jurisdictions. A review of our comparable municipalities found the average Set Fine for noise violations is \$274 (attachment D). Given this information and to maintain consistency with the Set Fines of similar City of Guelph Bylaws, staff will make an application to the Senior Regional Justice requesting the current Set Fine of \$130 for noise offences be increased to \$150 for general noise violations and to \$300 for violations which have proven more contentious including activities involving music, yelling, fireworks and improper mufflers (attachment E).

For repeat offences, or where circumstances warrant, both Bylaw Compliance and Police staff have the option of summoning a person(s) permitting or causing noise to occur to Court and upon conviction a higher fine can be sought.

CORPORATE STRATEGIC PLAN

5.2 A consultative and collaborative approach to community decision making

FINANCIAL IMPLICATIONS

N/A

COMMUNICATIONS

Staff will provide public notice through local newspapers prior to bring forward amendments to the City's Noise Bylaw.

ATTACHMENTS

Attachment A - Summary of Public Input results

Attachment B - Ministry of the Environment's Publication NPC-216

Attachment C - Noise Bylaw including map of categorized areas.

Attachment D - Survey of Set fines from Comparator Municipalities

Attachment E - Set fine proposal to be submitted to Senior Regional Justice



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ATTACHMENT A TO OT071153 REPORT

Concern	Number of Concerns	Public Comments	Staff Review
Motorcycle and Vehicular Exhaust Noise	8	Increased Signage More Enforcement & Higher Fines Education Specified levels - decibel Reroute traffic Increased Fines to \$400-600	No amendment required Enforcement issue Enforcement issue Difficult to enforce or address by decibel level Better addressed through Traffic Bylaw Enforcement issue
Leaf Blowers & Whipper Snipers	2	Decibel Limit restriction Restricted hours	Difficult to enforce or address by decibel level Activity already restricted during specific hours
Noise from Idling Vehicles	1	No Idling at all implemented	Not appropriate Bylaw to address better addressed through Idling Bylaw
Motorized Model Boats and Planes in Parks	1	Restricted	Amendment would be required, already restricted by time of day
Loud Parties	12	Higher fines , More officers, More enforcement, Zero Tolerance Limitations on Party size with size of residence Proactive Enforcement, No Warnings Shared Rental Housing implementations	Enforcement issue No authority to address Enforcement issue Currently under review
Camps, Neighbourhood Groups and Churches		Applied decibel limits	Staff recommend that the use of noise exemptions for this type of activity
Barking Dogs	5	Information, Zero Tolerance Enforcement Implement a Barking Dog Report Line, not police Shouldn't need to hear offence, just issue ticket Increased taxes for dog owners, limit to number of Dogs/household	Enforcement issue Enforcement issue Enforcement issue Not appropriate Bylaw to address better addressed through Animal Control Bylaw
Overall Noise Bylaw Amendments		Reduction in exemption times, monitoring noise levels, more proactive enforcement	Enforcement issue
Vehicle Radio Noise	4	increased fines to \$500 pr offence, more enforcement	Enforcement issue
Fine Amounts for Noise Violations		Increased to be deterrent - doubled (\$300)	Enforcement issue
Air Conditioner and Pool Pump Noise	7	Minimum distance from property line New Guidelines implemented Decibel Limit restriction More Enforcement, more definite wording in bylaw	Not appropriate Bylaw to address, better addressed through Zoning Bylaw (restrictions recently removed) Staff recommend amendment Staff recommend amendment Enforcement issue
Church Bells	2	Not necessary - needs to be enforced 7am - 11pm ONLY	No change in Bylaw, however noise exemptions be used for special events No change in Bylaw, however noise exemptions be used for special events
Radio, Television and Stereos	2	New Guidelines implemented Contractor Stereo Noise - No Restrictions	Enforcement issue Enforcement issue
Truck Noise (Beepers and Engine Breaks)	4	More Signage and Enforcement No Engine Breaks Policy, Signage	Safety issue cannot be regulated Safety issue cannot be regulated
Yelling and Shouting Noise	4	More Enforcement, Zero Tolerance, Higher Fines Education Backyard Pools provision in bylaw	Staff recommend amendment Enforcement issue Enforcement issue
Fireworks	3	Banned Completely, sale and discharge	Not appropriate Bylaw to address, better addressed through Fireworks Bylaw (recently reviewed)
Heavy Machinery Noise	1	Strict Enforcement on start times, education	Enforcement issue
Downtown Events	1	Systematic approach rather than exemption	Staff recommend amendment
Restaurant Exhausts	1	Outside of noise bylaw restrictions	Health and Safety issue
General Bylaw Changes	1	Update Maps on noise bylaw	Staff recommend amendment to Downtown area
	1	Restrcted hours lowered to 10 p.m.	Staff recommend amendment to Downtown area
	1	Fines should be real cost with attending calls - Study completed	Enforcement issue
	1	New Definition of Noise - 'sound unwelcome and while reasonable people would fine unwelcome'	Enforcement issue

ATTACHMENT B

RESIDENTIAL

AIR CONDITIONING

DEVICES

PUBLICATION NPC-216

OCTOBER 1993



Ontario

**Ministry of
Environment
and Energy**

This Publication establishes sound level limits and sound emission standards for residential air conditioning devices.

This document replaces Technical Publication NPC-116 "Residential Air Conditioners" of the "Model Municipal Noise Control By-Law, Final Report, August 1978".

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2. References - 1 -

3. Technical Definitions - 1 -

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 (1) General Sound Level Limit - 2 -

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5. Sound Levels from Installed Air Conditioning Devices - 4 -

6. Sound Emission Standards - 5 -

ANNEX

A.1. Sound Level Measurements - Summary - A 1 -

A.2. Sound Level Limits - A 1 -

A.3. Complaint Investigation - A 2 -

A.4. Installation of Air Conditioning Devices - A 2 -

A.5. Sound Emission Standards - A 3 -

Publication NPC-216

Residential Air Conditioning Devices

1. Scope

This Publication sets sound level limits and sound emission standards for residential air conditioning devices including heat pumps installed in urban areas of Ontario.

2. References

Reference is made to the following publications, or revisions thereof:

- [1] NPC-101 - Technical Definitions
- [2] NPC-102 - Instrumentation
- [3] NPC-103 - Procedures
- [4] NPC-104 - Sound Level Adjustments
- [6] NPC-206 - Sound Levels due to Road Traffic
- [10] ORNAMENT, Ontario Road Noise Analysis Method for Environment and Transportation, Technical Document, Ontario Ministry of the Environment, ISBN 0-7729-6376 (1989).
- [12] Survey of Outdoor Air Conditioner Noise, Final Report. RAC Report #458G, Ontario Ministry of the Environment, ISBN 0-7729-9094-8 (1991).
- [13] Environmental Noise Guidelines for the Installation of Residential Air Conditioning Devices, Ontario Ministry of Environment and Energy, ISBN 0-7778-1616-4 (1994).
- [14] ARI* Standard 270 - 84. Sound Rating of Outdoor Unitary Equipment.
- [15] ARI* Standard 275 - 84. Application of Sound Rated Outdoor Unitary Equipment.
- [16] ANSI Standard S12.32 - 1990. Discrete-Frequency and Narrow-Band Noise Sources in Reverberation Rooms, Precision Methods for the Determination of Sound Power Levels.

References [1] to [6] are also part of the Model Municipal Noise Control By-Law, Ontario Ministry of the Environment.

3. Technical Definitions

"Ambient sound level"

is the sound level that is present in the environment, produced by noise sources other than the source under impact assessment. See Background sound level;

"Background sound level"

means Ambient sound level;

* Air-Conditioning and Refrigeration Institute, 4301 North Fairfax Drive, Suite 425, Arlington, VA 22203

"Class 1 Area"

means an area with an acoustical environment typical of a major population centre, where the background noise is dominated by the urban hum.

"Class 2 Area"

means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 Areas, and in which a low ambient sound level, normally occurring only between 23:00 and 07:00 hours in Class 1 Areas, will typically be realized as early as 19:00 hours.

Other characteristics which may indicate the presence of a Class 2 Area include:

- absence of urban hum between 19:00 and 23:00 hours;
- ambient sound level is defined by natural environment and infrequent human activity; and
- no clearly audible sound from stationary sources* other than from those under consideration.

"Class 3 Area"

means an area with an acoustical environment that is dominated by natural sounds typical of agricultural or wilderness areas and having little or no road traffic, such as the following:

- a small community with less than 1000 population;
- farm land or land zoned rural or agricultural;
- a rural recreational area such as a cottage or a resort area; or
- a wilderness area.

4. Sound Level Limits for Air Conditioning Devices

Either the general sound level limit in Section 4.(1) or the specific sound level limit in Section 4.(3) shall apply to an air conditioning device. The less restrictive of these two limits shall prevail.

(1) General Sound Level Limit

The general sound level limit (shown in Table 216-1 and determined in accordance with Section 4.(2)) is 5 dBA greater than a one hour equivalent sound level (L_{eq}) caused by road traffic at the point of reception during the period of 07:00 to 21:00 hours. The specific hour is to be determined by the noise control officer based on the assessment of annoyance by the complainant.

* In the context of this Publication, the stationary sources under consideration are residential air conditioning devices.

**TABLE 216-1
GENERAL SOUND LEVEL LIMIT**

All Air Conditioning Devices	
Area Type	L_{eq} (dBA)
Class 1 and Class 2	One Hour Equivalent Sound Level (L_{eq}) of road traffic plus 5 dBA measured during the period of 07:00 to 21:00 hours

(2) Establishment of the General Sound Level Limit

The general sound level limit shall be established through measurements or calculation of the One Hour Equivalent Sound Level (L_{eq}) caused by road traffic as obtained pursuant to Reference [6] at the point of reception.

(3) Specific Sound Level Limits

Specific sound level limits are identified in Table 216-2 for two types of residential air conditioning devices as minimum limits of compliance.

**TABLE 216-2
SPECIFIC SOUND LEVEL LIMITS**

Central Air Conditioning Devices	
Area Type	One Hour L_{eq} (dBA)
Class 2	45
Class 1	50*
Window or Through-the-Wall Air Conditioning Devices	
Area Type	One Hour L_{eq} (dBA)
Class 2	45
Class 1	50

* When the devices are mandatory requirements for noise control in the interior living spaces of new land use developments, the specific sound level limit is one hour L_{eq} = 55 dBA.

5. Sound Levels from Installed Air Conditioning Devices

To determine if an installed air conditioning device complies with the sound level limits, the sound level due to the device must be measured following the procedure described in Reference [3].

The procedure assumes that the measured sound is dominated by the source under investigation (air conditioning device). To ensure that the measured sound is dominated by the air conditioning device, sound level measurements must be carried out separately with, and without the device in operation.

The measurement of the background sound level, i.e. without the air conditioning device operating, is carried out in accordance with the procedure described in Reference [3].

If the change in sound level measured separately with, and without the air conditioning device operating is less than 10 dBA, a correction shall be made to determine the contribution of the existing background sound levels to the overall measured sound level. Table 216-3 provides correction values and a example of the calculation.

**TABLE 216-3
PROCEDURE RECOMMENDED TO SEPARATE THE SOUND LEVEL OF AN AIR
CONDITIONING DEVICE FROM THE BACKGROUND SOUND LEVEL**

Change in dBA of Sound Level With and Without Unit in Operation	Correction in dBA to Be Subtracted from Higher Sound Level to Obtain Sound Level from Device
10 or more	0
7 to 9	1
4 to 6	2
3	3
2	4
1	6
0	10

<p>Example:</p> <p style="margin-left: 40px;">Sound level without unit in operation = 45 dBA</p> <p style="margin-left: 40px;">Sound level with unit in operation = 50 dBA</p> <p style="margin-left: 40px;">Change = 5 dBA</p> <p style="margin-left: 40px;">Correction from Table = 2 dBA</p> <p style="margin-left: 40px;">Unit sound level = 50 - 2 = 48 dBA</p>

6. Sound Emission Standards

Table 216-4 gives the sound emission standards for new residential central air conditioning devices.

TABLE 216-4
SOUND EMISSION STANDARDS FOR
RESIDENTIAL CENTRAL AIR CONDITIONING DEVICES

Date of Manufacture	Size (BTUH)	Maximum ARI Standard* Sound Rating (bels)
After 1990-12-31 and Before 1992-01-01	38,900 or less	8.0
After 1991-12-31 and Before 1995-01-01	38,900 or less	7.6
After 1994-12-31	38,900 or less	(Under discussion with the industry to assess the feasibility of reduction.)
BTUH = British Thermal Unit for an Hour		

* Measurement procedure as per Reference [14].

ANNEX
EXPLANATORY NOTES TO
PUBLICATION NPC-216
RESIDENTIAL AIR CONDITIONING DEVICES

A.1. Sound Level Measurements - Summary

Verification of compliance of the air conditioner and heat pump units with the sound level limits can be accomplished through measurements using a properly calibrated sound level meter which meets the required standard specifications.

Details of the instrument specifications are included in Reference [2].

The measurements shall be performed outdoors at a sensitive location on neighbouring residential property in the vicinity of the air conditioning device, where the sound of the device may cause annoyance. Typically this would be a patio or a window.

The measurements may also be required at a point of reception in the plane of an open window facing the unit to ensure that the sound level at noise sensitive indoor spaces in a neighbouring residence is not in excess of the guideline limits. Details of the measurement procedure are included in Reference [3].

A.2. Sound Level Limits

People's response to noise varies depending upon the community's, as well as the individual's economic and social relationship to the source. The sound level limits for air conditioner and heat pump noise were established based on the results of sociological surveys of large numbers of people and represent what is considered to be the onset of significant degradation of the noise environment relative to the expectations of the general population.

The sound level limits are receptor oriented, i.e. they apply at any noise sensitive location within a Class 2 or Class 1 Area (as defined in NPC-216) at which sound from the air conditioning device may cause annoyance.

The specific limits shown in Table 216-2 are expressed in terms of the one hour equivalent sound level L_{eq} , and apply to receptor locations in Class 1 and Class 2 Areas.

A separate limit applies to those receptor locations in Class 1 Areas where the unit was a mandatory requirement for noise control of the interior living space in new land use developments.

A preemption in the form of a general limit applies in an area of a relatively high background noise caused by road traffic as shown in Table 216-1. In accordance with this pre-emption, the existing background sound level, if higher than the limits in Table 216-2, represents the criterion of acceptability for the air conditioning device operation. In addition, the general limits are increased by 5 dBA for any hour from 07:00 to 21:00 hours. The period of assessment was chosen in accordance with the findings of a sociological survey conducted in 1990, Reference [12].

A.3. Complaint Investigation

Investigators of a complaint against installed air conditioning devices must carry out sound level measurements at the receptor location(s). The measurements are to be made in accordance with methods identified in Section A.1. The operating sound of the air conditioning device and the background sound consisting of the road traffic noise must be measured at the same location, separately. While the background sound level is measured the air conditioning device must be turned off. Contributions from aircraft and rail noise sources must be inhibited at all times. Unattended measurements are not recommended. Atmospheric conditions may have significant influence on the ambient sound levels, for details see Reference [3].

The sound level of an installed air conditioning device may be calculated from the sound levels measured with the device operating (device plus background noise) and without it operating (background only). The procedure is described in Section 5. A correction value is determined between these two sound levels. Subtracting this correction from the higher sound level (measured with the device in operation) gives the sound level due to the air conditioning device itself. See Table 216-3.

Determination of the road traffic sound level is to be made by the noise control officer based on the assessment of the annoyance by the complainant(s). The time of highest annoyance within the time period of 07:00 to 21:00 is to fall in the selected one hour of the road traffic noise.

A.4. Installation of Air Conditioning Devices

Purchasers and installers of air conditioning devices have to be cognizant of the MOEE guideline on the Sound Emission Standards listed in Table 216-4. Further explanation of the standards is provided in Section A.5. Only units meeting the requirements of Table 216-4 may be installed in Ontario.

For guidance on the selection, location or sound rating of the air conditioning devices or for the method to estimate the sound levels, installers should refer to Reference [13].

Installation of units that are in compliance with the sound emission standard must also be in compliance with the point of reception sound level limits, i.e. complying with the least restrictive sound level limit of Tables 216-1 and 216-2.

If the calculated sound level of the unit is in excess of the specific sound level limit (Table 216-2), the general sound level limit is to be determined. If both limits are exceeded by the calculated levels then alteration is needed in one or more of the following: the size or make of unit, its location or the type of noise reducing installation treatment (use of barrier or enclosure).

Owners of installed units producing a sound level in excess of the sound level limits will be required to reduce the noise of the unit, when faced with complaints.

Noise abatement is more expensive and less cost effective than a proper installation.

A.5. Sound Emission Standards

In contrast to the sound level limits which apply at the point of reception, sound emission standards are source oriented, and are based on the concept of sound power level which is a basic measure of the acoustic output of a noise source.

The sound level of the air conditioner or heat pump at a receptor location depends on many factors such as distance separation, unit's orientation with respect to the receptor, presence of shielding objects or structures, intervening terrain, topography and ground cover between the unit and receptor, as well as on atmospheric conditions, all of which are independent of the actual sound emission of the unit.

Sound power on the other hand is a fundamental property of the acoustic source alone and is, therefore, an important absolute parameter which is widely used for rating and comparing sound sources.

The rating of air conditioner and heat pump equipment is designated as the ARI Sound Rating (SR*) and is provided by the manufacturer of the device.

The Sound Rating is based on laboratory tests performed at Standard Rating Conditions in accordance with References [14] and [16]. The SR is an indicator of the sound power level of the equipment; the lower the SR, the lower the sound power of the air conditioner or heat pump.

Sound Emission Standards in Table 216-4 apply to central air conditioning devices only and not for window or through-the-wall units.

The maximum acceptable ARI Standard Sound Ratings shown in Table 216-4 are set in accordance with the date of manufacture. Two Sound Emission Standards, 8.0 and 7.6 bels are specified for air conditioner and heat pump units manufactured during 1991, and during 1992 through 1994 respectively. The Sound Emission Standard applies to units that are sized at 38,900 BTUH capacity or less. The emission limits projected after 1994 are under discussion with the industry to assess the feasibility of reduction.

* SR is a tone corrected A-weighted sound power level, expressed in bels.

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2000)-16366

A by-law to prohibit and regulate unusual noises or noises likely to disturb the inhabitants of the City of Guelph, and to adopt Municipal Code Amendment #248, which amends Chapter 190 of the Corporation of the City of Guelph's Municipal Code, and to repeal By-law Number (1998)-15760.

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

SHORT TITLE

1. This By-law may be cited as the "Noise Control By-law".

INTERPRETATION

2. For the purposes of this By-law the following terms shall have the corresponding meanings:

"City" means the Corporation of the City of Guelph;

"construction equipment" includes a bulldozer, excavator, trencher, jack hammer, crane, loader, scraper, paver, compactor, roller, grader, concrete mixer and the like;

"Council" means the Council of the City;

"holiday" means any holiday set out as a holiday in the Retail Business Holidays Act, R.S.O. 1990, Chap. R. 30, or any successor thereof;

"noise" means sound that is of such a volume or nature that it is likely to disturb the inhabitants of the City of Guelph;

"other area" means all of the area of the City of Guelph set out on Schedule AB≅ of this By-law which is denoted by shading;

"person" includes a corporation, organization, association, partnership and the like; and

"residential area" means all of the area of the City of Guelph set out on Schedule "B" of this By-law which is not shaded.

GENERAL EXEMPTIONS

- 3.- (1) This By-law does not apply:
 - (a) during an emergency involving the health, safety or welfare of the public;

- (b) where the City, its servants, employees, contractors or agents are carrying out City operations or operating, maintaining or installing municipally-owned infrastructure, facilities or the like, except for the detonation of explosives;
- (c) to noise created by the activity of snow removal;
- (d) to road or bicycle races, parades, circuses, entertainment activities in public parks or neighbourhood social activities when such events are approved by Council and such activity or event is in compliance with the conditions set by Council in approving such activity or event;
- (e) to sport or recreational events in public parks where a permit has been issued by the City authorizing such event and the event complies with all of the conditions of such permit;
- (f) to the use of implements of husbandry in the operation of agricultural endeavours; or
- (g) to the operation of excavation equipment when used in a cemetery in conjunction with interment services.

EXEMPTIONS BY COUNCIL

- 4.-
- (1) Despite the provisions of this By-law, any person may apply to Council for an exemption to any provision of this By-law with respect to any noise to allow such person to emit, cause or permit such noise for the period of time set out in such application, and Council may grant such exemption, grant an alternative exemption or refuse such exemption, and may set out conditions to be met as Council sees fit for any exemption granted.
 - (2) Where an exemption is granted by Council, breach of any of the terms or conditions of the exemption shall render the exemption null and void.
 - (3) Every person applying for an exemption shall, at least 10 business days prior to the Council meeting at which the request for exemption is to be addressed by Council, provide to the Chief Building Official of the City:
 - (a) a complete and accurate application form as provided by the City setting out the particulars respecting the exemption requested; and
 - (b) payment of the exemption processing fee in the amount set by Council and in effect at the time of such exemption request.

GENERAL PROHIBITIONS

- 5.- (1) No person shall, at any time, emit, cause or permit to be emitted or caused any noise created by:
- (a) the persistent barking, calling or whining of any domestic pet or any animal, except an animal used for and located on the property of an agriculture, livestock based use as set out in the City's Zoning By-law;
 - (b) the squealing of motor vehicle tires while such vehicle is on property other than a highway as set out in the Highway Traffic Act, R.S.O. 1990, Chap. H.8, or any successor thereof;
 - (c) the use of a horn, whistle, alarm, bell, gong or the like, except for an auditory safety or warning device or chimes used in association with a religious establishment;
 - (d) the detonation of explosives;
 - (e) the operation of an air conditioner, pool pump or filter, heat pump or the like that is not in proper working order;
 - (f) the idling of a vehicle motor in excess of 10 minutes, except:
 - (i) when such idling is recommended by the manufacturer of such vehicle and proof of such recommendation is provided by the vehicle operator upon the request of a police officer;
 - (ii) when such idling is necessary to the basic function of the equipment on a vehicle such as a concrete mixer on a concrete mixing truck, a lift platform, a refuse compactor or a heat exchange system; or
 - (iii) when the weather conditions require the vehicle to idle in order to keep in operation a heating or refrigeration system necessary for the welfare or preservation of the cargo of such vehicle;
 - (g) the operation of a combustion engine without an effective exhaust muffling device in proper working order; or
 - (h) the operation of a vehicle radio, stereo or the like.

PROHIBITIONS BY TIME AND PLACE

6. No person shall emit, cause or permit to be emitted or caused any noise created by an activity listed in Schedule "A" of this By-law during the time and in the area such noise is prohibited as set out in such Schedule.

OFFENCE

7. Every person who contravenes any provision of this By-law is guilty of an offence.

PENALTY

8. Every person who is convicted of an offence under any provision of this By-law shall be liable to a penalty as set out in Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, or any successor thereof.

SCHEDULES FORM PART OF BY-LAW

9. Schedules "A" and "B" attached hereto shall form part of this By-law.

MUNICIPAL CODE AMENDED

10. Chapter 190 of the Corporation of the City of Guelph's Municipal Code is hereby deleted and this By-law substituted therefor.

PRIOR BY-LAWS REPEALED

11. By-law Number (1998)-15760 is hereby repealed as of the date and time of this By-law coming into effect.

EFFECTIVE DATE OF BY-LAW

12. This By-law shall come into effect at 12:01 a.m. on July 18, 2000.

PASSED this SEVENTEENTH DAY of JULY, 2000.

JOE YOUNG - MAYOR

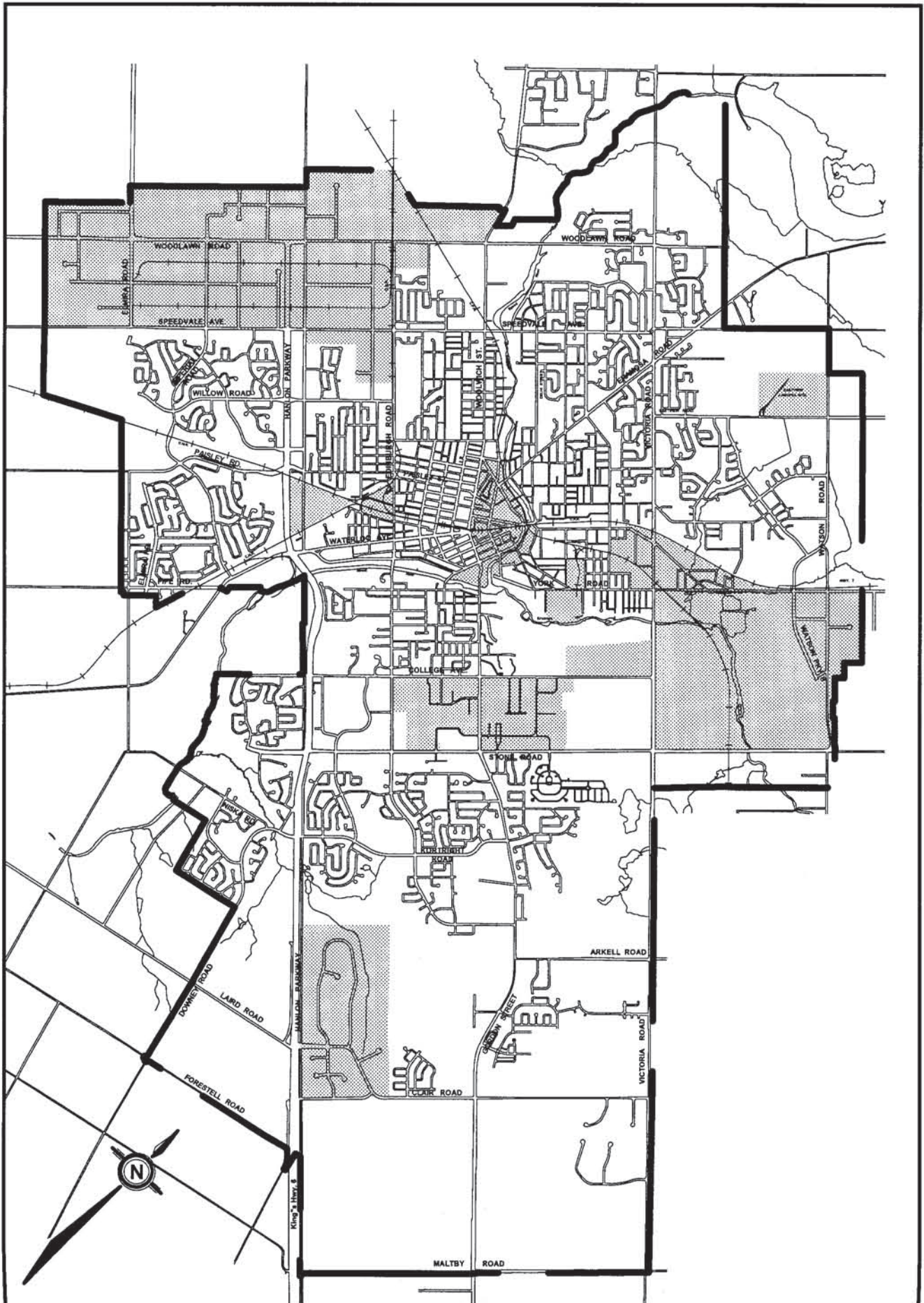
LOIS A. GILES - CITY CLERK

SCHEDULE "A"

**to By-law Number (2000)-16366
the Noise Control By-law**

"NOISE" CREATED FROM THE FOLLOWING ACTIVITIES IS PROHIBITED	PROHIBITED TIME OF DAY	PROHIBITED AREA
The operation of a radio, television, stereo or other electronic device including any amplification device, or any musical or other sound producing instrument.	At all times	residential
	11:00 p.m. to 9:00 a.m.	other
Yelling, shouting or the like.	11:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays)	residential and other
The operation of a car wash.	9:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays)	residential and other
The venting or release of steam, the operation of a generator or air filtration system, noise from grinding, milling, the operation of machinery, or the like.	9:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays)	residential
	11:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays)	other
The operation of waste collection machinery or refuse compacting equipment.	9:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays)	residential
	11:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays)	other
Loading, unloading, packing, delivering or otherwise handling any container, product or material unless necessary for the maintenance of essential services or for the moving of private household effects.	9:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays)	residential
	11:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays)	other
The operation of any tool including a hammer, saw, nail gun, lawnmower, staple gun, hedge trimmer, drill, or the like.	9:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays)	residential and other
The operation of a combustion engine for a toy or a replica of a larger device such as a remote controlled toy aeroplane.	9:00 p.m. to 9:00 a.m.	residential and other
The operation of a dirt bike, all-terrain cycle, snowmobile, go-cart, dune buggy or like conveyance.	7:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays) and at all times on Sundays and holidays	residential and other
The operation of construction equipment.	7:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays) and at all times on Sundays and holidays	residential and other

Schedule "B"
to By-law Number (2000)- 16366
the Noise Control By-law



other areas



residential areas

ATTACHMENT D TO OT071153

Noise Bylaw Set Fine Survey	
Municipality	Set Fine Amount (\$)
Barrie	\$410
Oshawa	\$300
London	\$200
Pickering	\$200
Richmond Hill	\$300
Vaughan	\$350
Oakville	\$400
Kitchener	\$245
Cambridge	\$245
Waterloo	\$400
Niagara Falls	\$200
Ajax	\$150
Brantford	\$365
Chatham-Kent	\$300
Thunder Bay	\$150
Whitby	\$140
Kingston	\$250
St. Catherines	\$300
Greater Sudbury	\$200
Burlington	\$400
Windsor	\$250
Markham	\$200
Brampton	\$350
Hamilton	\$250
Ottawa	\$305
Mississauga†	N/A
Wellington County*	N/A
Halton Region*	N/A
Waterloo Region*	N/A
Peel Region*	N/A
Average	\$274

Guelph \$130

*Noise violations are usually set by the lower tier municipality

† Staff indicate that set fines are not used for noise violations. All violations are processed by way of summons.

Where noise fines ranged based on violation, the highest fine amount has been indicated

ATTACHMENT E OF REPORT OT071153

**CITY OF GUELPH BY-LAW (2000)-16366
PROHIBIT AND REGULATE NOISE WITHIN THE CITY OF GUELPH**

	Short Form Wording	Offence Creating Provision	Set Fine
1	Permitting noise made by an animal	5(1)(a)	\$150
2	Causing noise made by squealing tires	5(1)(b)	\$300
3	(Causing)(Permitting) noise made by a (whistle) (alarm)(bell)(gong)(horn)	5(1)(c)	\$150
4	(Causing)(Permitting) noise made by the detonation of explosives	5(1)(d)	\$300
5	Permitting noise made by a (pool pump) (pool filter)(air conditioner)	5(1)(e)	\$150
6	(Causing)(Permitting) noise made by the idling of a vehicle	5(1)(f)	\$150
7	(Causing)(Permitting) noise made by a combustion engine without an effective muffling device	5(1)(g)	\$300
8	(Causing)(Permitting) noise made by a vehicle (radio)(stereo)	5(1)(h)	\$300
9	(Causing)(Permitting) noise made by a(n) (electronic device)(musical instrument)(sound producing instrument) in a “residential” area	6	\$300

10	(Causing)(Permitting) noise made by a(n) (electronic device)(musical instrument)(sound producing instrument) in an “other” area between 11 p.m. and 9 a.m.	6	\$300
11	(Causing)(Permitting) noise made by shouting	6	\$300
12	(Causing)(Permitting) noise made by a car wash between 9 p.m. and 7 a.m. (9 a.m. on Saturdays, Sundays and Holidays)	6	\$150
13	(Causing)(Permitting) noise made by (the release of steam)(a generator)(an air filtration system) (grinding)(milling)(the operation of machinery) in a “residential” area between 9 p.m. and 7 a.m. (9 a.m. on Saturdays, Sundays and Holidays)	6	\$150
14	Causing)(Permitting) noise made by (the release of steam)(a generator)(an air filtration system) (grinding)(milling) (the operation of machinery) in an “other” area between 11 p.m. and 7 a.m. (9 a.m. on Saturdays, Sundays and Holidays)	6	\$150
15	(Causing)(Permitting) noise made by the operation of (waste collection machinery)(refuse compacting equipment) in a “residential” area between 9 p.m. and 7 a.m. (9 a.m on Saturdays, Sundays and Holidays)	6	\$150
16	(Causing)(Permitting) noise made by the operation of (waste collection machinery)(refuse compacting equipment) in an “other” area between 11 p.m. and 7 a.m. (9 a.m on Saturdays, Sundays and Holidays)	6	\$150

17	(Causing)(Permitting) noise made by (loading) (unloading)(packing)(delivering)(handling) a (container)(product)(material) in a “residential” area between 9 p.m. and 7 a.m. (9 a.m. on Saturdays, Sundays and Holidays)	6	\$150.
18	(Causing)(Permitting) noise made by (loading) (unloading)(packing)(delivering)(handling) a (container)(product)(material) in an “other” area between 11 p.m. and 7 a.m. (9 a.m. on Saturdays, Sundays and Holidays)	6	\$150
19	(Causing)(Permitting) noise made the operation a tool between 9 p.m. and 7 a.m. (9 a.m. on Saturdays, Sundays and Holidays)	6	\$150
20	(Causing)(Permitting) noise made by the operation of a combustion engine for a (toy)(replica of a larger device) between 9 p.m. and 9 a.m	6	\$150
21	(Causing)(Permitting) noise made by the operation of a (dirt bike)(all-terrain cycle)(snowmobile) (go-cart)(dune buggy)(conveyance) between 7 p.m. and 7 a.m. (9 a.m. on Saturdays)	6	\$150
22	(Causing)(Permitting) noise made by the operation of a (dirt bike)(all-terrain cycle)(snowmobile) (go-cart)(dune buggy)(conveyance)on a (Sunday) (Holiday)	6	\$150
23	(Causing)(Permitting) noise made by the operation of construction equipment between 7 p.m. and 7 a.m. (9 a.m. on Saturdays)	6	\$150

24

(Causing)(Permitting) noise made by the operation of construction equipment on a (Sunday)(Holiday)

6

\$150

**CONSENT REPORT OF THE
PLANNING & BUILDING, ENGINEERING AND ENVIRONMENT COMMITTEE**

October 24, 2011

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

Your Planning & Building, Engineering and Environment Committee beg
leave to present their SEVENTH 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 and Environment Committee will be approved in
one resolution.*

1) Water Services' Operational Plan Endorsement

THAT Council, as the Owner of the City's drinking water system, endorse the Water
Services' Operational Plan;

AND THAT the Executive Summary of Risk Assessment Outcomes of the Water
Services' Operational Plan, attached hereto as Schedule 1, be received."

**2) Draft City of Guelph Source Water Protection Policies and Pre-
Consultation**

THAT the Planning & Building, Engineering and Environment report 11-93 dated
October 17, 2011 entitled Draft City of Guelph Source Water Protection Policies
and Pre-Consultation be received;

AND THAT Council authorize staff to conduct Pre-Consultation on the proposed
policy directives contained in the Draft Guelph Specific Policy Discussion Paper;

AND THAT staff report back to Council on the findings of the pre-consultation and
recommend final Guelph specific source water protection policies for endorsement
and submission to the Lake Erie Source Protection Committee (LESP) for inclusion
in the Grand River Source Protection Plan.

3) New Affordable Housing Ontario Initiative

WHEREAS the County of Wellington staff have been authorized to undertake
actions to establish a plan under the "Investment for Affordable Housing (IAH)

Page 2
October 24, 2011
Planning & Building, Engineering and Environment Committee Report

Initiative" and that recommendations for a plan be brought forward to the Committee in November 2011;

AND WHEREAS the City of Guelph supports the affordable housing project proposed at 71 Wyndham Street as being a project which should take advantage of immediate Provincial Funding under year one of this program;

THEREFORE BE IT RESOLVED THAT County staff consider this request in their report of November 2011 and that the Social Services Committee recommend that the project at 71 Wyndham Street be given first consideration to the Program funding under the Investment for Affordable Housing (IAH) Initiative;

AND FURTHER THAT this resolution be forwarded to the Ministry of Municipal Affairs and Housing and Liz Sandals, M.P.P. and the County of Wellington

All of which is respectfully submitted.

Councillor Piper, Chair
Planning & Building, Engineering and
Environment Committee

***PLEASE BRING THE MATERIAL THAT WAS DISTRIBUTED WITH THE
AGENDA FOR THE OCTOBER 17, 2011 MEETING.***

COMMITTEE REPORT



TO **Planning & Building, Engineering and Environment
Committee**

SERVICE AREA Planning & Building, Engineering and Environment

DATE October 17, 2011

SUBJECT **Water Services' Operational Plan Endorsement**

REPORT NUMBER

SUMMARY

Purpose of Report:

To obtain Council's endorsement of the Water Services' Operational Plan.

Council Action:

To endorse the Water Services' Operational Plan.

RECOMMENDATION

"THAT Council, as the Owner of the City's drinking water system, endorse the Water Services' Operational Plan."

BACKGROUND

In response to Justice O'Connor's recommendations made in the *Report of the Walkerton Inquiry* in 2002, the Ontario's Municipal Drinking Water Licensing Program (MDWLP) was established under the *Safe Drinking Water Act, 2002*. The MDWLP requires municipal drinking water system owners to obtain a licence to operate their drinking water systems as well as to incorporate the concept of quality management into their operations.

As one aspect of the MDWLP, Ontario's Drinking Water Quality Management Standard was released in 2006 and specified minimum requirements for Operating Authorities' (e.g. Guelph Water Services) quality management systems (QMS). The QMS is documented in an Operational Plan.

In January 2009, Guelph Water Services' Operational Plan was first endorsed by City Council and CAO. Water Services, as the Operating Authority, is seeking a second endorsement by the new Guelph Drinking Water System Owner (Council & CAO).

Specific to this report, details on Owner (Council & CAO) responsibilities with respect to the provision of safe drinking water, *"Taking Care of Your Drinking Water: A Guide for Members of Municipal Councils"* is included in Appendix A.

REPORT

Water Services is seeking Owner (Council & CAO) endorsement of our Operational Plan (refer to Appendix B).

The Operational Plan is a document that provides an understanding of the drinking water systems, the responsibilities of both the Owner and the Operating Authority of the Systems, and a commitment to the provision of safe drinking water.

The Operational Plan enables the City of Guelph to continue to plan, implement, check, and continually improve the systems, thereby ensuring ongoing confidence and security in the drinking water systems.

CORPORATE STRATEGIC PLAN

Strategic Objective 6.3 - "A safe reliable local water supply."

FINANCIAL IMPLICATIONS

All financial implications related to the Operational Plan have been accounted for in the approved 2011 Water Services Budget.

DEPARTMENTAL CONSULTATION

Feedback from Water Services staff (e.g. management, supervisory, compliance, and technical) was requested on the contents of this report. Comments and feedback submitted have been incorporated into this report.

COMMUNICATIONS

Water Services will continue to make regular quarterly reports to the drinking water system Owners on the continuing suitability, adequacy and effectiveness of Water Services' quality management system to ensure the ongoing delivery of an adequate and safe supply of drinking water.

ATTACHMENTS

- Appendix A – Taking Care of Your Drinking Water: A Guide for Members of Municipal Councils (previously distributed and available upon request);
- Appendix B –Operational Plan (previously distributed and available upon request)

Prepared By:

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"original signed by Peter Busatto"

"original signed by Janet Laird"

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Recommended By:

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RISK IDENTIFICATION			RISK RATING*	EFFECTIVE RISK MANAGEMENT		
Process	Hazardous Event			City Physical Control Measures	City Operational Control Measures	External Control Measures (if applicable)
Water Supply	Source Degradation & Contamination	Private Contamination Sources	High	Not Within City Control	+	Private Contamination Sources Regulated by Ontario Ministry of the Environment (Ontario Environmental Protection Act; Source Protection Plans)
		City Contamination Sources	High	+	+	Ontario Environmental Protection Act; Source Protection Plans
	Source Water Infrastructure Failures		Moderate	+		
Treatment	Inadequate Chemical Supply		Low			NSF Certification of Chemicals
	Treatment Infrastructure Failure		Low			-
	Insufficient Disinfection		High			-
Storage	Insufficient Secondary Disinfection		Moderate	+	+	-
	Storage Infrastructure Failure		Low			-
Distribution	Distribution Infrastructure Failure		Moderate	+		-
	Cross-connection or backflow		Low	+		Ontario Environmental Protection Act; Source Protection Plans
	Insufficient Secondary Disinfection		Moderate	+	+	-
Security	Unauthorized Entry		Low			-
Monitoring & Reporting	Failure of Monitoring Equipment		Low			-
Power	Power Failure		Moderate			Mutual Assistance Agreements

*Risk Ratings are based on the risk calculation (likelihood rating x consequence rating), as included in the "QMS 08 Risk Assessment Outcome" document: "Low" risk: 1 to 5; "Moderate" risk: 6 to 11; "High" risk: 12 or higher

Items in the "Effective Risk Management" section of the table with GREEN highlights indicate that Water Services has determined there are sufficient control measures to adequately control the risks. Items highlighted in YELLOW and RED indicate risk areas that are not sufficiently addressed through existing control measures; and require additional work.

+ - Improvement being made

COMMITTEE REPORT



TO **Planning & Building, Engineering and Environment
Committee**

SERVICE AREA Planning & Building, Engineering and Environment
DATE October 17, 2011

**SUBJECT Draft City of Guelph Source Water Protection Policies
and Pre-Consultation**

REPORT NUMBER 11-93

SUMMARY

Purpose of Report:

This report summarizes the source water protection process to date, provides an overview of the proposed policy directives contained in the Draft Guelph Specific Policy Discussion Paper, and outlines pre-consultation requirements and next steps.

Council Action:

To receive the report entitled "Draft City of Guelph Source Water Protection Policies and Pre-Consultation".

To authorize staff to conduct pre-consultation on the proposed policy directives contained in the Draft Guelph Specific Policy Discussion Paper and report back to Council.

RECOMMENDATION

"THAT the Planning & Building, Engineering and Environment report 11-93 dated October 17, 2011 entitled Draft City of Guelph Source Water Protection Policies and Pre-Consultation be received;

AND THAT Council authorize staff to conduct Pre-Consultation on the proposed policy directives contained in the Draft Guelph Specific Policy Discussion Paper;

AND THAT staff report back to Council on the findings of the pre-consultation and recommend final Guelph specific source water protection policies for endorsement and submission to the Lake Erie Source Protection Committee (LESP) for inclusion in the Grand River Source Protection Plan."

SUMMARY

As outlined in the May 16, 2011 Planning & Building Engineering and Environment (PBEE) Committee Report entitled "Development of Source Protection Policy Choices" the City of Guelph, working with the Grand River Conservation Authority (GRCA) as the Lake Erie Source Protection Authority, and the Lake Erie Source Protection (LESP) Committee, has been conducting the required technical studies and projects under the Clean Water Act (CWA) in support of the development of a Source Protection Plan for the Grand River Watershed.

The City is building on the findings of earlier technical work and recently developed threat policy discussion papers prepared by the LESP Authority, and is taking the lead in the development of a Guelph Specific Policy Discussion Paper which contains source protection policy directives. To solicit input on the draft policies, pre-consultation is proposed to be conducted with the public, stakeholders, neighbouring municipalities and implementing bodies. Once staff has conducted pre-consultation, the recommended Guelph specific source protection policies will be presented to Council and forwarded to the GRCA for consideration by the LESP Committee for inclusion in the draft Source Protection Plan.

Background information on the City's Source Water Protection Program is available on the City's website at <http://www.guelph.ca/living.cfm?subCatID=2234&smocid=2807> and additional information pertaining to the on Lake Erie Source Protection Region can be found at <http://www.sourcewater.ca/index.cfm>.

BACKGROUND

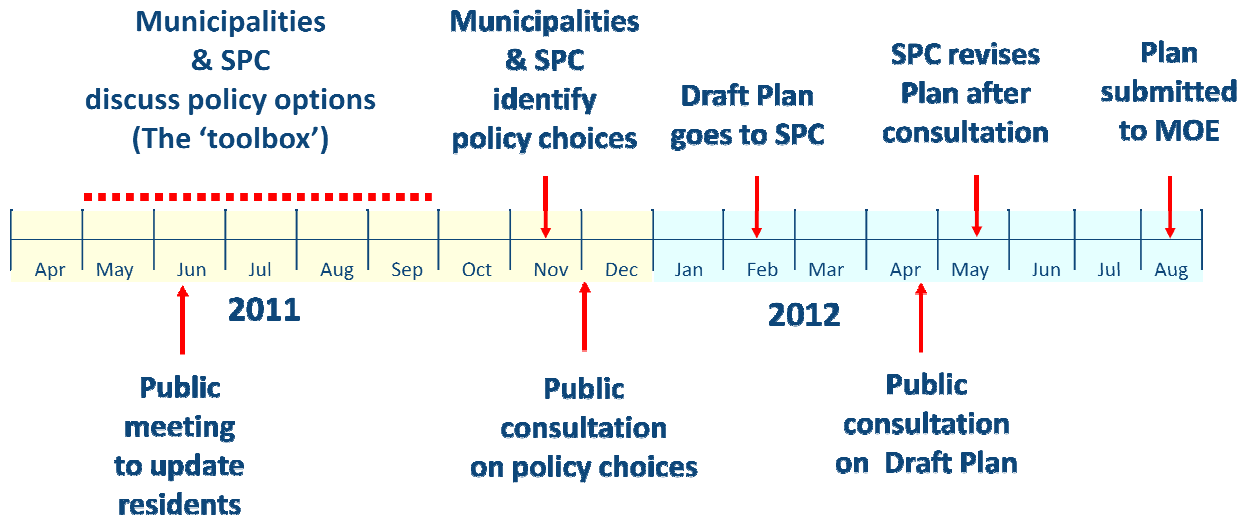
The May 16, 2011 PBEE Committee Report outlined the progress of the City's Source Water Protection Projects, listed previous reporting, provided a summary of the source water protection plan development process and the suite of policy tools provided by the Ministry of the Environment (MOE) (Appendix 1). A brief summary of the progress since the May 16, 2011 report is provided below.

The LESP Authority created a Project Team to assist the LESP Region with the development of a series of discussion papers to address each of the twenty-one prescribed drinking water threats and the suite of tools available to address significant drinking water threats. In spring 2011, a series of workshops were held with municipal staff, stakeholders and technical experts to review the prescribed threats and evaluate the applicability of the suite of policy tools provided by the MOE. The finalized discussion papers provide a description of the threat, a review of existing legislation and policies, and a discussion of policy options. The discussion papers were presented to the LESP Committee and made available to stakeholders and the public between May and August of 2011. The policy options identified by the discussion papers were intended to be used by municipalities and the LESP Committee for the purposes of selecting policy options to protect existing and future sources of drinking water from significant threats.

In addition to the workshops, this spring, a series of public meetings were held by the LESP Authority to update residents on the source water protection process and

make stakeholders aware that the Source Protection Plan policy development process was underway. The City of Guelph and other member municipalities are currently working to identify their policy choices and where the municipality has taken the lead, such as Guelph, they are drafting source water protection policies to address the vulnerability of their source supply as it relates to the twenty-one MOE prescribed drinking water threats. The timeline below provides a summary of the major milestones and the final Source Protection Plan submission date of August 2012.

Figure 1. Source Water Protection Plan Policy Development Process



This report provides the following:

- a brief overview of the policy development process;
- the rationale for the draft recommended policy directives;
- pre-consultation requirements; and
- outlines next steps.

REPORT

Similar to the development of the technical reports, the City has taken the lead in the development of its source water protection policies. To assist the City with the policy development process the City has retained Stantec Consulting Ltd. and Ruth Victor and Associates. The consulting team was specifically chosen because of their direct involvement in the development of the City’s Threats Assessment and their current involvement in the development of source water protection policies for other Source Protection Regions.

Guelph Specific Policy Discussion Paper

As part of the initial policy development process, the consulting team reviewed the discussion papers prepared by the LESP Authority in order to prepare a Draft Guelph Specific Policy Discussion Paper. The Draft Guelph Specific Policy Discussion Paper, dated September 21, 2011 (referenced in Appendix 2) includes:

- a description of the drinking water threat;
- examines how the threat is relevant to the City of Guelph;

-
- reviews existing legislation;
 - considers the options put forth by the LESP Authority;
 - proposes policy directives for the City;
 - discusses the rationale for the Guelph specific policy directives; and
 - recommends draft final Guelph specific policy directives (source water protection policies).

The Draft Guelph Specific Policy Discussion Paper builds on the findings of the discussion papers prepared by the LESP Authority and recommends policy directives for each drinking water threat based on Guelph's unique circumstances. Unlike other municipalities within the LESP Region or many other municipalities in Ontario, the majority of the City of Guelph falls within Wellhead Protection Areas (WHPAs) A, B and C which are the more vulnerable source water areas. Existing and future activities within these vulnerable areas may result in the presence of significant drinking water threats. The City's discussion paper carefully considers the applicability of the suite policy tools provided by the MOE to address significant threats within the City's vulnerable areas. They include:

- Part IV – Prohibition
- Part IV – Risk Management Plans
- Part IV – Restricted Land Uses
- Provincially Prescribed Instruments (e.g., Certificates of Approval)
- Land Use Planning Approaches (e.g., Official Plan, Zoning By-laws)
- Education and Outreach
- Incentive Programs
- Specify Action
- Other Approaches:
 - Stewardship Programs
 - Best Management Practices
 - Pilot Programs
 - Research Programs

Policy Choice Considerations and Selection Process

To be responsive to the Guelph specific circumstances, the policy directives contained in the draft discussion paper aim to protect the City's water supply while balancing:

- fairness to landowners;
- impact to citizens;
- economic development;
- ease of implementation;
- consistency across municipal boundaries; and
- financial and staff resource costs to the City.

The LESP Discussion Papers policy options rely heavily on the use of Part IV- Prohibition or Land Use Planning tools which prohibit certain types of activities or land uses. A strict prohibition of activities or certain land uses would apply across the majority of the City and likely impact existing and future business opportunities thus potentially impacting growth.

Guelph's draft policy directives generally propose the use of risk management plans and the use of provincially prescribed instruments, where feasible. Risk management plans allow the municipality to address existing and future drinking water threats through a risk assessment and management processes. In the future, proposed land uses in the City could be pre-screened through Planning Act or building permit applications processes. Existing activities that have been identified as significant drinking water threats would be required to develop Risk Management Plans in cooperation with a City-appointed Risk Management Official. This process would allow existing businesses to continue to operate while managing the potential source water risks associated with the types of activities taking place on the property.

To minimize the number of Risk Management Plans required within the City and to limit duplication of efforts, where provincially prescribed instruments (e.g. Certificates of Approval or Permits) are currently being administered, the proposed policy directives suggest that these tools be used but recommend modifications be made to the Prescribed Instruments to specifically address source water protection planning.

A flow chart provided in Appendix 3 illustrates the policy choice decision making process. The results of decision making process, the consultants' review and draft policy directives are presented in the Draft Guelph Specific Policy Discussion Paper, referenced in Appendix 2.

Summary of Draft Policy Directives – Guelph Source Water Protection Policies

The proposed policy directives outlined in the Draft Guelph Specific Policy Discussion Paper provides the foundation for the development of the City's source water protection policies. The draft proposed policies are included in the City's discussion paper under the heading – Final Policy Directives. The policies address future and proposed drinking water threats. They provide a general timeline for implementation and monitoring policies to ensure compliance with the Source Protection Plan.

As indicated above, the draft policies rely on provincially prescribed instruments, where available, as well as risk management plans. However, the policies also encourage education and outreach and engagement of the County of Wellington, Township of Guelph-Eramosa, Township of Puslinch, Town of Milton and Region of Halton. The policies encourage best management practices for activities such as handling and storage of road salt and snow storage and request ongoing funding from the MOE.

Policies for "Condition" sites (i.e. contaminated sites) have also been drafted. The policies encourage the MOE to conduct a review of existing prescribed instruments to ensure these activities cease to be significant drinking water threats. The policies require annual review, reporting and prioritization for cleanup of sites within WHPA-A, WHPA-B, Issues Contributing Areas or the Intake Protection Zones 1 and 2. The policies recognize the importance of the Brownfield Community

Improvement Plan (CIP) incentives and encourage education and outreach of the CIP in conjunction with source protection initiatives.

Pre-Consultation

As part of the policy development process, pre-consultation on the draft policies is required by the CWA. To ensure this consultation occurs in a timely manner staff are proposing to take the draft Guelph specific policies directives out for public consultation early in November. The City must provide notice to implementing persons or bodies (i.e. provincial ministries), neighbouring municipal councils and municipal planning authorities that may be affected by the City's draft policies. As part of this process, the City is required to provide the draft policy wording, a summary of the reasons for the draft policy, request comments on the draft Guelph specific policies and submit the comments received to the SPC with the final Guelph specific policy directives.

Staff and the consulting team will review the comments received, compile all written comments, and revise the draft policies, as appropriate. Once Council support is received, the policies will be forwarded to the SPC for consideration of inclusion in the Lake Erie Source Protection Plan. To ensure that the City meets the deadlines for the Source Protection Plan development and submission to the LESP Committee, the revised policies must be presented to Council in December 2011.

It is important to note that the LESP Committee will incorporate policy choices from all municipalities within the Source Protection Region into the Source Protection Plan and it is likely that there will be a variety of policy options chosen to address the twenty-one prescribed drinking water threats. The LESP Committee may need to modify the City's policy directives to obtain consistency among municipalities and to ensure that the Plan meets its objectives and complies with the MOE's directives.

The Source Protection Plan will be brought forward by the LESP Authority and LESP Committee in the spring of 2012 for further consultation with municipalities, the public, stakeholders and implementing bodies. At that time, staff and Council will have an opportunity to review the proposed Source Protection Plan policies and request changes, where appropriate. The intent of the source water protection process and the LESP Authority is to obtain consensus on the final Source Protection Plan prior to submission to the MOE.

CORPORATE STRATEGIC PLAN

1. An attractive, well-functioning and sustainable city.
5. A community-focused, responsive and accountable government.
6. A leader in conservation and resource protection/enhancement.
 - 6.1 Coordinated management of parks, the natural environment and the watershed.
 - 6.3 A safe and reliable local water supply.

FINANCIAL IMPLICATIONS

To date, the City's source water protection technical studies and the policy development project have received full funding support from the MOE (in some cases funding was provided from the MOE through the GRCA). (Note: "Such support does not indicate endorsement by the Ministry of the contents of this material." This disclaimer is required to be stated as part of the MOE grant agreement).

It is expected, however, that municipalities will bear much of the financial responsibility for implementation of the Source Protection Plan as it applies to the significant drinking water threats. Staff resources may be required to implement required changes to the Official Plan, by-laws and other planning tools as set out by the timelines in the Source Protection Plan. A Risk Management Official and Risk Management Inspectors may be required for the purposes of monitoring compliance with the source water protection policies, reviewing, negotiating, approving risk management plans for significant drinking water threats and other responsibilities as may be required by the Source Protection Plan and the CWA.

In addition, where significant threats exist on City-owned property (e.g. water services fuel tank; Operations and Transit salt storage and snow storage) compliance with our source protection policies and the LESP Plan may incur capital and operating costs.

A preliminary assessment of the potential staffing and financial impacts of the Source Protection Plan is being considered as the draft Guelph specific policies are prepared. However, the full financial impact analysis of the Source Protection Plan can only be completed once the Plan has been approved by the LESP Committee and the MOE. The budget requirements of the Source Protection Plan and long term programming will be brought forward as part of the annual budget process.

DEPARTMENTAL CONSULTATION

Staff representing Planning & Building, Engineering and Environment continue to attend regular meetings hosted by the LESP Authority, and the City has a representative on the LESP Committee (Executive Director of Planning & Building, Engineering and Environment).

Water Services and Planning staff have consulted with a number of City departments that may be affected by the draft policy directives contained in the Draft Guelph Specific Policy Discussion Paper. It is important to note that these City departments were also consulted through a Source Water Protection Survey as part of the Threats Assessment. In addition, all department Managers were circulated information concerning the City's Source Protection Program and potential significant threats. Several City-owned properties have been identified on the list of potential significant threats.

COMMUNICATIONS

As part of the pre-consultation process, notice will be issued to the implementing bodies, municipalities, and property owners where potential significant drinking

water threats have been identified. Stakeholder and public consultation notices will also be advertised in the Tribune inviting interested parties to attend a public open house. In addition, staff are working to schedule meetings with the Chamber of Commerce, Wellington County and the Region of Halton. In advance of the pre-consultation process, staff presented a brief overview of the source protection process at the most recent Guelph-Wellington Development Association and Homebuilders Liaison Meeting on September 21, 2011 to inform the development community about the upcoming consultation sessions. Notices and public open house advertisements will be sent out following Council's consent for stakeholder and public consultation.

ATTACHMENTS

Appendix 1- May 16, 2011 Planning & Building, Engineering and Environment Report - Development of Source Protection Policy Choices

Appendix 2- City of Guelph Source Water Protection Policies- Draft Guelph Specific Policy Discussion Paper (September, 21 2011)

Appendix 3- Decision Making Process for the Selection of Policy Tools to Address Existing and Future Drinking Water Threats

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Appendix 1

May 19, 2011

Dr. J. Laird
Executive Director
Planning & Building, Engineering & Environment

Dear Dr. Laird:

At the Planning & Building, Engineering & Environment Committee meeting held May 16, 2011, the following resolution was adopted:

“THAT the Planning & Building, Engineering and Environment report dated May 16, 2011 entitled “Development of Source Protection Policy Choices” be received.”

Yours truly,

Tina Agnello
Acting City Clerk

TA:db

COMMITTEE REPORT



TO **Planning & Building, Engineering and Environment
Committee**

SERVICE AREA **Planning & Building, Engineering and Environment**
DATE **May 16, 2011**

SUBJECT **Development of Source Protection Policy Choices**

REPORT NUMBER

SUMMARY

Purpose of Report:

This report and staff presentation provide information on the process to date and the steps the City will use to develop its source protection policy choices to be submitted to the Lake Erie Source Protection (LESP) Committee for consideration as part of the Source Protection Plan.

Council Action:

To receive the report entitled Development of Source Protection Policy Choices.

RECOMMENDATION

"THAT the Planning & Building, Engineering and Environment report dated May 16, 2011 entitled Development of Source Protection Policy Choices be received."

SUMMARY

The City of Guelph, working with the Grand River Conservation Authority (GRCA) as the Lake Erie Source Protection Authority, and the Lake Erie Source Protection (LESP) Committee, has been conducting the required technical studies and projects under the Clean Water Act (CWA) in support of the development of a Source Protection Plan (SPP) for the Grand River Watershed. Staff has brought forward several Committee and Council reports describing the CWA and the source protection planning process:

- April 8, 2004 – MOE White Paper on Watershed-Based Source Water Protection Planning (Information);
- March 20, 2006 - Council Authorization of Agreements for Ontario Ministry of Environment (MOE) Funding of Source Protection Program (SPP);

-
- March 31, 2007 - Clean Water Act Legislation (Bill 43) and Source Protection Projects
 - August 3, 2007 – Clean Water Act – Source Protection Committees (CDES);
 - May 22, 2008 – Lake Erie Source Protection Committee – Terms of Reference (Information);
 - November 7, 2008 – Lake Erie Source Protection Committee – Terms of Reference (CDES);
 - October 19, 2009 – Guelph Source Water Protection Areas (CDES);
 - March 15, 2010 – Water Quality Threats Assessment to the Source Protection Committee (CDES)

The last major milestone was reported to Council on March 15, 2010. At that time, staff provided an update on the CWA and the City's identification of vulnerable areas (wellhead protection areas and intake protection zones) and significant drinking water threats. In addition, extensive information on past projects and the City's Source Protection Program has been available to the public on the City's web site (<http://www.guelph.ca/living.cfm?subCatID=2234&smocid=2807>).

BACKGROUND

The Clean Water Act (CWA) was passed in 2006 to implement the recommendations on source water protection contained in the Report of the Walkerton Inquiry. The CWA is intended to protect current and future drinking water sources from contamination and depletion. To do this, the CWA requires the development of Source Protection Plans to manage significant drinking water threats so they are no longer significant, as well as prevent new significant threats from being created. To implement the requirements of the CWA, the province established Source Protection Regions. The City of Guelph lies within the Lake Erie Source Protection (LESP) Region which includes the Grand River Watershed. The Grand River Conservation Authority has been appointed by the Province as the Lake Erie Source Protection Authority in support of the LESP Region. The Province has also appointed a Lake Erie Source Protection (LESP) Committee which is charged with the responsibility of developing the Lake Erie Source Protection Plan. The source protection plan will be developed in a five step process:

1. Identify source water and vulnerable areas;
2. Identify water quality and quantity issues;
3. Identify threats in vulnerable areas;
4. Establish the level of risk;
5. Develop policies to address significant threats.

The LESP Committee has compiled Characterization Reports which identify the drinking water sources throughout the Region and characterize the physical setting of the Grand River Watershed. Terms of Reference have been completed that identify the technical studies that need to be completed to identify vulnerable areas and drinking water threats. In the technical studies, vulnerable areas including wellhead protection areas and intake protection zones have been identified for the drinking water sources. The Province has prescribed 21 drinking water threats that involve activities such as the use, storage and handling of solvents, pesticides,

fertilizers, fuels, animal wastes (e.g. manure) and human wastes (e.g. septic systems). Drinking water threats can also include contaminated sites or in the terminology of source protection “conditions resulting from past activities”. The technical studies for all municipal drinking water sources have been compiled by the Committee into an Assessment Report that is in the process of being finalized for submission to the Minister of Environment.

The final step to be completed and which is the subject of this report is the preparation of the Source Protection Plan. To develop the Source Protection Plan, the Ministry of the Environment has identified tools to address significant threats and these include the following:

- Part IV – Section 57: Prohibition
- Part IV – Risk Management Plans
- Part IV – Restricted Land Uses
- Prescribed Instruments
- Land Use Planning Approaches
- Education and Outreach
- Incentive Programs
- Other Approaches:
 - Stewardship Programs
 - Best Management Practices
 - Pilot Programs
 - Research Programs

Guelph is at the point in the process where we need to consider the policy choices as part of the Source Protection Plan, as outlined by the MOE. This report provides information on the process to date and the steps the City will use to develop source protection policy choices to be submitted to the LESP Committee for consideration as part of the overall Source Protection Plan.

REPORT

To develop policy options, the GRCA has created a Project Team to aid in the development of discussion papers on the policy tools and approaches. Membership on the Project Team includes the City of Guelph and other municipalities and the four Conservation authorities in the LESP Region. The discussion papers will be used as the basis for developing the policy options to address significant drinking water threats. For the purposes of producing the discussion papers, threats have been grouped into subject areas such as agricultural activities, rural commercial activities (e.g. pesticide, fertilizers), urban commercial and industrial activities and municipal service activities (e.g. salt, snow). At least one discussion paper will be prepared for each threat. The discussion papers will evaluate the strengths, weaknesses, opportunities and challenges of each tool to reduce the risk from each threat. To develop the discussion papers, the GRCA will hold a series of workshops to obtain advice from stakeholders and specialists on each threat activity. Final versions of the discussion papers will be used by municipalities and the LESP Committee to set policy directions.

Once the Discussion Papers have been completed, they will be provided to municipalities for use in the development of source protection policy choices for each community. The process for municipalities to develop their policy choices and for the development of the SPP and the schedule are listed as follows (Figure 1):

- Completion of Discussion Papers – Spring 2011;
- Public update on Source Protection Planning process (by GRCA) – Spring 2011;
- City consultation on policy choices – Fall 2011;
- Submission of City’s policy choices to SPC – November, 2011;
- Development of draft Source Protection Plan (by LERSPC) – Winter 2011-12;
- Public Consultation on Source Protection Plan (by LERSPC) – Winter, Spring 2012;
- Submission of SPP to the MOE – July-August 2012

Grant funding has been received from the GRCA to support the hiring of a planning consultant to aid in the development our policy choices. Work will include: reviewing the existing planning framework, identifying the potential changes on existing planning policies (Official Plan, by-laws, site plan approvals, etc.), assessing impacts to the City of policy choices and recommending preferred policy choices for presentation to Council and the public. Staff will also conduct public consultation with stakeholders and the public to seek advice on policy tool and approaches. Final policy choices will be brought forward to Committee and Council for discussion/approval prior to submission to the LESP Committee for consideration for inclusion as part of the Lake Erie Source Protection Plan.

It is important to note that the LESP Committee will incorporate policy choices from all municipalities into the Source Protection Plan. The LESP Committee may need to modify the City’s policy choices to obtain consistency among municipalities and to ensure that the Plan meets its objectives. The LESP Committee will also implement a public consultation program to gain support for the draft SPP.

CORPORATE STRATEGIC PLAN

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- 6.1 Coordinated management of parks, the natural environment and the watershed.
- 6.3 A safe and reliable local water supply.

FINANCIAL IMPLICATIONS

To date, the City's source protection projects have received full funding support from the Ontario Ministry of the Environment (in some cases funding was provided from the MOE through the GRCA). (Note: "Such support does not indicate endorsement by the Ministry of the contents of this material." This disclaimer is required to be stated as part of the MOE grant agreement).

It is expected, however, that municipalities may bear the financial responsibility for implementation of the Source Protection Plan. While details are still to be forthcoming from the MOE, this may include such aspects of implementing changes to Official Plan, by-laws and other planning tool, monitoring compliance with the Source Protection policies, appointing a Risk Management Official, reviewing, approving and monitoring risk management plans for significant drinking water threats and other responsibilities as may be required by the Source Protection Plan and the Clean Water Act. Financial impacts of the Source Protection Plan will be assessed once the Source Protection Plan is completed, and budget requirements will be brought forward as part of the annual User Pay budget preparation process.

DEPARTMENTAL CONSULTATION

Staff representing Planning & Building, Engineering and Environment attend regular meetings hosted by the Lake Erie Source Protection Authority, and the City has a representative on the Lake Erie Source Protection Committee (Executive Director of Planning & Building, Engineering and Environment).

Water Services and Planning staff have consulted with other departments inside the City that may be affected by the Source Protection Plan. City departments were consulted through a Source Protection Survey and all department managers were circulated communications providing information on the City's Source Protection Program and potential significant threats. Several City-owned properties have been identified as potential significant threats.

COMMUNICATIONS

In 2010, the City received funding under the Ontario Drinking Water Stewardship Program (ODWSP) to implement a comprehensive Education and Outreach Program in support of the Source Protection Programs described above. The City implemented an Education and Outreach program in the spring of 2010 to inform the public of the results of the Source Protection Program and the future direction of the program. The Education and Outreach Program consisted of profile raising events, mass mailings, newspaper ads, newsletters and public open houses. The open houses were directed to City residents, the Industrial, Commercial and Institutional property owners and Township residents.

Additional public communications are proposed, as identified above, to promote the development of source protection policy choices.

ATTACHMENTS

Figure 1 – Timeline for Development of the Source Protection Plan

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Original Signed by:

Recommended By:

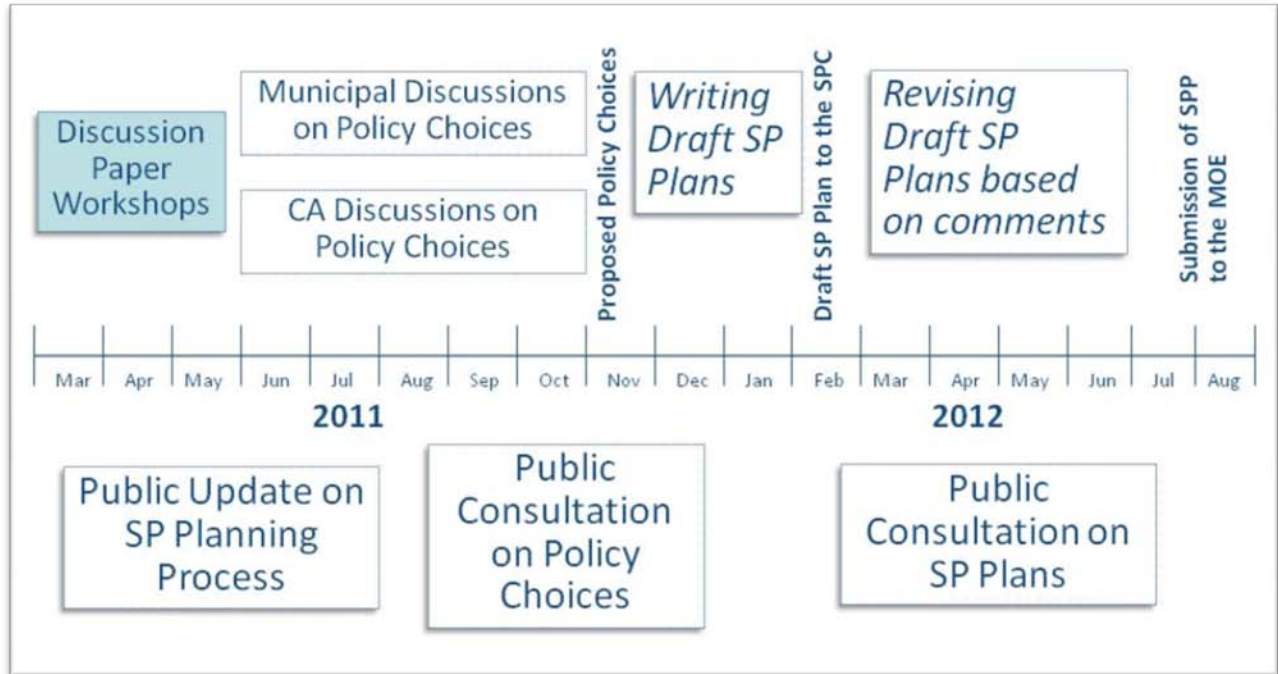
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Figure 1 – Timeline for Development of the Source Protection Plan



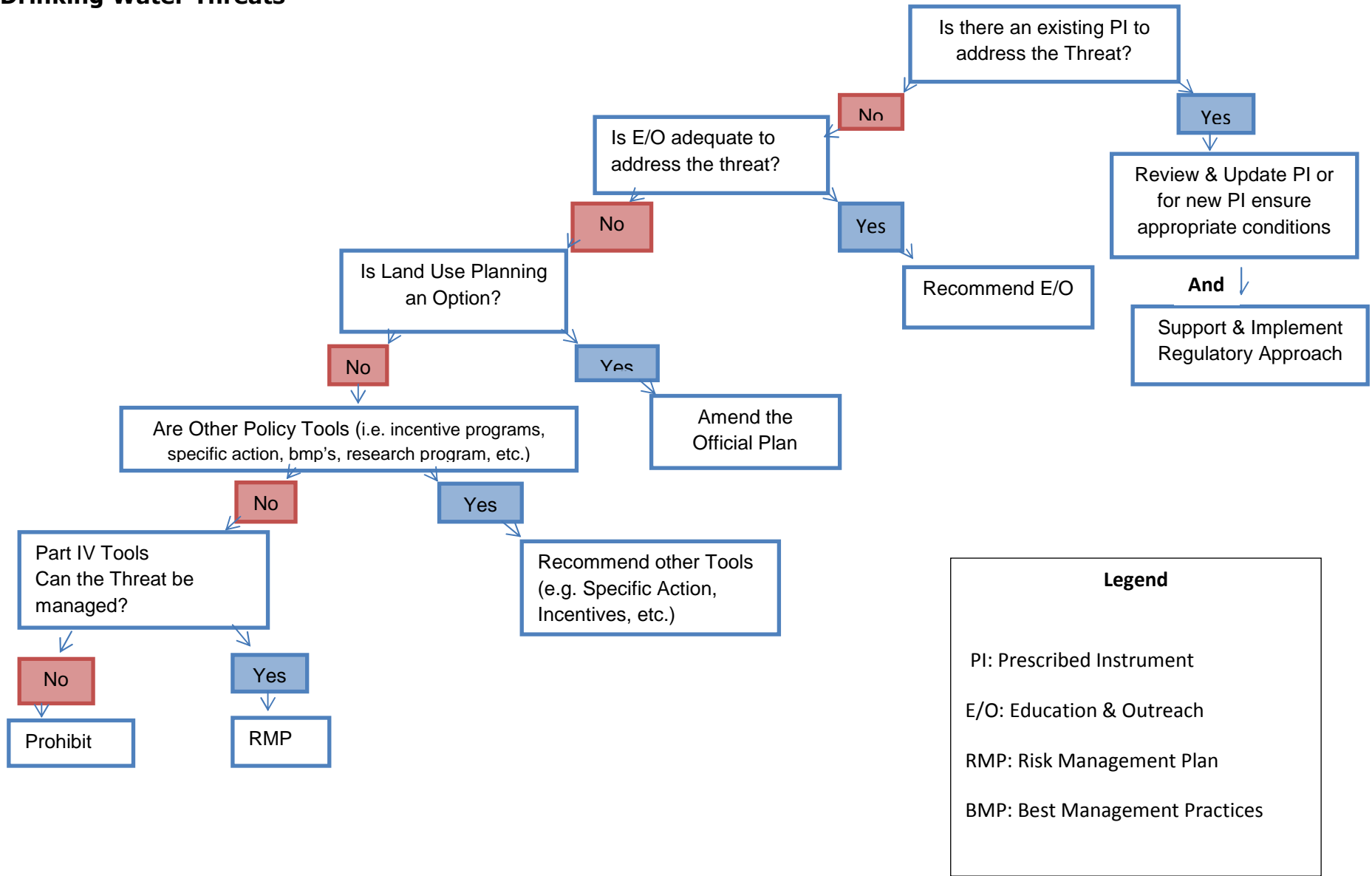
Appendix 2

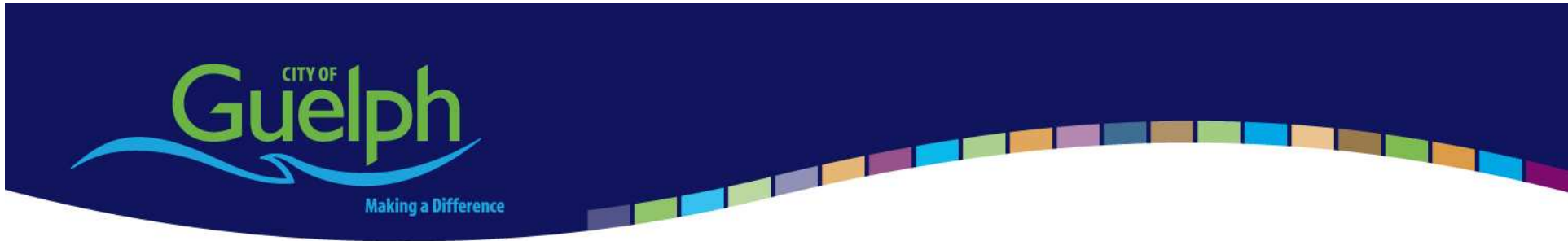
City of Guelph Source Water Protection Policies
Draft Guelph Specific Policy Discussion Paper (Sept.21/11)

This document is too large to be attached and is available at the following link:

<http://guelph.ca/living.cfm?smocid=2807>

Appendix 3 - Decision Making Process for the Selection of Policy Tools to Address Existing and Future Drinking Water Threats



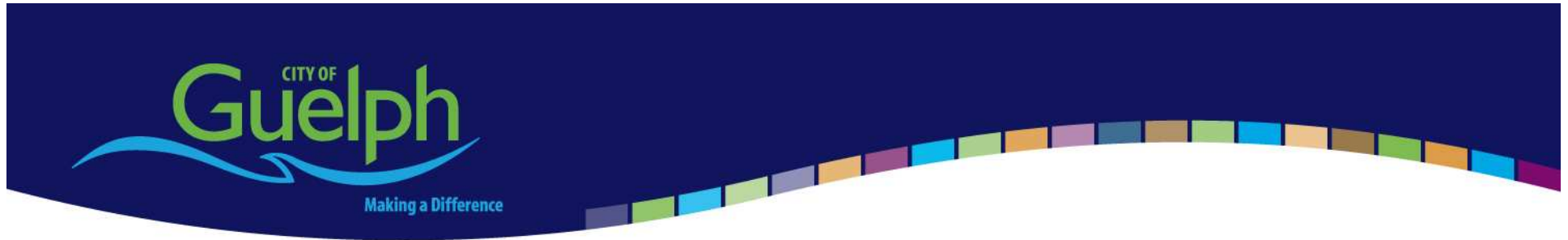


Source Water Protection Policy Development

Draft Guelph Specific Policy Discussion Paper

October 17, 2011





Presentation Outline

- Source Protection Plan Development
- Process to Date
- Guelph's Vulnerability Zones
- Policy Tools Available
- Key Policy Directions
- Next Steps

Source Protection Planning

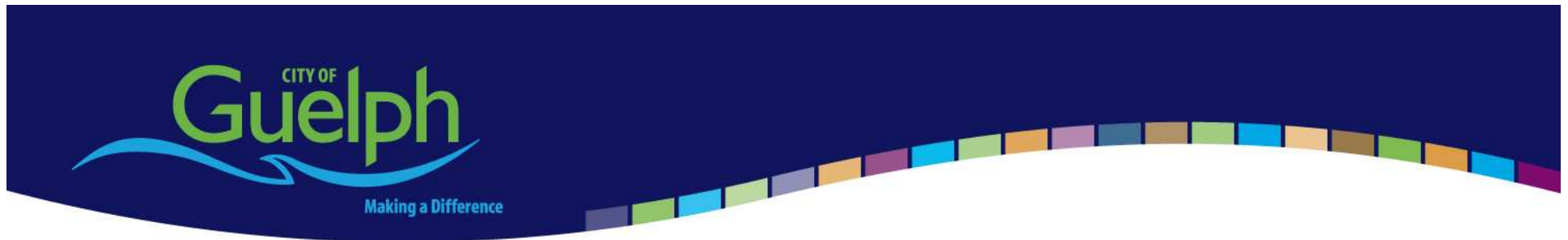
The Clean Water Act passed in 2006 to implement recommendations on source protection in the Walkerton Report

The purpose of the Clean Water Act is to protect existing and future sources of drinking water





- Lake Erie Source Protection Region
 - Kettle Creek
 - Grand River
 - Long Point Region
 - Catfish Creek
- One plan will be developed for each watershed
- Process led by multi-stakeholder Source Protection Committee (SPC)



Principles of Source Protection

- **Prevention:** safeguarding drinking water for the health of our communities;
- **Watershed/Subwatershed:** basic unit for source protection planning;
- **Multi-barrier:** source protection is the first barrier in the drinking water safety net and focuses on preventing contaminants from entering the drinking water system;
- **Shared responsibility:** locally driven, collaborative planning process in partnership with multiple stakeholders.

Source Protection Process

Identify

Year 1-2

- Assessment report: evaluate watershed vulnerability and threats to drinking water

(2006-2010)

Plan

Year 3-5

- Prepare source protection plan: policies to address significant threats to drinking water

(2010-2012)

Implement & Monitor

Year 5+

- Implement the source protection plan
- Inspect and Enforce
- Monitor and Report
- Review plan

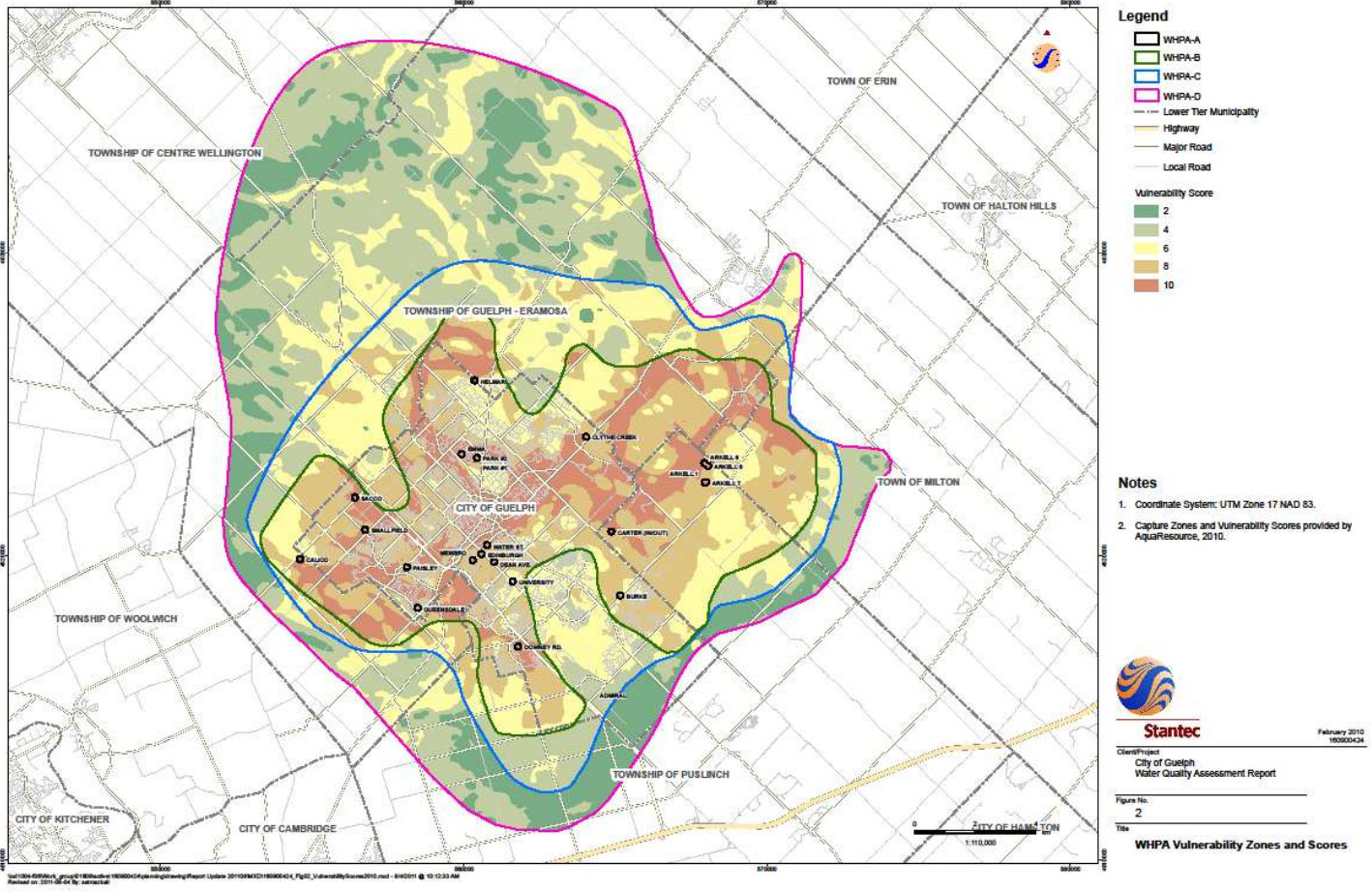
(2013 & beyond)

Process to Date

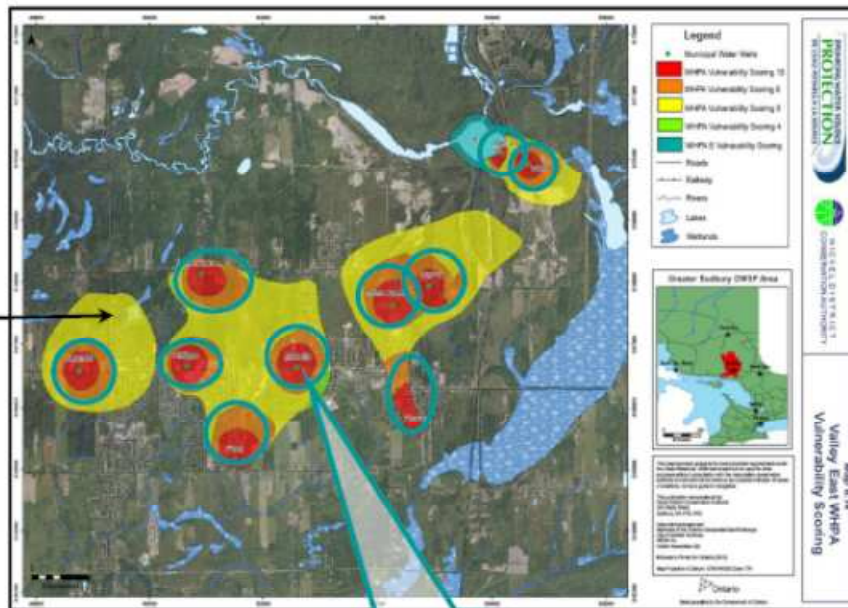
	2005	2006	2007	2008	2009	2010	2011	2012
Watershed Studies	■							
Municipal Technical Studies		■						
Terms of Reference				■				
Assessment Report					■			
Source Protection Plans						■		

- Characterization Reports: Complete
- Terms of Reference: Complete
- Technical studies: Complete
- Assessment Reports: Waiting for MOE Approval
- Source Protection Plans: Due by August 2012

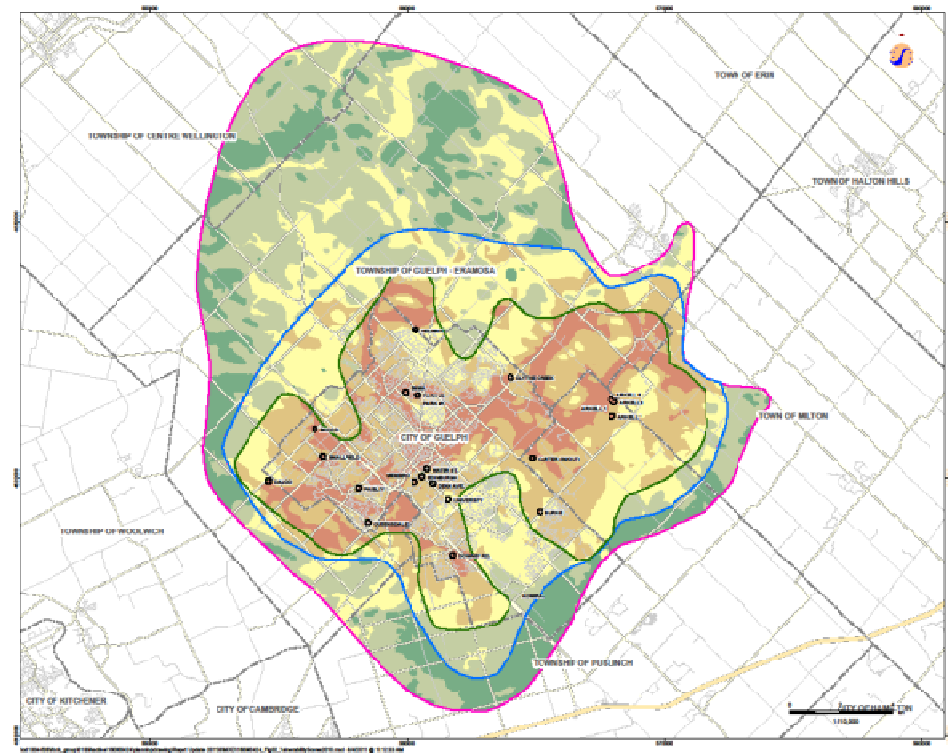
City of Guelph – Vulnerability Zones

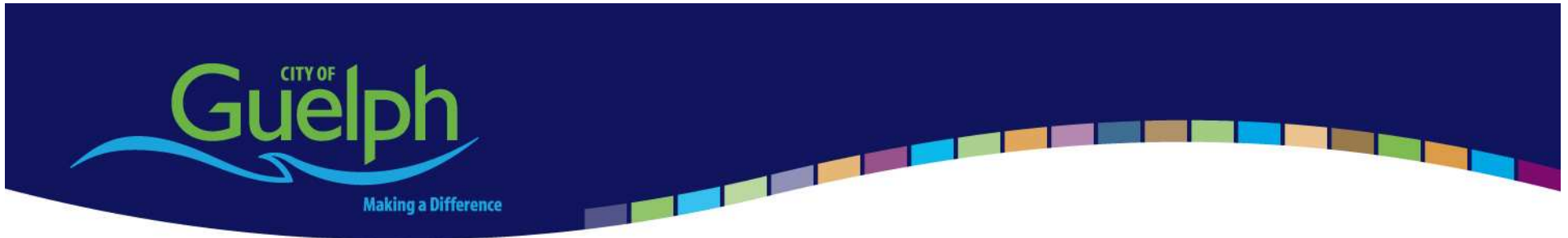


Why is Guelph Unique?



Areas where a threat could be significant





Source Protection Plan

- A source protection plan must contain a policy for **every area where an activity could be a *significant drinking water threat* as identified in an assessment report;**
- The policy must meet the objectives in Section 22(2) and (6) of Clean Water Act – a threat to drinking water ceases to be / does not become significant (i.e. adequately managed).

Prescribed Drinking Water Threats

1 – waste disposal

2 – sewage

Agriculture

3 – application of ASM
4 – storage of ASM
5 – management of ASM

6 – application of NASM
7 – handling and storage of NASM

8 – application of commercial fertilizer
9 – handling and storage of commercial fertilizer

10 – application of pesticide
11 – handling and storage of pesticide

21 – livestock grazing

12 – application of road salt
13 – handling and storage of road salt

14 – storage of snow

Industrial

15 – handling and storage of fuel

16 – handling and storage of **DNAPL**

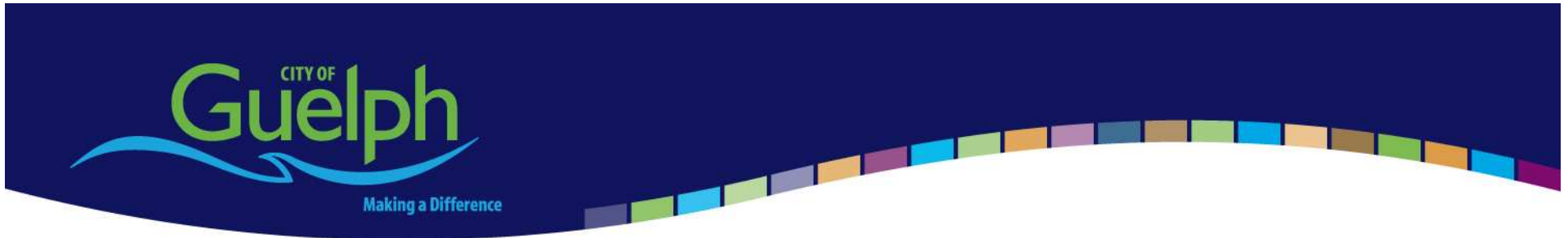
17 – handling and storage of an **organic solvent**

18 – chemicals used in the de-icing of aircraft

Water Quantity

19 – consumptive water taking

20 – activity that reduces the recharge of an aquifer

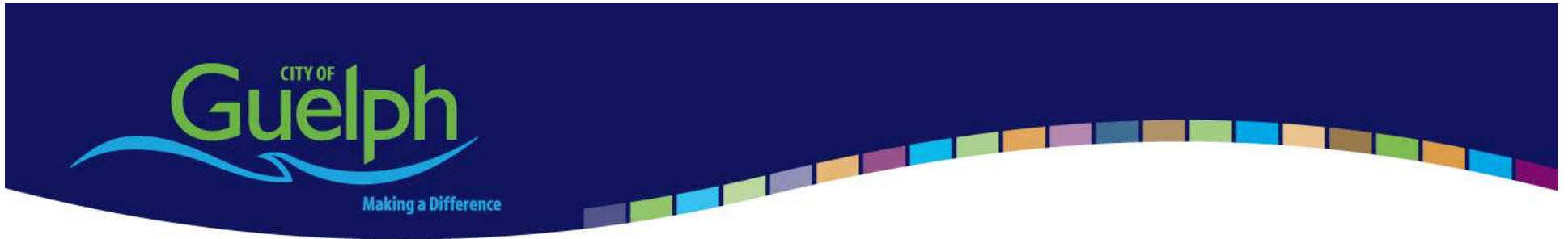


Policy Approaches/Tools

The Clean Water Act and regulations authorize a spectrum of approaches / tools to implement policies to address threats to source water:

- **S. 57 Prohibition**
- **S. 58 Risk Management Plans (RMPs)**
- **S. 59 Restricted Land Uses***
- **Provincial Instruments**
- **Planning Approaches (e.g. Official Plan, Zoning, Site Plan Control)**
- **Education and Outreach**
- **Specify Action**
- **Incentive Programs**
- **Other** (including relying on other existing legislative authority previously granted to the implementing body (Municipal Act) or section 38 obligations of Clean Water Act)

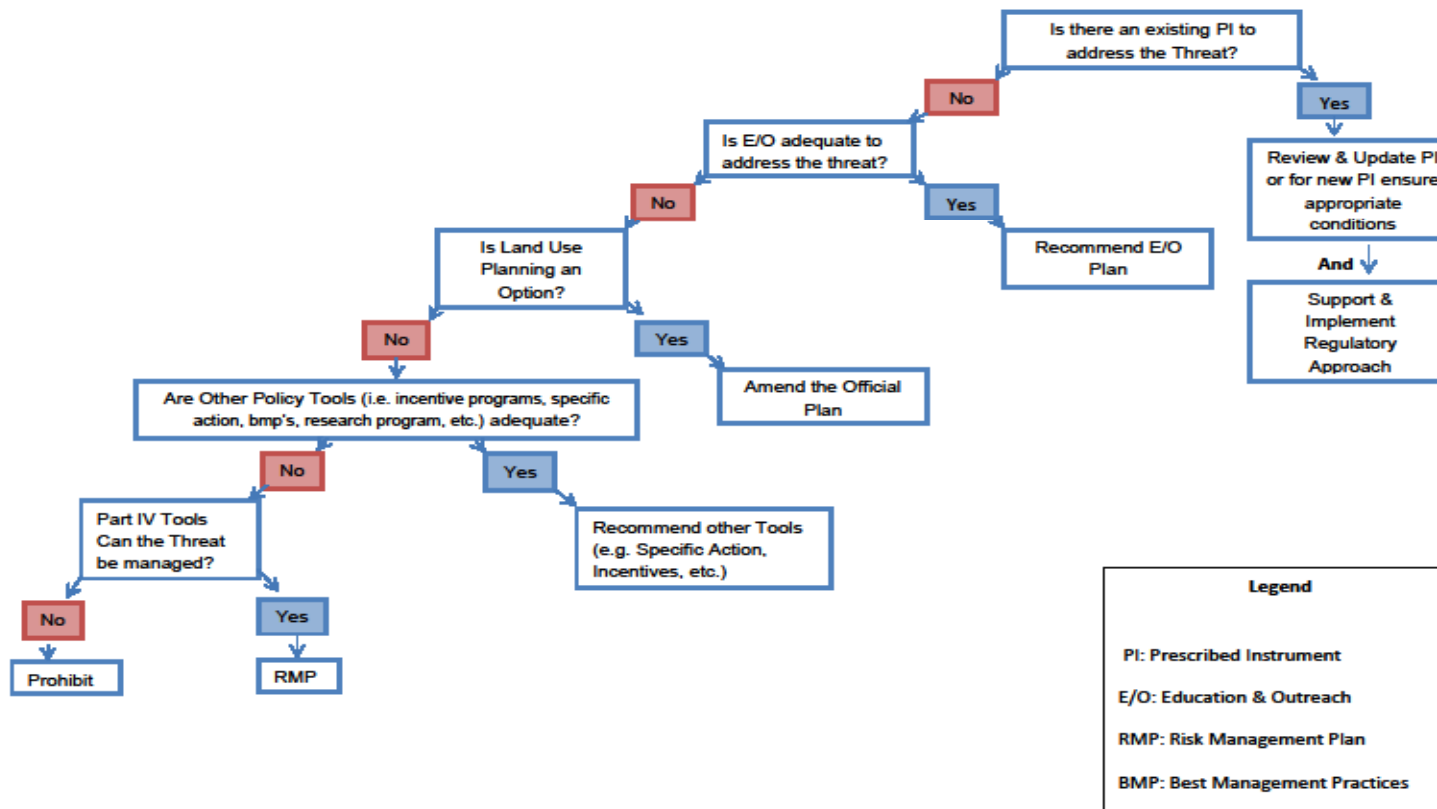
**Note: not the same meaning as under the Planning Act.*

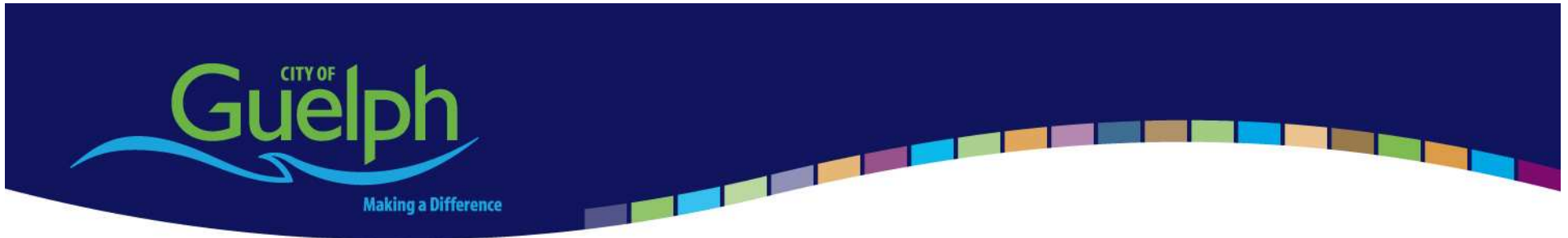


Decision Making Considerations

- Drinking water protection;
- Fairness to landowners;
- Impact to citizens;
- Economic development;
- Ease of implementation;
- Consistency across boundaries;
- Cost to City.

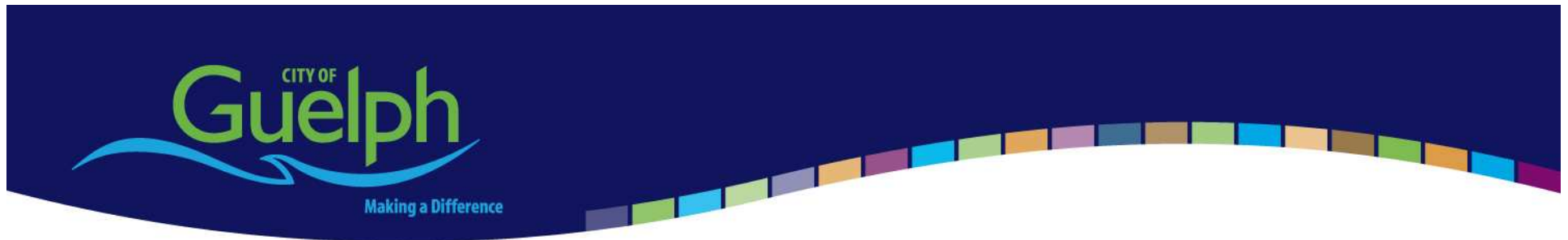
Decision Making Process





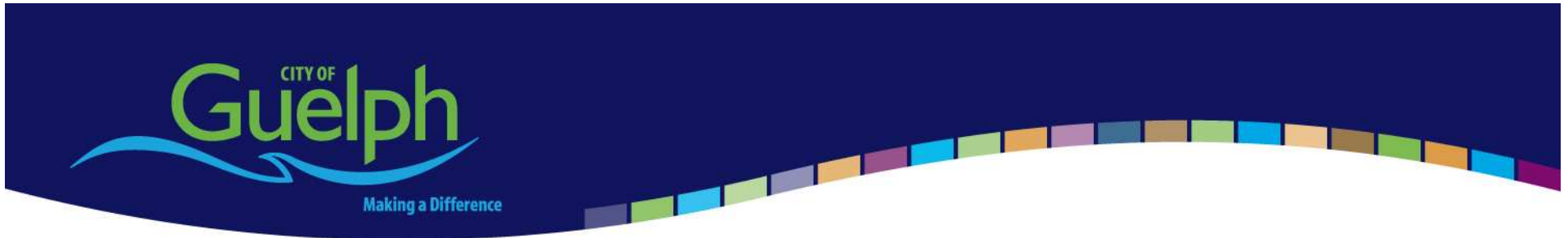
Scope of Source Protection Plan

- Policies for existing and future significant threats;
- Policies related to conditions identified as significant threats;
- Policies to update spill prevention, contingency or emergency response plans;
- Policies to govern transport pathways;
- Dates when policies take effect.



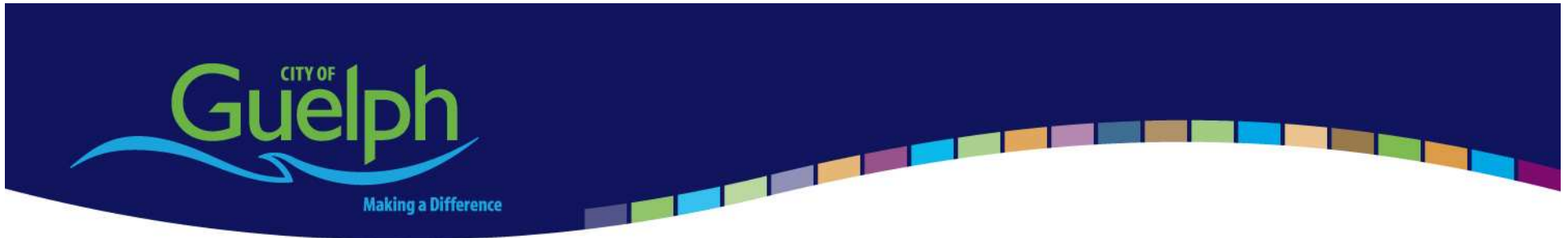
Timing of Implementation

- All policies come into effect at when MOE approves the Source Protection Plan and posts notice of approval.
- Many of the policies will be implemented immediately with the exception of:
 - Regulated activities – 4 years;
 - Amendments to Provincially Prescribed Instruments – 2 years;
 - Official Plan amendments – 2 years;
 - Education and outreach – 3 years.



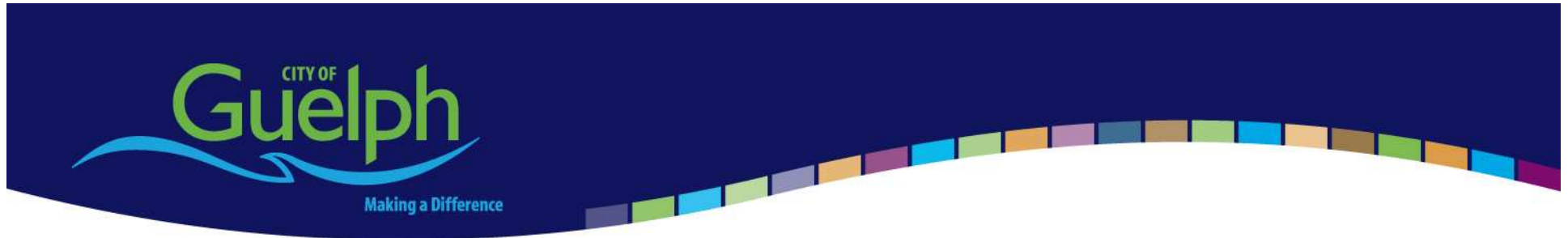
Policies - Economic Development

- Challenge— balance continued economic growth and protection of water supplies;
- Recommend Risk Management Plans and Provincially prescribed instruments as a key tools;
 - Part of broader tools kit of prohibition in WHPA- A, education and outreach;
- Limiting the use of Part IV – Prohibition.



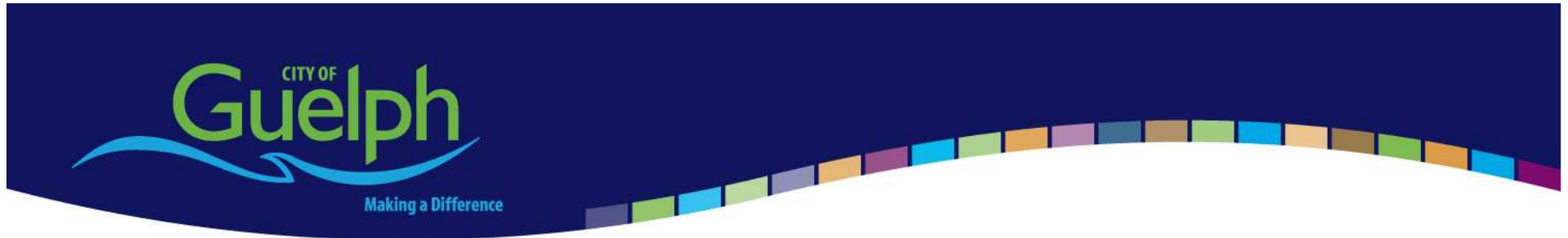
Policies - City Operations

- Challenge- balance the future needs of city operations and protect water supplies;
- Waste – prohibit landfilling but permit storage through C of A process;
- Salt – update salt management plan, prohibit new salt storage facilities and snow storage over 1ha and impose new standards for site plan approval;
- Sewage and Storm Water Management - review and update of CofA.



Municipal Functions – Risk Management Officials and Risk Management Plans

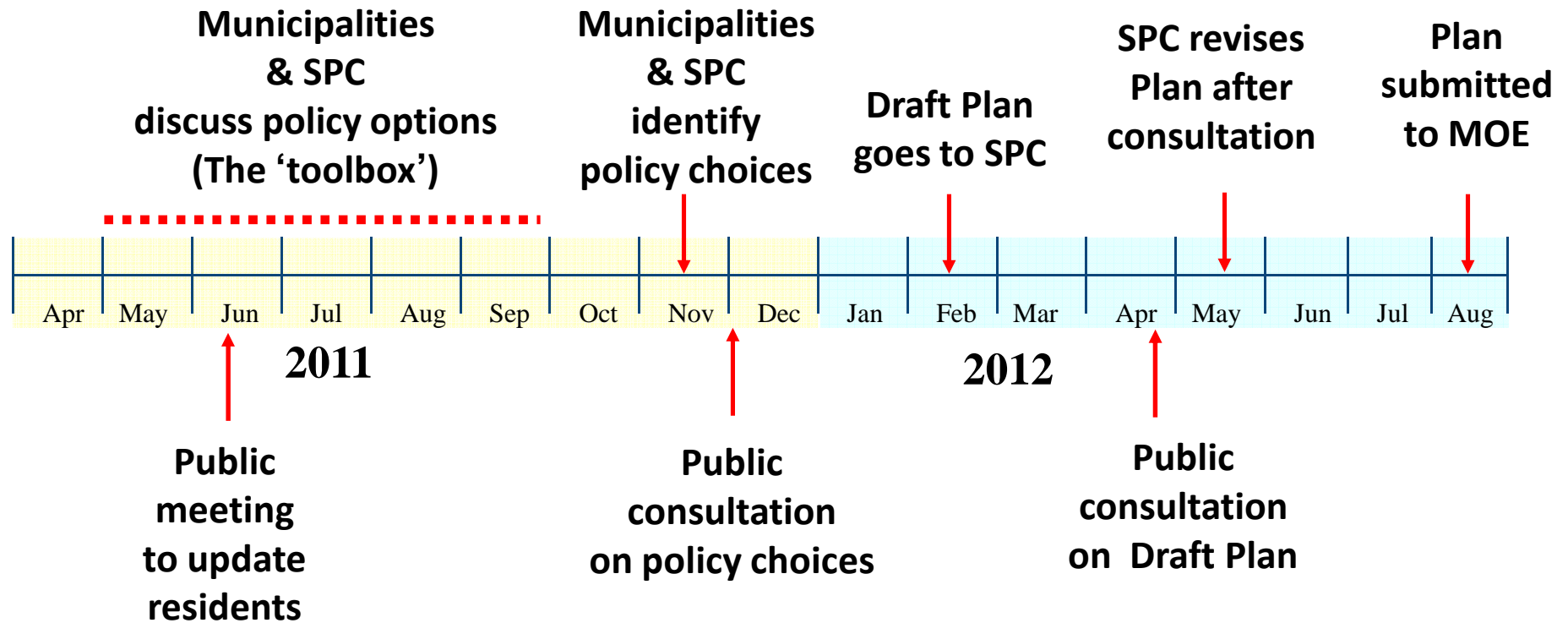
- Will require additional staff resources to implement;
- Legislative framework set out in CWA and regulations;
- The details of process for RMPs is still being developed by the Province;
- Legislation permits cost recovery for functions to be enacted by municipal by-law.



Next Steps:

- Draft Guelph specific policies to be released (with Council support) – October 2011;
- Public Open House – November 2011;
- Comments on draft policies – November 2011;
- Will be presenting revised policies to Council in December 2011 for consideration by the SPC;
- Formal consultation on the Source Protection Plan will begin in the spring of 2012.

Timeline for Plan Development





Questions?

COMMITTEE REPORT



TO **Planning & Building, Engineering and Environment
Committee**

SERVICE AREA Planning & Building, Engineering and Environment
DATE October 17, 2011

SUBJECT **New Affordable Housing Ontario Initiative**
REPORT NUMBER 11-99

RECOMMENDATION

"Whereas the County of Wellington staff have been authorized to undertake actions to establish a plan under the "Investment for Affordable Housing (IAH) Initiative" and that recommendations for a plan be brought forward to the Committee in November 2011;

AND WHEREAS the City of Guelph supports the affordable housing project proposed at 71 Wyndham Street as being a project which should take advantage of immediate Provincial Funding under year one of this Program;

THEREFORE be it resolved that County staff consider this request in their report of November 2011 and that the Social Services Committee recommend that the project at 71 Wyndham be given first consideration to the Program funding under the Investment for Affordable Housing (IAH) Initiative;

AND FURTHER that this resolution be forwarded to the Ministry of Municipal Affairs and Housing and Liz Sandals, M.P.P. and the County of Wellington."

BACKGROUND

The County as the Consolidated Municipal Service Manager (CMSM) is required to undertake the planning and administrative role for a new Affordable Housing Ontario initiative in the Wellington and Guelph service delivery area. In August 2011, the County was notified of a Federal/ Provincial funding allocation of \$5.4 million under the "Investment in Affordable Housing for Ontario" (IAH) Programme and received interim guidelines. In September 2011, the County agreed to enter into an administration agreement with the Province for the IAH initiative. According to the administration agreement, the County has a role to assess and undertake actions covering a wide range of affordable housing opportunities.

By February 28, 2012, a local plan for the IAH initiative is required to identify priority areas to support housing needs of residents within Wellington and Guelph.

The County may plan for annual commitments from April 1, 2012 to March 31, 2015. In addition, the County may commit all, some or none of the funds prior to March 31, 2012. Any early commitment of funds will not alter the overall CSM allocation amount. There is a provincial limit of \$47.5 million for early commitments.

The report from the Director of Housing to the County's Social Services Committee which was considered on October 12, 2011 (See Attachment 1 to this report) recommended that the following actions be taken by County staff in order to prepare a plan by the deadline of February 28, 2012, including preparation of business case submissions for earlier commitments:

1. Issue an RFP for new rental supply with a rent supplement component in the fall 2011. The RFP's evaluation and recommendations will be brought forward for municipal review, decisions and approvals.
2. Assess the 10 year rent supplement requirements to address the upcoming pressure with the 54 existing tenants that have housing allowance subsidies ending in 2012 and 2013.
3. Assess the rent supplement take-up to address the need of approximately 1,300 households on the Social housing waiting list and by local community organizations within Wellington and Guelph.
4. Assess the Habitat for Humanity needs for potential new homeowners to access down-payments.
5. Review a pilot option for an Ontario Renovates component as part of the plan.

The report's recommendation was:

"THAT County staff be authorized to undertake the actions as set out in report SH-11-20 to establish a plan under the "Investment for Affordable Housing (IAH)" initiative, and that the recommendations for a plan be brought to the Committee in November 2011 for consideration and approval by February 2012."

REPORT

In 2009, during the first round of the Canada – Ontario Affordable Housing Program, Guelph Council passed a resolution (See Attachment 2 to this report) which supported the affordable housing projects proposed by St. Joseph's Health Centre and 71 Wyndham Street. In addition there was a proposal for 16 units from the Drug Strategy Committee. Subsequently, the Province approved only the St. Joseph's submission.

From the city's perspective, the project at 71 Wyndham Street still is a viable project and will be able to provide a ready start if approved by the Province. The original proposal was for a 60 unit building requiring 7.2 million dollars of funding.

With the amount of potential funding dollars has been reduced to 5.4 million dollars the proponent has revised the scheme by eliminating one floor of the project and bringing the unit count down to approximately 38 suites. As such, the capital contribution would also be reduced accordingly.

The option of directing the Program funds towards a new affordable housing build immediately is a very tangible use of these Program funds. Program Guidelines allow the one time possibility, in year one, of pooling some or all of the total allotted funding into shovel ready projects which the Province can approve in short order. Other municipalities will be taking advantage of this option to create new affordable rental units. For affordable housing projects to be viable they need to benefit from economies of scale and if the available funds are not pooled as is permitted in the first year of the program it is unlikely that any small build projects could meet the program requirements. As such, it is recommended that the option of directing the Program funds towards a new affordable housing build be given first consideration and that the project as 71 Wyndham Street be supported. This recommendation should be factored into the report which is due back to the Social Services Committee in November 2011.

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

Funds would be allocated through the New Affordable Housing Ontario Initiative.

DEPARTMENTAL CONSULTATION

N/A

COMMUNICATIONS

N/A

ATTACHMENTS

Attachment 1 - County of Wellington Committee Report SH-11-20, dated October 12, 2011

Attachment 2 – Guelph city council Report A-3 – Canada – Ontario Affordable Housing Program, dated July 27, 2009

“original signed by James Riddell”

“original signed by Janet Laird”

Prepared By:

James N. Riddell
General Manager,
Planning & Building Services
519-822-1260 ext.2361
jim.riddell@guelph.ca

Recommended By:

Janet L. Laird, Ph.D.
Executive Director
Planning & Building, Engineering
and Environment
519-822-1260, ext. 2237
janet.laird@guelph.ca



COUNTY OF WELLINGTON

COMMITTEE REPORT

SH-11-20

To: Chairman and Members of the Social Services Committee
From: Heather Burke, Director of Housing
Date: October 12, 2011

Subject: New Affordable Housing Ontario Initiative

Background:

The County as the Consolidated Municipal Service Manager (CMSM) is required to undertake the planning and administrative role for a new Affordable Housing Ontario initiative in the Wellington and Guelph service delivery area. In August 2011, the County was notified of a Federal/ Provincial funding allocation of \$5.4 million under the "Investment in Affordable Housing for Ontario" (IAH) Programme and received interim guidelines. In September 2011, the County agreed to enter into an administration agreement with the Province for the IAH initiative. According to the administration agreement, the County has a role to assess and undertake actions covering a wide range of affordable housing opportunities.

By February 28, 2012, a local plan for the IAH initiative is required to identify priority areas to support housing needs of residents within Wellington and Guelph. The County may plan for annual commitments from April 1, 2012 to March 31, 2015. In addition, the County may commit all, some or none of the funds prior to March 31, 2012. Any early commitment of funds will not alter the overall CMSM allocation amount. There is a provincial limit of \$47.5 million for early commitments.

A chart of the range of affordable housing opportunities under the IAH programme, including the CMSM requirements and flexibility, is attached as Appendix A.

The CMSM has an upcoming pressure with 54 existing tenants whose rent subsidies will be ending. The 54 tenants were provided with a \$250 per unit per month housing allowance for a maximum 5 year term. This occurred through the CMSM commitment of up to \$900,000 under the 2005 Canada-Ontario Affordable Housing Allowance component. The new IAH programme allows the option to transition these existing renter households out of expiring Housing Allowance agreements (that end in 2012 and 2013) to new longer term and more flexible rent subsidies for an additional 10 year term.

It is recommended that the following actions be taken by County staff in order to prepare a plan by the deadline of February 28, 2012, including preparation of business case submissions for earlier commitments:

1. Issue an RFP for new rental supply with a rent supplement component in the fall 2011. The RFP's evaluation and recommendations will be brought forward for municipal review, decisions and approvals.
2. Assess the 10 year rent supplement requirements to address the upcoming pressure with the 54 existing tenants that have housing allowance subsidies ending in 2012 and 2013.
3. Assess the rent supplement take-up to address the need of approximately 1,300 households on the Social housing waiting list and by local community organizations within Wellington and Guelph.

4. Assess the Habitat for Humanity needs for potential new homeowners to access down-payments.
5. Review a pilot option for an Ontario Renovates component as part of the plan.

Following Council approval of the plan by February 2012, there is ongoing flexibility to adjust the plan on a quarterly basis. The plan will identify separate commitments for capital and operating opportunities. Plan changes are allowed within but not between the capital and operating commitments.

Financial Implications:

The total Federal and Provincial funding available for Wellington and Guelph is \$5.4 million from now until March 31, 2015. The need for any Municipal contributions will be assessed when further programme and plan details are known.

Recommendation:

“THAT County staff be authorized to undertake the actions as set out in report SH-11-20 to establish a plan under the “Investment for Affordable Housing (IAH)” initiative, and that the recommendations for a plan be brought to the Committee in November 2011 for consideration and approval by February 2012.”

Respectfully submitted,

Heather Burke

Heather Burke
Director of Housing

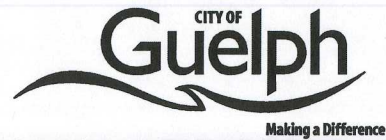
SH-11-20 New Affordable Housing Ontario Initiative - APPENDIX A

The CMSM has the capacity to deliver various housing opportunities under the operating and capital components of the Investment in Affordable Housing (IAH) Programme. These include:

Operating	Opportunity	CMSM requirements	Flexibility
Rent Supplement	Offer full rent subsidies to low income households living in market rent housing	Agreements with Landlords and with eligible tenants for a maximum 10 years or ending by March 31, 2023	Can plan commitments annually between 2011 and 2014 based on timing for take-up.
Housing Allowance	Offer smaller rent subsidies of \$250/ unit / per month to low income households living in market rent housing	Agreements with Landlords and with eligible tenants for a maximum 10 years or ending by March 31, 2023	Can plan commitments annually between 2011 and 2014 based on timing for take-up.

Capital	Opportunity	CMSM requirements	Flexibility
New rental supply (Encourages construction ready proposals)	Multi residential rental project (s). Funding up to \$150,000/ unit and based on 75% of capital costs. Encourage construction ready proposals to meet annual timelines for commitments.	-Mandatory municipal property tax class -If located in Guelph, need City of Guelph Council approval for project plus indemnity - Optional municipal incentives, i.e. development charge reductions, etc. Agreement between CMSM and owner for 20 years or more.	-Issue an RFP -Can also pair with Rent Supplement subsidies to allow an income mix - Full IAH funding can be committed first year for a larger project (note: if full funding is approved for large project, there will be limited to no funding for other IAH opportunities) - Smaller project(s) may be possible if committed between 2012 and 2014.
Homeownership down-payments	Habitat for Humanity owners at \$50,000 per unit Private new homeowners - \$20,000 per unit	Agreement with homeowner for 20 year term.	Can plan annually between 2011 and 2014 based on timing of occupancy and take up.
Ontario Renovates (Aims to improve condition of aging private sector housing stock)	Offer average of \$25,000 loan per unit, to a maximum of \$50,000 per unit to: -Repair homes for lower income owners - Add a second unit to existing homes - Repair multi-residential properties Offer accessible grants of \$3,500 per unit	Agreements with owner / landlord for 20 year term Grants to owners for accessibility	Available after April 1, 2012 for two years. Eligibility based on income and house value limits. CMSM can set some local rules.

COUNCIL REPORT



TO Guelph City Council

SERVICE AREA Corporate Administration

DATE July 27, 2009

SUBJECT Canada – Ontario Affordable Housing Program

REPORT NUMBER A-3

RECOMMENDATION

THAT the following resolution be approved and forwarded to the Ministry of Municipal Affairs and Housing, Liz Sandals, M.P.P. and the County of Wellington:

WHEREAS the Federal/Provincial Stimulus Funding program has allocated funds for affordable housing projects;

AND WHEREAS two projects have been proposed in Guelph, specifically a project developed by the St. Joseph's Health Centre at their site on Westmount Road, and a second private sector project proposed for 71 Wyndham Street;

AND WHEREAS the City has been advised that the County, as the Consolidated Municipal Service Manager, has submitted these projects for consideration by the Ministry, however before the Ministry will consider the two submissions, a motion from Wellington County Council is required approving the proposals;

AND WHEREAS City staff have committed to the proponents of the projects, that the City will assist to expedite the necessary planning and permit approvals;

AND WHEREAS these affordable housing projects are essential to meeting the shortfall of available affordable housing units in Guelph;

THEREFORE be it resolved that the City of Guelph supports the affordable housing projects proposed by St. Joseph's Health Centre and 71 Wyndham Street;

AND FURTHER that the County, as the Consolidated Municipal Service Manager, be requested to pass a resolution, as soon as possible, approving the Affordable Housing Program projects for the St. Joseph's Health Centre and for 71 Wyndham Street as required by the Ministry.

BACKGROUND

The attached correspondence between the City and County regarding the Affordable Housing stimulus project opportunities provides a brief chronology and background of this affordable housing opportunity.

The City of Guelph is not the Consolidated Municipal Service Manager for Social Services and Housing and therefore has no status with the Ministry in respect to affordable housing project submissions. However, the opportunities provided by the stimulus funding program could be lost to Guelph if the projects are not submitted to the Province according to their criteria and requirements. The recommended resolution is intended to demonstrate the need for new affordable housing units in Guelph and the importance of approving these two projects towards addressing this need.

“original signed by Hans Loewig”

Prepared By:

Hans Loewig
Chief Administrative Officer
519-837-5602
hans.loewig@guelph.ca

Attachments(2):

E-mail from Hans Loewig to Scott Wilson, Chief Administrative Officer for the County of Wellington, dated July 3, 2009 incorporating e-mail from Liz Sandals, M.P.P. to Hans Loewig dated July 2, 2009

Letter from Scott Wilson, Chief Administrative Officer for the County of Wellington, to Hans Loewig dated July 10, 2009

Hans Loewig

From: Hans Loewig
Sent: July 3, 2009 9:24 AM
To: 'scottw@county.wellington.on.ca'
Cc: 'lsandals.mpp@liberal.ola.org'; Karen Farbridge; 'joanner@county.wellington.on.ca'; 'mduquesn@sjhh.guelph.on.ca'
Subject: FW: AHP and SHRRP Guidelines
Attachments: AHP_Guidelines_Homeownership.pdf; AHP_Guidelines_Rental.pdf; AHP_Guidelines_SHRRP.pdf; SHRRP&AHP_guidelinesSummary.pdf

As a follow-up to our meeting with the representatives of St. Joseph's, I took the opportunity of discussing the affordable/supportive housing program opportunities for Guelph/Wellington with our MPP Liz Sandals. I have forwarded the response from her office for your information, and it appears that the Province is receptive to receiving proposals specifically identifying the St. Joseph's proposal, as well as that of another proponent. The guidelines indicate that low income seniors have been identified as a special target area, and that the funding eligibility is \$120,000 to \$150,000 per unit. As well the next deadline for applications for year 1 projects is July 31st. We strongly support the strategy identified by our MPP to submit the proposals, even if they exceed the allocation, and as soon as possible.

Regards

Hans Loewig | Chief Administrative Officer
T 519-837-5602
E hans.loewig@guelph.ca

From: Sandals_Liz-MPP-CO [mailto:lsandals.mpp.co@liberal.ola.org]
Sent: July 2, 2009 3:20 PM
To: Hans Loewig
Subject: AHP and SHRRP Guidelines

Dear Mr. Loewig,

MPP Sandals has asked me to forward to you the guidelines that are attached.

She has also asked me to share that the other proponent is a conventional affordable housing proponent in Guelph.

Speed is of the essence.

The strategy should be to get Wellington County to submit both proposals to MMAH (with presumably St. Joe's ranked first because of seniors' supportive housing). Even if it exceeds the Wellington County unit allocation, we might get extra units if not all authorities submit their maximum.

MPP Sandals suggests that you check out the reference to municipal support.

If you have any further questions, please don't hesitate to call the Constit Office at 519-836-4190.

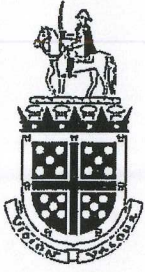
Sincerely

Jenny Waterston

Constituency Assistant for

Liz Sandals, MPP

22/07/2009

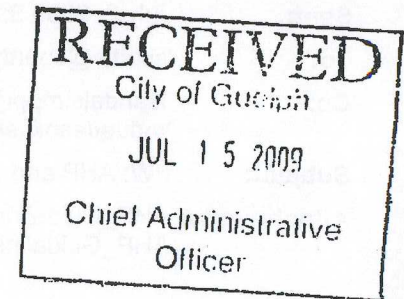


COUNTY OF WELLINGTON

SCOTT WILSON
CHIEF ADMINISTRATIVE OFFICER
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1-800-863-0750
FAX: (519) 837-1909
e-mail: scottw@wellington.ca



74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9



July 10, 2009

Mr. Hans Loewig
Chief Administrative Officer
City of Guelph
1 Carden Street
Guelph ON N1H 3A1

Dear Hans;

Thanks for the e-mail of July 3rd, and the accompanying material. I am able to advise that the County has submitted the St. Joseph's project, as well as another, to the Ministry for consideration for the AHP.

As you may be aware, the County did not receive any allocation for the Quick Starts as it was deemed that the projects were not construction ready (as per the ministry criteria outlined on page 7 in the Canada-Ontario Affordable Housing Program 2009 Extension Programme Guidelines.) The projects remain in the application queue, and do not require re-submission.

With respect to MPP Liz Sandals' suggestion about "municipal supports", I wish to clarify the role the City can play in support of future affordable rental housing projects in the City of Guelph. As with other stimulus funding, the key test is construction readiness. Owners must start construction within 90-120 days of project approval; the Ministry will confirm with the CMSM the project's potential start date prior to approval. Given the Ministry's requirements, the next deadline for submission which can be reasonably met is September 30, 2009.

In order to meet the September 30th submission date, the City can help get the projects ready for selection for provincial approval of funding with:

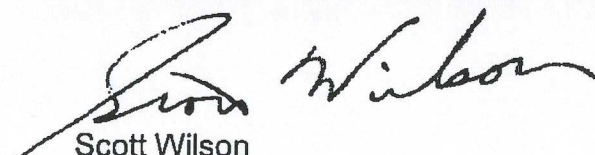
- assistance to the owner with getting zoning in place; site plan approval; initial building permit (may be demolition or foundation permit); and any other permits that would be required to meet these requirements – i.e. compliance with the Canadian Environmental Assessment Act (CEAA).
- property tax class requirement is already in place under the City's by-law.

- any (optional) additional City municipal incentives beyond the maximum programme incentives of \$120,000 per unit, such as reduced or waived development charges, planning fees, or building permit fees. Any incentives will be identified with the submission of projects, and assist the County in reviewing (and confirming) the financial viability of a project.

In addition, and prior to the CMSM signing the funding agreement with the Province, there will need to be an agreement between the County and City for any future liabilities with the AHP projects. This agreement is required as the County, as the CMSM, has an ongoing financial responsibility for any project funded through the AHP. In the worst case scenario, the County could be required to re-pay any advanced funds resulting from a failed project eg. increased construction costs, bankruptcy, failure to remain affordable for 20 years. Ideally, an agreement can be achieved prior to the September 30th date.

The County certainly agrees that there is a need for additional AHP units and are willing to assist the City to ensure everything is done in order to have projects qualify for the funding. Please contact the County Treasurer, Mr. Craig Dyer, respecting municipal incentives and agreement between the City and County, and the Housing Director, Ms. Heather Burke for further clarification on other municipal approvals.

Yours Truly,



Scott Wilson
CAO

c. Warden Joanne Ross-Zuj
Mayor Karen Farbridge
MPP Liz Sandals
M. DuQuesnay
C. Dyer
E. Alton
H. Burke

COUNCIL REPORT



TO Guelph City Council

SERVICE AREA Corporate Administration
DATE July 27, 2009

SUBJECT Addendum to Canada – Ontario Affordable Housing
Program Report

REPORT NUMBER

Attached is a copy of a letter from the Warden of the County of Wellington responding to the resolution being recommended.

It is therefore recommended that the resolution be amended to include the following additional provisions.

RECOMMENDATION

AND FURTHER, that municipal incentives for the Guelph projects be that staff be authorized to offer a deferred payment plan for the required municipal fees and charges to coincide with the timing of the receipt of the Affordable Housing Program grant payments, as well as the change to property tax class provisions, which is already in place under the City's bylaw;

AND FURTHER that staff be directed to negotiate agreements in respect to future liabilities of these two affordable Housing projects.

"original signed by Hans Loewig"

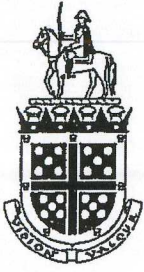
Prepared By:

Hans Loewig
Chief Administrative Officer
519-837-5602
hans.loewig@guelph.ca

Attachments (2):

Letter from Warden Joanne Ross-Zuj, County of Wellington to Mayor Karen Farbridge dated July 23, 2009
Letter from Warden Joanne Ross-Zuj, County of Wellington to Liz Sandals, M.P.P.

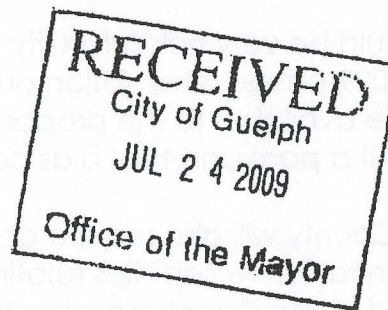
dated July 23, 2009



COUNTY OF WELLINGTON

OFFICE OF THE WARDEN
1-800-663-0750
TEL: (519) 837-2600, EXT. 2550
FAX: (519) 837-1909
e-mail: warden@wellington.ca

74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9



July 23, 2009

Mayor Karen Farbridge
1 Carden Street
Guelph ON N1H 3A1

Dear Mayor Farbridge,

Thank you for your email of July 23, 2009 and for providing me with a copy of the report from Hans Loewig which is to be considered by City Council on July 27, 2009.

As set out in my letter dated July 23, 2009 to Liz Sandals on which you were copied, I can confirm the following with respect to the two proposed affordable housing projects in the City of Guelph:

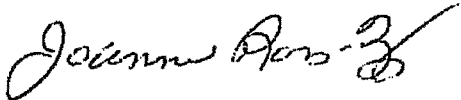
1. That the County of Wellington has approved these two projects in principle.
2. That both projects have been submitted to the Ministry of Municipal Affairs and Housing.
3. That a meeting has been scheduled with the two proponents for Monday July 27, 2009 to review project submission requirements.
4. That the County has advised the two proponents of the need to submit final project information, including financial projections, to the County by Friday August 7, 2009.
5. That it is the intention of County staff to bring forward recommendations regarding the two projects to the joint Social Services Committee on September 9, 2009 and to County Council on September 24, 2009. Assuming approval is granted staff would make the formal application to the Province in advance of the September 30, 2009 deadline.

This is the soonest that County Council can consider the proposals and allow our staff to complete their due diligence process.

It would be very helpful if City Council, when considering the report on July 27, 2009 passes a resolution outlining what municipal incentives, if any, will be made available to the proponents. This will ensure that the proponents can submit a package that is as complete as possible by August 7, 2009.

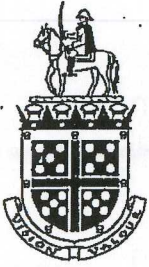
The County will also require an agreement with the City with respect to potential future liabilities relating to the affordable housing projects. I have asked to the County Solicitor to begin formulating such an agreement.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joanne Ross-Zuj".

Joanne Ross-Zuj
Warden

c. Ms. Liz Sandals, M.P.P
Mr. Hans Loewig, C.A.O, City of Guelph
Mr. Scott Wilson, C.A.O., County of Wellington



COUNTY OF WELLINGTON



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74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

July 23, 2009

Ms. Liz Sandals, M.P.P.
173 Woolwich Street
Guelph ON N1H 3V4

Dear Ms. Sandals,

As a follow up to our telephone conversation of July 22, 2009 I thought it would be useful to summarize the main points of our discussion. With respect to the two proposed affordable housing projects in the City of Guelph, I can confirm the following:

1. That the County of Wellington has approved these two projects in principle.
2. That both projects have been submitted to the Ministry of Municipal Affairs and Housing.
3. That a meeting has been scheduled with the two proponents for Monday July 27, 2009 to review project submission requirements.
4. That the County has advised the two proponents of the need to submit final project information, including financial projections, to the County by Friday August 7, 2009.
5. That it is the intention of County staff to bring forward recommendations regarding the two projects to the joint Social Services Committee on September 9, 2009 and to County Council on September 24, 2009. Assuming approval is granted staff would make the formal application to the Province in advance of the September 30, 2009 deadline.

We understand that the Province expects to make announcements soon after the September 30, 2009 submission deadline and issue a Conditional Letter of Commitment regarding approved projects to the County.

It will be essential that the two proponents be able to clearly demonstrate in their submission their ability to meet the requirements set out by the Province for the programme including:

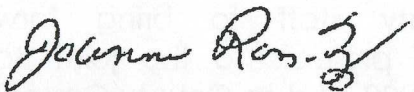
1. Building site is acquired
2. Zoning is in place
3. Site plan approval has been granted
4. Building permit has been issued
5. Long term financial viability has been proven
6. The proponent's ability to sign a Contribution Agreement within 30 days of the issuance of the Conditional Letter of Commitment
7. Construction must start within three months of the signing of the Contribution Agreement

For reference I have attached excerpts from the Provincial document entitled Canada-Ontario Affordable Housing Program (2009 Extension) - New Rental Housing Component.

In addition, as set out in the letter from Scott Wilson to Hans Loewig dated July 10, 2009 on which you were copied, we will require confirmation from the proponents of any municipal incentives available for the projects (beyond the tax class requirement), and there will need to be an agreement between the County and City for any future liabilities relating to affordable housing projects.

I would like to reassure you that the County, as Service Manager, clearly understands the timelines and requirements set out by the Province to access this important funding, and we are following what we believe to be an appropriate and prudent process to meet these expectations.

Sincerely,



Joanne Ross-Zuj
Warden

c. Mayor Karen Farbridge, City of Guelph
Mr. Hans Loewig, C.A.O., City of Guelph
Mr. Scott Wilson, C.A.O., County of Wellington

Submission Dates

Service Managers must submit project proposals for each year (2009/10; 2010/11) of the program. They should identify whether proposals include rental units for low-income seniors, rental units for persons with disabilities, and which component of the AHP Extension (2009) they wish to participate in (New Rental, Homeownership or Northern.) SMs are encouraged to submit projects that reflect a balance of municipal non-profits, private non-profits and cooperatives, as well as private proponents.

SMs are asked to submit project proposals by the ministry's submission dates in order to be eligible for AHP funding.

Year 1 projects must be committed (CA signed) between June 2009 and March 31, 2010 and Year 2 projects must be committed (CA signed) between April 1, 2010 and March 31, 2011.

AHP Extension (2009) funding must be used within its specified year as funding will not be carried over. SMs are encouraged to submit project proposals as early as possible.

Submission dates have been chosen to encourage quick take-up of the program within the two-year timeframe. It is also important to incorporate the program's objectives of economic stimulus, energy efficiency, and accessibility for designated client groups – low-income seniors and persons with disabilities.

Year 1 – Quick Starts (June 2009)

Funding will be allocated to construction-ready projects identified by SMs. These are projects that will be ready for construction by September 30, 2009.

Projects funded under Quick Starts must begin construction before September 30, 2009. Funding approvals for construction-ready projects will begin immediately.

Year 1 – (July 2009 – March 2010)

For the remainder of Year 1, the ministry will allocate funding to project proposals that are submitted by the following dates:

- July 31, 2009
- September 30, 2009
- November 2, 2009

Funding approvals for these projects will begin shortly after each submission date has closed.

Please note that if federal funding for the first fiscal year (2009/10) is exhausted prior to the end of the first fiscal year of the AHP Extension, the ministry will be under no obligation to fund any further funding requests submitted prior to the commencement of the second year of the AHP Extension (2009).

Year 2 (April 2010 – March 2011)

SMs will be asked to submit project proposals for Year 2 of the program. Year 2 submissions will be considered after February 1, 2010. Projects receiving funding approval in Year 2 should begin construction between April 1, 2010 and March 31, 2011.

Please submit all project proposals using the Affordable Housing Information Management System (AIMS).

Project Approvals

Project selection will be based on construction readiness:

- Building site is acquired
- Zoning is in place
- Council approval has been obtained
- Building permit has been obtained
- Financial viability has been proven
- The project targets the program's priority groups.

Once a project has been selected and approved for AHP funding, it will receive a Conditional Letter of Commitment (CLC) from the ministry. Samples of a CLC and a Director's Letter are provided in Appendix C and D.

The CLC confirms the ministry's approval of the project and outlines the steps that must be taken prior to signing a Contribution Agreement (CA), which allows for the advancement of AHP funds. After receiving a CLC for a project, SMs are expected to sign a CA within 30 days.

The CA describes the legal obligations and reporting requirements for the project. Please refer to Appendix E for the requirements needed to sign a CA.

The ministry expects to have all Year 1 CAs signed no later than December 31, 2009 with construction starting prior to March 31, 2010.

All Year 2 CAs are expected to be signed no later than December 31, 2010 and begin construction prior to March 31, 2011.

SMs and housing proponents not able to sign CAs or begin construction by the required dates will have their funding re-allocated.

Funding for the New Rental Housing Component is offered on a strict "use it or lose it" basis. Funding that is uncommitted by each fiscal year-end will lapse. Therefore, funding approved during Year 1 and Year 2 will need to be committed (CA signed) at the latest by March 31st of each year and projects must start repairs/construction within three months of the CA date.

APPENDIX J – Indemnification and Repayment

During the construction period for the project, the SM will fully indemnify the province, with one exception. The SM's share of any loss associated with environmental claims will be 50% of the provincial share (25%).

During the operation of the project, there will be consultation and notification requirements if there are indications there may be operational or financial difficulties. If the SM becomes aware of a proponent's failure to observe or perform a material condition in the CA, the SM shall notify the ministry immediately. The ministry will, in turn, notify CMHC.

An ad hoc committee may be struck to assemble information relating to the project, in order to determine a course of action for rectifying the difficulty and using best efforts to maintain the affordability of the rents for the project. The parties will acknowledge that the interests of the tenants shall be considered in determining what course of action may be most suitable for a project in difficulty.

In situations of non-compliance due to misuse or negligence, the SM is expected to take remedies available to recover government contributions.

Project proponents may earn forgiveness of AHP funds at a rate of 5% per year for 20 years, at the discretion of the SM, provided the project remains in compliance with program guidelines.

It is recommended that all AHP Extension projects obtain CMHC insurance for the first mortgage. However, there is the option to waive the CMHC mortgage insurance requirement and seek alternative loan financing arrangements, at the discretion of the lender and the SM. For further information, please refer to AHP Bulletin No. 28 on the MMAH website: www.mah.gov.on.ca.

There are also certain exceptions – for example, when a municipality is providing construction and take-out financing. The details of the indemnification provisions will be contained in the legal agreements for the program.

CONSENT REPORT OF THE GOVERNANCE COMMITTEE

October 24, 2011

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

Your Governance Committee beg leave to present their FIFTH CONSENT REPORT as recommended at its meeting of October 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) Integrity Commissioner, Complaints Process and Council and Local Boards Code of Conduct

THAT a by-law appointing Robert Swayze as the Integrity Commissioner for the City of Guelph and its Local Boards be forwarded to Council for adoption;

AND THAT the Council and Local Boards Code of Conduct be updated and amended to include a complaints process to be followed by the Integrity Commissioner in the form attached to this report.

2) 2012 and January 2013 Council and Committee Meeting Schedule

THAT the 2012 and January 2013 Planning and Regular Council and Committee meeting schedule be approved as outlined on the attached calendar.

3) Chief Administrative Officer (CAO) By-law Update

THAT the CAO by-law to define the general duties, roles and responsibilities of the Chief Administrative Officer, attached hereto as Appendix "A", be approved and attached as part of the CAO Employment Policies and Procedures.

4) CAO Employment Policies and Procedures

THAT the revisions to the attached CAO Employment Policy be approved

5) Social Media Principles and Guidelines: A Reference for Elected Officials

THAT the report titled, *Social media principles and guidelines; a reference for elected officials*, be received;

AND THAT communications staff in consultation with legal report back on any necessary disclaimers.

6) Service and Operational Review Plans

THAT financial resource requirements necessary to initiate Council approved review activity be funded in 2011 through the Human Resource gapping Operational Reserve and that the resources be repaid over time through positive year end variance.

7) City of Guelph Procedural By-law Governing Council and Committee Meetings

THAT the report from the Acting Clerk dated October 11, 2011 regarding the Procedural By-law be received;

AND THAT a by-law be enacted to approve the Procedures Governing Council and Committee meetings, as amended.

8) Board Appointments – Guelph Non-Profit Housing Board

THAT report #CSS-CESS-1138 dated October 11, 2011, regarding Board Appointments to non-profit housing corporations, be received;

AND THAT a Council member no longer be appointed to the Guelph Non-Profit Housing Board.

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All of which is respectfully submitted.

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

COMMITTEE REPORT



TO **Governance Committee**

SERVICE AREA Corporate and Human Resources, Office of the City Clerk
DATE October 11, 2011

SUBJECT Integrity Commissioner, Complaints process and Council and Local Boards Code of Conduct

SUMMARY

Purpose of Report:

To provide a framework for the processing of complaints regarding Council and Local Boards Code of Conduct through a City Integrity Commissioner.

Committee Action:

To recommend approval of a process for complaints regarding Council and Local Boards Code of Conduct and direct adoption of a by-law to appoint an Integrity Commissioner.

RECOMMENDATION

That a by-law appointing Robert Swayze as the Integrity Commissioner for the City of Guelph and its Local Boards be forwarded to Council for adoption; and

That the Council and Local Boards Code of Conduct be updated and amended to include a complaints process to be followed by the Integrity Commissioner in the form attached to this report.

BACKGROUND

As a result of the Bill 130 amendments to the Municipal Act in 2006, accountability and transparency provisions were introduced in legislation. Under the new provisions relating to accountability and transparency in the *Municipal Act*, a Council is required to appoint a Meeting Investigator and develop a code of conduct, develop policies for accountability & transparency, and develop Public Notice provisions.

In addition, there is the discretion to appoint 4 positions. One of these positions, the Integrity Commissioner, reports to Council and would be responsible for

performing the functions assigned by the municipality regarding violations of the code of conduct for members of Council and for Local Boards and for adjudicating rules and policies governing ethical behavior.

In 2007 an Accountability and Transparency advisory committee was established as a special committee of Council with the following mandate:

- To review the Accountability & Transparency Provisions of the Municipal Act
- To review the existing policies, procedures and , code of ethics governing the conduct of Council
- To develop a Code of Conduct
- To develop an Accountability and Transparency policy
- To make recommendations to Council relating to the appointment of an Integrity Commissioner, an Ombudsman, and Auditor General, a Lobbyist Registrar and a Special Investigator

Accordingly, a meeting Investigator was appointed through the Association of Municipalities of Ontario LAS service. An Accountability and Transparency Policy, a Public Notice Provision Policy and a New Code of Ethics were also adopted. In addition, a Governance Manual for Council was established.

The four discretionary positions were reviewed and in the 2011 Budget the position of Integrity Commissioner was approved on a retainer basis.

On September 22, 2008, City Council adopted a new Code of Conduct for Council and certain local boards. At that time, Council directed staff to develop a process for responding to a complaint that a contravention of the Code of Conduct may have occurred. In March of 2010, Council approved a process for Complaints under Council's Code of Conduct which allocated responsibility for complaints to the Chief Administrative Officer.

Consequently, Council referred the appointment of an Integrity Commissioner to the 2011 Budget process. The position of Integrity Commissioner was approved in the 2011 Budget on a retainer basis.

REPORT

The Corporation of the City of Guelph issued an RFP in May, 2011 and has awarded the bid of Robert Swayze, Barrister & Solicitor as the Integrity Commissioner in accordance with Section 223.3 of the *Municipal Act, 2001* to assist the City in continuing to provide good governance in an accountable and transparent manner, in particular with respect to contraventions to the Code of Conduct for Council and Local Boards.

Accordingly, it is necessary to amend the Council and Local Boards Code of Conduct to include the addition of the procedure as included in the revised Code attached to this report.

The *Municipal Act* provides that the Integrity Commissioner reports directly to Council and is responsible for performing in an independent manner the functions assigned by the municipality. Staff are recommending that his duties include both an advisory role as well as conducting inquiries into contraventions of the Code at the request of members of Council, employees of the City and members of the public. It is hoped that the advisory role will assist members with guidance on the applicability of the Code so that the need for inquiries can be mitigated.

It will be the discretion of the Integrity Commissioner to commence an inquiry after a request, and this will be preceded by an information report to Council. The Integrity Commissioner is required to report findings to an open meeting of Council including possible recommendations for sanctions against members of Council and local boards if it is concluded that a contravention of the Code has occurred.

Under the Act, Council makes the final decision whether any penalties are imposed against members.

CORPORATE STRATEGIC PLAN

This report supports goal 5 of the Strategic Plan to have a community focused, responsive and accountable government, and in particular, strategic objective 5.2: a consultative and collaborative approach to community decision making.

FINANCIAL IMPLICATIONS

The Cost of retaining the Integrity Commissioner is included in the 2011 operating budget.

DEPARTMENTAL CONSULTATION

Consultation with Robert Swayze

COMMUNICATIONS

Not Applicable

ATTACHMENTS

Appendix "1" Revised Code of Conduct for Elected Officials and Local Board Members

Appendix "2" Complaint Protocol *To Code of Conduct for Council and Local Boards*

Appendix "A" Integrity Commissioner Complaint form

Appendix "B" Integrity Commissioner Advice form

"original signed by Tina Agnello"

"original signed by Mark Amorosi"

Prepared and Recommended by:

Tina Agnello

Acting City Clerk

519-8221260 X2811

tina.agnello@guelph.ca

Recommended by:

Mark Amorosi,

Executive Director,

Corporate and Human

Resources

519-8221260 X2281

mark.amorosi@guelph.ca

Code of Conduct for Council and Local Boards

Tab	CITY COUNCIL
Authority	S. 223.2(1) Municipal Act
Subject	CODE OF CONDUCT FOR COUNCIL & LOCAL BOARDS
Related Policies	Accountability and Transparency
Approved by	COUNCIL
Review Date	Annually

POLICY STATEMENT A written Code of Conduct for Council and Local Boards (Code of Conduct) helps to ensure that the members of Council, advisory committees, and local boards of the municipality (as defined in the *Municipal Act*), share a common basis for acceptable conduct. This code is designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. These standards should serve to enhance public confidence that Guelph's elected and appointed representatives operate from a base of integrity, justice and courtesy. The key principles that underline the Code of Conduct are as follows:

- all members shall serve and be seen to serve their constituents in a conscientious and diligent manner;
- members should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both real and apparent;
- members are expected to perform their duties in office in a manner that promotes public confidence

-
- and will bear close public scrutiny;
 - members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the City Council.

PURPOSE

Municipal Council Members hold positions of privilege. Therefore, they must discharge their duties in a manner that recognizes a fundamental commitment to the well being of the community and regard for the integrity of the Corporation. The purpose of the Code of Conduct is to:

- Protect the public interest.
- Encourage high ethical standards among members of Guelph City Council and local boards.
- Provide a universal understanding of the fundamental rights, privileges, and obligations of members of Guelph City Council and local boards.
- Provide a means for members of Guelph City Council and local boards to obtain information on some contemplated conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct.

DEFINITIONS

Members - include the Mayor and Members of Guelph City Council and the following local boards:

- Accessibility Advisory Committee
- Board of Trustees of the Elliott
- Committee of Adjustment
- Downtown Board of Management
- Guelph General Hospital Commission
- Heritage Guelph
- Municipal Election Compliance Audit Committee
- Property Standards/Fence Viewers Committee

Confidential Information – while the classification of information as “confidential” is a matter of Council discretion whether labelled as confidential or not, disclosure of information will not constitute a breach of the Code of Ethics unless that information is of an inherently confidential nature such as:

-
- Personal data of employees or others.
 - Records related to internal policies and practices, which if disclosed, may prejudice the effective performance of a municipal operation.
 - Records of a financial nature reflecting information given or accumulated in confidence.
 - Files prepared in connection with litigation and adjudicative proceedings.
 - Reports of consultants, draft documents and internal communications, which, if disclosed, may prejudice the effective operation and reputation of the municipality, its officers and employees and its effective operation.

Integrity Commissioner – The person appointed by City Council By-Law in accordance with Section 223.3 of the *Municipal Act, 2001* and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to the application of the Code of Conduct for members of Council and Local Boards.

GIFTS AND BENEFITS No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his / her duties of office, unless permitted by the exceptions listed below. For these purposes, a fee or advance paid to, or a gift or benefit provided with the member's knowledge to a member's spouse, child or parent or to a member's staff that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member. The following are recognized as exceptions:

- a) compensation authorized by by-law;
- b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- c) a political contribution otherwise reported by law;
- d) services provided without compensation by persons volunteering their time;
- e) a suitable memento of a function honouring the member;
- f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by

-
- the Federal government or by a foreign country;
- g) food and beverages consumed at banquets, receptions or similar events, if:
- I. attendance is in keeping with his or her representative role;
 - II. the person extending the invitation or a representative of the organization is in attendance; and,
 - III. the value is reasonable and attendance at events sponsored by the same entity is infrequent.
- h) communication to the offices of a member, including subscriptions to newspapers and periodicals.

In the case of categories (b) (e) (f) (g) and (h), if the value of the gift or benefit exceeds \$300, or if the total value received from any one source during the course of a calendar year exceeds \$300, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the City Clerk.

The disclosure statement must indicate:

- the nature of the gift or benefit;
- its source and date of receipt;
- the circumstances under which it was given or received;
- its estimated value;
- what the recipient intends to do with the gift; and,
- whether any gift will at any point be left with the City.

Any disclosure statements will be a matter of public record.

Except in the case of category (f), a member may not accept a gift or benefit worth in excess of \$500 or gifts or benefits from one source during a calendar year worth in excess of \$500. No member shall seek or obtain by reason of his / her office any personal privilege or advantage with respect to City services not otherwise available to the general public and not consequent to his or her official duties.

CONFIDENTIALITY All information, including documentation or deliberation received, reviewed or taken in closed session of Council and its committees is confidential. Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required by law to do so. Under the Procedural By-law, authorized under section 239 of the *Municipal Act*, where a matter that has been discussed at a closed) meeting remains confidential, no member shall disclose the content of the matter, or the substance of deliberations, of the in camera meeting. Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential. Particular care should be exercised in ensuring confidentiality of the following types of information:

- items under litigation, negotiation, or personnel matters;
- information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence);
- price schedules in contract tender or Request For Proposal submissions if so specified;
- information deemed to be “personal information” under the *Municipal Conflict of Interest Act*; and
- statistical data required by law not to be released (e.g. certain census or assessment data).

This list is provided as an example and is not exhaustive. Requests for information should be referred to appropriate staff to be addressed as either an informal request for access to municipal records or as a formal request under the *Municipal Freedom of Information and Protection of Privacy Act*.

Members of Council should not access or attempt to gain access to confidential information in the custody of the City unless it is necessary for the performance of their duties and not prohibited by Council policy.

**USE OF CITY
PROPERTY**

No member shall for personal purposes or profit, permit the use of any City property, equipment, services, or

supplies other than for purposes connected with the discharge of City duties or associated community activities of which City Council has been advised, unless such use is permitted by one of the following exceptions:

- Reasonable and incidental personal use of equipment such as computers, fax machines, cell phones, blackberries, etc., where the City incurs no additional costs relating to such use, and the use is of limited duration and frequency.
- Use of City property and facilities where such use is universally known to be available to other residents upon request and on equal terms.

No member shall obtain financial gain from the use of City developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the City of Guelph.

No member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.

WORK OF A
POLITICAL OR
PERSONAL
NATURE

Members are required to follow the provisions of the *Municipal Elections Act, 1996*. No member shall use the facilities, equipment, supplies, services or other resources of the City (including Councillor newsletters and websites linked through the City's website) for any election campaign or campaign-related activities. No member shall undertake campaign-related activities in any City facility for the purpose of seeking the support of City employees working in that facility. No member shall use the services of persons for his or her election campaign purposes during the working hours for which those persons receive compensation from the City.

No member shall use City facilities, services or property for his or her personal or business use. No member shall use the services of persons for his or her personal or personal business use during the working hours for which

those persons receive compensation from the City.

CONDUCT
RESPECTING
CURRENT AND
PROSPECTIVE
EMPLOYMENT

No member shall allow the prospect of his / her future employment by a person or entity to detrimentally affect the performance of his / her duties to the City.

BUSINESS
RELATIONS

No member shall act as a paid agent before Council, its committees, or an agency, board or commission of the City except in compliance with the terms of the *Municipal Conflict of Interest Act*. A member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

INFLUENCE ON
STAFF

Only Council as a whole has the authority to approve budget, policy, committee processes and other such matters. Members shall be respectful of the fact that staff work for the City as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or group of members. Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of the City.

Council directs the business of the City and passes by-laws, or resolutions as appropriate, for decisions adopted by Council. Council has delegated responsibility to the Chief Administrative Officer (CAO) for the administration of the affairs of the City in accordance with decisions adopted by Council. This means that under the direction of the CAO, staff have the responsibility and the authority to provide consultation, advice and direction to Council and to implement Council approved policy. Accordingly, staff establish the appropriate administrative policies, systems, structures and internal controls to implement the goals and objectives of Council, and manage implementation

within the resources at their disposal. The Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions. No member shall compel any staff member to engage in activities that are contrary to the directions of Council or the policies of the municipality.

No member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any member use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

IMPROPER USE OF INFLUENCE

No member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.

Examples of prohibited conduct are the use of one's status as a member of Council to improperly influence the decision of another person to the private advantage of oneself, or one's immediate relatives, staff members, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member's supposed influence within Council in return for present actions or inaction.

For the purposes of this provision:

"private advantage" does not include a matter:

- that is of general application;
- that affects a member of Council, his / her immediate relatives, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or
- that concerns the remuneration or benefits of a member of Council.

COMPLAINTS ALLEGING
VIOLATION OF THIS
CODE

Where a member of Council or local board, an employee of the City or a member of the public has reasonable grounds to believe that a Member has breached this code, a complaint may be submitted to the Clerks Department in prescribed form which will be forwarded to the City Integrity Commissioner who will process it in accordance with the Complaint Protocol attached hereto as Appendix "1".

**Complaint Protocol for
Code of Conduct for Council
and Local Boards**

Application

1. This process applies to members of Guelph City Council and its local boards as defined in Section 223.1 of the *Municipal Act*. ("Members")

Integrity Commissioner

The City of Guelph Integrity Commissioner shall be responsible for the provision of services as established by Council which will include the following:

1. To provide written and oral advice to Members, City staff and members of the public concerning the interpretation of and compliance with, the Code of Conduct Council for Council and Local Boards governing the ethical behaviour of Members.(the "Code")
2. To provide Council and its local boards, with specific and general opinions and advice on the interpretation of the Code, including revisions thereto.
3. To conduct enquiries into a request made by Council, a local board, a Member, a member of City staff or a member of the public into whether a Member has contravened any applicable provision of the Code.
4. To attempt to settle any complaint between the complainant and the Member before commencing an enquiry.

Procedure for Making a Complaint

1. All complaints or requests for inquiries shall be submitted to the Clerks Department and sworn before a commissioner of oaths in the form provided in Appendix "A" and the Clerk shall forthwith forward them to the Integrity Commissioner.
2. All complaints or requests for inquiries must clearly state:
 - a. the Member to whom the complaint relates;
 - b. the nature of the alleged contravention;
 - c. the specific provision(s) of the Code allegedly contravened;
 - d. names of any witnesses to the alleged contravention; and
 - e. written material in support of the alleged contravention.
3. Upon receipt of a complaint or request for enquiry, the Integrity Commissioner shall first determine if it is within his/her jurisdiction and whether there is a procedure under other legislation or City policy to deal with the complaint. If it is determined that other procedures apply, the Integrity Commissioner shall refer the complainant to the appropriate person or agency to follow that process. This would include such matters as:
 - a. the grievance provisions of a collective agreement;
 - b. the complaint provisions under the *Ontario Human Rights Code*;
 - c. a complaint of alleged criminal activity;
 - d. procedures in the *Municipal Act*, *the Municipal Conflict of Interest Act* or *the Municipal Elections Act*;
 - e. the complaint provisions of the *Workplace Violence Prevention*

Policy; or

- f. the complaint provisions of *the Harassment and Discrimination Policy*.

Where it has been determined that a complaint should be dealt with under one of the above processes, it will no longer be considered or dealt with by the Integrity Commissioner and the time limits within the above processes will apply accordingly.

4. Upon receipt of a complaint or request to conduct an enquiry within his/her jurisdiction, the Integrity Commissioner will deliver a preliminary information report to an open meeting of Council including the following:
 - a. The opinion of the Commissioner as to whether the enquiry is appropriate and whether it can be conducted within the law applicable to such an enquiry.
 - b. An indication as to whether it is the Commissioner's intention to conduct the enquiry under the *Public Inquiries Act*.
 - c. A preliminary indication of the members of staff and/or consultants needed to assist the Commissioner.
 - d. An estimated cost of the enquiry.
 - e. The estimated time required to complete the enquiry and prepare a final report.
 - f. Where appropriate, the Commissioner may recommend that the alleged infraction be reported to the police and that the enquiry be suspended until the police investigation is completed.
5. If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith or that there are no grounds or insufficient grounds for an enquiry, the Integrity Commissioner shall not conduct an enquiry and shall state the reasons for not doing so in the preliminary report.

Procedure for Obtaining Advice:

- i. Where a Member, an employee or a member of the public is seeking to obtain advice from the Integrity Commissioner, he/she shall submit to the City Clerk the completed form provided (Appendix B).
- ii. All advice of the Integrity Commissioner to Members, employees and the public shall be confirmed in writing. No Solicitor/Client relationship will exist in the giving of such advice.
- iii. Where the Integrity Commissioner learns of a violation through the request for advice from any Member, he or she is required to report such a violation to Council.
- iv. The Integrity Commissioner may decline to give advice if he/she determines that it will put him in conflict with his/her duty to Council as a whole.

Confidentiality

1. The Integrity Commissioner shall carry out all enquiries in a manner which will ensure that the individual to whom the complaint relates is treated fairly and all complaints shall be treated as confidential to the extent possible and in accordance with the *Municipal Act*.
2. All records of investigations shall be kept confidential and access limited to those in the City with a need to know for the purposes of conducting a full

investigation.

Intake Procedures

- 1 Upon receipt of a complaint involving a Member other than the Mayor, the Clerk shall immediately advise the Mayor and Chief Administrative Officer (“CAO”).
- 2 Upon receipt of a complaint involving the Mayor, the Clerk shall immediately advise the CAO and the three longest serving members of Council authorized to act in place of the Mayor.
3. The Integrity Commissioner may attempt to settle any complaint. Except where otherwise required by the *Public Inquiries Act*, the Commissioner shall provide a copy of the complaint and supporting material to the member with a request for a written response to the allegation within ten days and provide a copy of such response to the complainant with a request for a written response also within ten days.

Investigations

After the presentation of the information report to Council, the Integrity Commissioner shall take all steps necessary to promptly investigate the complaint within his or her jurisdiction, including entering any City office for such purpose and consultation with City staff with access to all information and records described in subsections 3 and 4 of Section 223.4 of the *Municipal Act* and may retain independent professional services if required.

1. The Integrity Commissioner shall make every effort to complete an investigation within 30 days.
2. If the Integrity Commissioner requires more than 30 days to complete an investigation, the following shall be notified accordingly:
 - a. The complainant;
 - b. the individual to whom the complaint relates; and
 - c. the Mayor in the case of a complaint concerning another Member; or the three longest serving members of Council in the case of a complaint concerning the mayor.
3. A complaint involving an alleged contravention that has already been thoroughly investigated will not be re-investigated unless new evidence is presented.

Reporting the Results of an Investigation

1. The Integrity Commissioner shall report his/her findings to an open meeting of Council and where the enquiry relates to a local board the report will be submitted to both Council and the local board.
2. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.
3. The Commissioner shall give a copy of the final report to the complainant and the Member whose conduct is concerned prior to the Council meeting at which it will be considered.
4. The Member to whom the complaint relates shall be given an opportunity to

address Council and respond to the complaint.

5. The Member shall be permitted to introduce information not already in evidence including witnesses to support his or her position, and shall have the option of attending with legal counsel.

Actions by Council

1. In reviewing the final report, Council will determine whether it will impose any of the following penalties on a Member if the Integrity Commissioner reports that it is his/her opinion that the Member has contravened the Code:
 - a. Issue a motion of reprimand
 - b. Suspension of the remuneration paid to the Member in respect of his services as a Member for a period of up to 90 days
 - c. request the member involved to return any gift or benefit received in contravention of the Code of Conduct;
 - d. request the member involved to repay the value of the benefit;
 - e. remove the member from committee or local board appointments;
 - f. request an apology; or
 - g. withhold confidential materials/matters for a period of time.
2. All reports to Council by the Integrity Commissioner on the investigation of complaints are public documents.
3. The Integrity Commissioner shall be responsible for ensuring the above procedures are followed with respect to requests for enquiries and for conducting investigations. City Council shall be responsible for determining penalties where appropriate.

Protection from Retaliation

Any employee who files a complaint of a contravention of the Code of Conduct will not be subjected to any form of penalty or reprisal provided the complaint is made:

- in good faith; and
- in the reasonable belief of the complainant that a contravention of the Code of Conduct has occurred.

Limitation Period

The Integrity Commissioner shall not proceed with an enquiry in regard to a complaint more than 60 days after the date when the event or series of events which are the subject matter of the complaint were discovered by the complainant. An event, or series of events, is discovered on the earlier of the date upon which the complainant first knew,

- that the event(s) had occurred and by whom,
- that the event(s) may have constituted a contravention of
- the Code.

The onus of proof as to the date of discovery lies with the complainant.

Where the Integrity Commissioner decides not to proceed with an investigation of a complaint received more than 60 days after the date when the event(s) occurred, the Integrity Commissioner shall prepare and file a report to Council setting out that decision.

Complaints in Municipal Election Years

Despite any other provision of this process, any complaint received by the City Clerk 90 days prior to the date of a regular election pursuant to the *Municipal Elections Act, 1996, S.O. 1996*, shall not be referred to the Integrity Commissioner for investigation until after the election has taken place.

The 90 days referred to above, will not be included for the purposes of calculating the 60 day limitation period.

Complaint Form to the Integrity Commissioner

Please note that signing a false affidavit
May expose you to prosecution under
Sections 131 and 132 or 134 of the Criminal Code,
R.S.C. 1985, c. C-46, and also to civil
liability for defamation.

Affidavit

AFFIDAVIT OF _____ [full name]

I, _____ [full name], of the [City, Town, etc of] _____
_____ [municipality of residence] in the Province of Ontario

MAKE OATH AND SAY [or AFFIRM]:

1. I have personal knowledge of the facts as set out in this affidavit, because _____

_____ [insert reasons e.g. I work for . . . I attended the meeting at which . . . etc].

2. I have reasonable and probable grounds to believe that a member of City of Guelph Council or a local board__
_____ [specify name of member], has contravened
section(s)_____ [specify section(s)] of the code of
conduct for Members of Council and Local Boards (the "Code of Conduct"). The particulars of which are as
follows:

[Set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular
statement of fact. If you require more space, please use the attached Schedule A form and check the appropriate box below. If you wish to include exhibits to support
this complaint, please refer to the exhibits as Exhibit A, B, etc .and attach them to this affidavit.]

Multiple horizontal lines for writing the statements of fact.

Please see the attached Schedule A ()

1. This affidavit is made for the purpose of requesting that this matter be reviewed and for no other purpose.

SWORN [or AFFIRMED] before me at the

_____)
[City, Town, etc.])
)
in the Province of Ontario, on)
_____)
[date])

[Signature of commissioner]
A Commissioner for taking affidavits, etc.

)
)
)
)

[Signature]

**Integrity Commissioner Inquiry
Formal Complaint Procedure**

**Please note that signing a false affidavit
May expose you to prosecution under
Sections 131 and 132 or 134 of the Criminal Code,
R.S.C. 1985, c. C-46, and also to civil
liability for defamation.**

[Signature of Requestor]

[Date Received by Integrity Commissionerr]

[Date]

[Date Reply Issued)]

[File no.]

COMMITTEE REPORT



TO **Governance Committee**

SERVICE AREA Corporate & Human Resources – Clerk’s Office
DATE October 11, 2011

SUBJECT **2012 and January 2013 Council and Committee Meeting Schedule**

SUMMARY

Purpose of Report:

To provide the proposed 2012 and January 2013 Council and Committee meeting schedule for approval.

Committee Action:

To approve the 2012 and January 2013 Council and Committee meeting schedule.

RECOMMENDATION

THAT the 2012 and January 2013 Planning and Regular Council and Committee meeting schedule be approved as outlined on the attached calendar.

BACKGROUND

Pursuant to the City of Guelph Procedural By-law Council is to establish their planning and regular Council meetings by resolution.

REPORT

To assist with the preparation of reports and scheduling of other meetings, it is recommended that the 2012 and January 2013 meeting schedule for Council and the Standing Committee meetings be approved at this time

Due to potential City Hall holiday closure of December 26th to January 2nd, 2012, inclusive, it is recommended that the Council Planning meeting be held on January 16th rather than the first Monday where City Hall will be closed and the first regular meeting of Council being held on January 30th, 2012.

In order to schedule the preparation of reports for January of 2013, staff are recommending that we adopt a 13 month meeting schedule which sets out the Council and Standing Committee meeting dates. In January 2013 the regular meeting scheduled is able to be accommodated.

Staff are also recommending that the 2012 and January 2013 Standing Committee meeting schedule be adopted as per the attached calendar reflecting the following:

- Audit Committee – meet quarterly or as required, at the call of the Chair
- Community & Social Services Committee – 2nd Tuesday at 5 p.m.
- Corporate Administration, Finance & Emergency Services Committee – 2nd Monday at 5 p.m.
- Operations & Transit – 3rd Monday at 5 p.m.
- Planning & Building, Engineering and Environment Committee – 3rd Monday at 12:30 p.m.
- Governance –quarterly on the 2nd Monday of January, April, July & October
- Nominating Committee – as required

The Federation of Canadian Municipalities Annual Conference is scheduled for June 1st – 4th. As members of Council may wish to attend this conference, staff are recommending that the Council Planning meeting for June be held on Tuesday June 5th.

CORPORATE STRATEGIC PLAN

This report support strategic goal 5: "A community-focused, responsive and accountable government".

FINANCIAL IMPLICATIONS

N/A

DEPARTMENTAL CONSULTATION

N/A

ATTACHMENTS

2012 and 2013 January Meeting Calendar
Meeting Calendar

Prepared By:

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Council Committee Co-ordinator
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“original signed by Tina Agnello”

Recommended By:

Tina Agnello
Acting Clerk
519-822-1260 ext. 2811
Tina.agnello@guelph.ca

“original signed by Mark Amorosi”

Recommended By:

Mark Amorosi
Executive Director, Corporate & Human Resources
519-822-1260 ext. 2281
Mark.amorosi@guelph.ca

2012 Council and Committee Meeting Schedule

Audit – Audit Committee

CSS - Community & Social Services @ 5 p.m. (2nd Tuesday)

CAFES - Corporate Administration, Finance & Emergency Services Committee @ 5 p.m. (2nd Monday)

PEES – Planning, Engineering & Emergency Services Committee @ 12:30 p.m. (3rd Monday)

OP – Operations & Transit Committee @ 5 p.m. (3rd Monday)

Gov - Governance Committee @ 3 p.m. (2nd Monday of January, April, July & October)

January					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
					1 New Year's Day
2 City Hall Closed	3	4	5	6	7 8
9 GOV CAFES	10 CSS	11	12	13	14 15
16 Council Planning	17	18	19	20	21 22
23 PBEE OT	24	25	26	27	28 29
30 Council	31				

February					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
		1	2	3	4 5
6 Council Planning	7	8	9	10	11 12
13 CAFES	14 CSS	15	16	17	18 19
20 Family Day	21 PBEE OT	22	23	24	25 26
27 Council	28	29			

March					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
			1	2	3 4
5 Council Planning	6	7	8	9	10 11
12 CAFES	13 CSS	14	15	16	17 18
19 PBEE OT	20	21	22	23	24 25
26 Council	27	28	29	30	31

April					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
					1
2 Council Planning	3	4	5	6 Good Friday	7 8 Easter
9 Easter Monday	10 GOV CAFES	11 CSS	12	13	14 15
16 PBEE OT	17	18	19	20	21 22
23 Council	24	25	26	27	28 29
30					

May					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
	1	2	3	4	5 6
7 Council Planning	8 CSS	9	10	11	12 13
14 CAFES	15	16	17	18	19 20
21 Victoria Day	22 PBEE OT	23	24	25	26 27
28 Council	29	30	31		

June					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
				1 FCM Annual Conference	2/3 Annual Conference
4 FCM Annual Conference	5 Council Planning	6	7	8	9 10
11 CAFES	12 CSS	13	14	15	16 17
18 PBEE OT	19	20	21	22	23 24
25 Council	26	27	28	29	30

July					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
					1 Canada Day
2 City Hall Closed	3 Council Planning	4	5	6	7 8
9 GOV CAFE	10 CSS	11	12	13	14 15
16 PBEE OT	17	18	19	20	21 22
23 Council	24	25	26	27	28 29
30	31				

August					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
		1	2	3	4 5
6 John Galt Day / Civic Holiday	7	8	9	10	11 12
13	14	15	16	17	18 19 AMO Annual Conference
20 AMO Annual Conference	21 AMO Annual Conference	22 AMO Annual Conference	23	24	25 26
27	28	29	30	31	

September					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
					1
					2
3 Labour Day	4 Council Planning	5	6	7	8
					9
10 CAFES	11 CSS	12	13	14	15
					16
17 PBEE OT	18	19	20	21	22
					23
24 Council	25	26	27	28	29
					30

October					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
1 Council Planning	2	3	4	5	6
					7
8 Thanksgiving Day	9 GOV CAFES	10 CSS	11	12	13
					14
15 PBEE OT	16	17	18	19	20
					21
22 Council	23	24	25	26	27
					28
29	30	31			

November					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
			1	2	3
					4
5 Council Planning	6	7	8	9	10
					11 Remembrance Day
12 CAFES	13 CSS	14	15	16	17
					18
16 PBEE OT	20	21	22	23	24
					25
26 Council	27	28	29	30	

December					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
					1
					2
3 Council Planning	4 CAFES	5	6	7	8
					9
10 PBEE OT	11 CSS	12	13	14	15
					16
17 Council	18	19	20	21	22
					23
24	25 Christmas Day	26 Boxing Day	27	28	29
					30
31					

January 2013

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
	1 New Year's Day	2	3	4	5 6
7 Council Planning	8	9	10	11	12 13
14 GOV CAFES	15 CSS	16	17	18	19 20
21 PBEE OT	22	23	24	25	26 27
28 Council	29	30	31		

COMMITTEE REPORT



TO **Governance Committee**

SERVICE AREA Corporate Administration

DATE October 11, 2011

SUBJECT Chief Administrative Officer (CAO) By-law Update

REPORT NUMBER

SUMMARY

Purpose of the Report: To provide an updated CAO by-law to define the general duties, roles and responsibilities of the Chief Administrative Officer.

Committee Action: To adopt/approve the CAO By-law.

RECOMMENDATION

THAT the CAO by-law to define the general duties, roles and responsibilities of the Chief Administrative Officer, attached hereto as Appendix A be approved and attached as part of the CAO Employment Policies and Procedures.

BACKGROUND

The *Municipal Act* requires the passing of a by-law to appoint a CAO. Section 5(3) of the *Municipal Act* states:

Powers exercised by by-law

(3) A municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise.

Section 229 of the *Municipal Act* states:

Chief administrative officer

229. A municipality may appoint a chief administrative officer who shall be responsible for,

(a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and

(b) performing such other duties as are assigned by the municipality.

REPORT

The new CAO by-law incorporates recent developments that impact the role of the CAO in the Guelph municipal administration.

The incorporation of the GMHI was realized on August 16, 2011. Consistent with the Council approved business case for the new holding company, the CAO will act as the Chief Executive Officer, providing leadership and direction as a non-voting member of the Board of Directors without additional remuneration or compensation, other than as expressly approved by Council. This role is now reflected in the updated CAO by-law attached as Appendix A.

In addition, in July 2008 Council directed programming and staffing level approvals for full and part-time employees wherein the CAO authority was more clearly defined.

The attached Appendix to the CAO by-law highlights the above changes.

CORPORATE STRATEGIC PLAN

5.6 Organizational excellence in planning and management.

FINANCIAL IMPLICATIONS

n/a

DEPARTMENTAL CONSULTATION

Legal Services, Corporate Administration and Human Resources were consulted in the development of this report.

COMMUNICATIONS

n/a

ATTACHMENTS

Appendix A – CAO By-law

“original signed by Mark Amorosi”

Recommended By:

Mark Amorosi

Executive Director Corporate and Human Resources

519-822-1260 ext 2281

mark.amorosi@guelph.ca

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2011)- *[Insert Data]*

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

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

THAT Council shall appoint *[Insert Data]* as Chief Administrative Officer who shall be responsible to Council for exercising general control and management of the affairs of the Corporation of the City of Guelph for the purpose of ensuring the efficient and effective operation of the municipality, in accordance with Schedule “A” attached.

PASSED this *[Insert Data]* day of *[Insert Data]*, 2011.

KAREN FARBRIDGE – MAYOR

***[Insert Data]* – CITY CLERK**

Appendix 'A'

General Duties, Roles and Responsibilities

Introduction

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

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

1. General Duties and Responsibilities

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

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

(j) To guide the strategic planning process for the Corporation which includes departmental work plan development, as established by Council;

(k) To attend to the interests of the Corporation on federal, provincial, regional or local municipal intergovernmental issues and with boards, agencies and commissions at the administrative level;

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

(m) To perform any additional responsibilities and to exercise the powers incidental thereto which may, from time to time, be assigned to the CAO by Council.

2. Human Resource Management & Administration

(a) To advise Council as to the appointment, promotion, demotion, suspension or dismissal of an Executive Team member reporting directly to the CAO;

(b) To have authority and responsibility to appoint, promote, demote, suspend or dismiss any employees of the Corporation below the position of Executive Director/CFO in accordance with the lines of authority defined in the 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;

(d) To oversee the collective bargaining process with all unionized Corporation employees and to recommend to Council collective agreements concerning wages, benefits, and terms of service and upon approval of Council, to direct the administration of such collective agreements;

(e) To administer all salaries and performance review of employees who are subject to the supervision of the CAO, within the limitation of any salary plan or salary contract agreement, in consultation with Council, as required; and

(f) To carry out an annual performance evaluation of all Executive Team members recognizing achievements, correcting deficiencies and improving overall individual or departmental performance in consultation with Council, as required.

3. Financial Management

(a) To direct, in co-operation with the Chief Financial Officer and the Executive Team, the preparation and presentation of operating and capital budgets on an annual basis;

(b) To exercise financial control over all Corporate operations in conjunction with the Chief Financial Officer, to ensure compliance with the annual estimates of revenue and expenditure approved by Council;

-
- i. to adjust staffing levels to maintain the level of Council approved programs and services provided that no new costs are incurred in the current or subsequent budget years;
 - ii. where, as a result of emerging priorities (e.g. provincial initiatives, changing community priorities, Council direction) that result in the need to introduce new programs or increased service levels, or to increase staffing levels that add cost to the current or subsequent budget years, to secure Council approval;
 - iii. where service level or program reductions are contemplated, to secure Council approval;
- (c) To direct the review of fiscal policy and its management;
- (d) To approve all purchasing with authority to enter into contracts;
- (e) To approve all tenders and quotation awards where funds are provided in the budget and established purchasing policies have been observed; and
- (f) To approve all tenders and quotation awards when Council is unavailable, where funds are provided in the budget and established purchasing policies have been observed.

4. Administrative Organization and Management

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

COMMITTEE REPORT



TO **Governance Committee**

SERVICE AREA Corporate and Human Resources
DATE October 11, 2011

SUBJECT CAO Employment Policies and Procedures
REPORT NUMBER CHR – 2011 - 10

RECOMMENDATION

That the Governance Committee approve the revisions to the attached CAO Employment Policy

BACKGROUND

City Council approved the CAO Employment Policy in July 2008, with the intention that it be reviewed and where necessary revised at the beginning of each term of Council to ensure that the policy and appendices reflect current practices and Human Resource policy in the organization.

The attached policy and appendices have been updated to reflect changes that have occurred since the original approval of the policy.

REPORT

The CAO Employment Policy and appendices form part of the City's Governance Manual and require updating as circumstances warrant.

Since the approval of the Policy, a new CAO has been hired. The recruitment process included a revision to the position mandate. Also, since 2008, Council has approved the compensation/remuneration practice for the CAO, as well as a Non Union Termination Policy.

These changes have been incorporated as revisions to the CAO Employment Policies and Procedures (highlighted in yellow). Other changes are editorial (i.e. Executive Team rather than Senior Management Team).

CORPORATE STRATEGIC PLAN

[Reference Strategic Plan]

FINANCIAL IMPLICATIONS

N/A

DEPARTMENTAL CONSULTATION

N/A

COMMUNICATIONS

The revised CAO Employment Policy and appendices are included as part of the City's Governance Manual.

ATTACHMENTS

- Appendix 8.1 – CAO Employment Policy
- Appendix 8.2 – Procedure for Hiring the CAO
- Appendix 8.3 – CAO Position Profile
- Appendix 8.4 – CAO Employment Agreement Template
- Appendix 8.5 – Delegation of CAO Duties

“original signed by Mark Amorosi”

Recommended By:

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CORPORATE POLICY AND PROCEDURE



POLICY No.

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EFFECTIVE DATE

REVISION

Tab	City Council – Appendix 8.1
Authority	City Council
Subject	Chief Administrative Officer (CAO) Employment Policy
Related Policies	Procedure for Hiring the CAO, Delegation of CAO Duties, City Purchasing policy
Approved by	City Council (INSERT DATE)
Revision Date	Beginning of New Term of Council

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 Executive Director, Corporate and Human Resources to commence the recruitment process to fill the vacancy as per the Procedure for Hiring a CAO. Appendix 8.2

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 (Appendix 8.2), the Search Committee shall be comprised of the Mayor and four Chairs of the Standing Committees, or delegates, to a maximum of 6 individuals (i.e. the Mayor, Chairs of four Standing Committees and optional community member). Due to the importance of this position to the City of Guelph, consultation with the Executive Team, City staff, and community stakeholders may be initiated and incorporated into the recruitment and selection process.

Hiring/Offer of Employment

As per the template in Appendix 8.4, 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 Position Profile – Appendix 8.3.

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, including 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 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)

Compensation for the CAO is based on an annual review to ensure that the range remains competitive at the Council approved competitive position (i.e. currently at the 55th percentile of the Council approved municipal 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. In the absence of a pay for performance system, movement through the range, subject to satisfactory performance, shall be in accordance with the current Human Resource policy for Non Union employees i.e. movement from one step in the range to the next. Movement of more than one step shall not occur.

Acting/Interim/Assistant CAO (Council Approval – January 28, 2008)

Appendix 8.5

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 Executive 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 ET. 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.

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 CAO Employment Agreement Template Appendix 8.4)

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 EXECUTIVE 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 ET.

ACTING CAO - MEMBER OF EXECUTIVE 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 –NOT PRESCRIBED BY THE MUNICIPAL ACT, 2001. OPTIONAL TO DESCRIBE THE GENERAL DUTIES AND RESPONSIBILITIES OF THE CAO.

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 POSITION’S 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 REPORTS, 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.

CORPORATE POLICY AND PROCEDURE



POLICY No.

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SUPERSEDES

Procedure for Hiring the Chief Administrative Officer (CAO)

1. The recruitment of a CAO reporting to Council will include a thorough and comprehensive analysis of the position requirements and a thorough assessment of the skills, experience, knowledge and qualifications of both *internal* and *external* candidates.
2. The Search Committee shall be comprised of the Mayor and four Chairs of the Standing Committees, or delegates, to a maximum of 6 individuals (i.e. the Mayor, Chairs of four Standing Committees and optional community member). Due to the importance of this position to the City of Guelph, consultation with the Executive Team, City staff, and community stakeholders may be initiated and incorporated into the recruitment and selection process.
3. The recruitment process will be determined by the Search Committee with the assistance of a recruitment consultant and/or recruitment search firm. The position will be advertised both internally and externally.
4. Based on the results of an RFP, the Search Committee will recommend a preferred recruitment consultant and/or recruitment search firm to Council for approval. Selection of a recruitment consultant and/or recruitment search firm will be consistent with the City of Guelph's purchasing policy.
5. The recruitment consultant and/or recruitment search firm will screen prospective candidates and develop a short list of candidates to be interviewed by the Search Committee.
6. Appropriate further testing and evaluations as required will be completed, along with reference verification.
7. Based on the results of testing, evaluation, reference checking and input and evaluation, the Search Committee will make a recommendation on a preferred candidate to Council.
8. A summary of the process, the overall evaluations of all candidates and the final decision will be presented by the Search Committee to Council prior to offering the position to the candidate.

Chief Administrative Officer Position Profile

PROFILE

The CAO candidate must possess a progressive track record of success in a leadership role within a multi stakeholder organization. The ideal candidate will have significant and varied leadership and executive experience.

- A strategic communicator; able to adapt and tailor the conversation / presentation to a variety of audiences and contexts; understands the importance of both formal and informal communications.
- Ability to break down organizational silos and exhibit a strong horizontal style of leadership - lead initiatives across the organization, rather than using the more traditional up and-down approach.
- Talented broker and strategic negotiator in both an "at the table" sense as well as behind the scenes.
- An entrepreneurial, transformational leader who has the ability to vision and explore innovative service delivery models.
- A bold decision maker, who is not afraid to make a mistake and have the ability to learn from it. Track record as a decision maker - absolute results oriented and performance driven; links short term actions and long term goals.
- Believes in and drives for results and accountability at all levels; pragmatic, believes in delegating responsibility and holding individuals accountable for results/performance; encourages the establishment of high standards and stresses the importance of continuous improvement; is prepared to ask tough questions and address sub-standard performance quickly and effectively; assumes responsibility for decisions / results.
- Excellent interpersonal skills, capable of relating effectively to a diverse range of people, personalities and styles (both internal and external) - demonstrated ability to work collaboratively with stakeholder across the City and in establishing and building relationships with all stakeholder groups; an objective sounding board and voice, able to listen to vested interest groups and make objective recommendations that are best for Guelph; ability to speak the 'partners' language, establishing rapport immediately; exhibits a character of integrity and develops trust easily; willingly accepts the trust delegated by Council.
- Exhibits a "Boardroom" presence - credible and articulate, able to present and sell concepts and plans to Council, the Executive Team and other external stakeholders.
- Track record of building strong teams; demonstrates the ability to energize, motivate and lead an organization to achieve objectives; demonstrates the ability to build a sense of confidence and consensus, and create a positive and constructive work environment; sensitive to team needs, shows honesty and genuine interest in their concerns, avoids arrogance and defensiveness, develops sound solutions or approaches; requests, listens, and responds to feedback.
- A solid strategic visionary and implementer of plans; experience in the development of strategic plans including developing operational priorities and associated resource allocation requirements - ability to translate strategic vision into plans for implementation and execution.

- Enhanced analytical problem solving skills; an ability to think critically; a realist who exhibits a common sense approach to problem resolution.
- High energy level, a self-starter who exhibits high adaptability and flexibility to changing systems, conditions, or priorities; responds quickly to requests, meets deadlines and budgets.
- Utilizes a variety of management styles, depending on the situation, with a capacity to facilitate groups through issues; leads by example; action oriented, generates original and innovative ideas and solutions – a continuous improvement perspective; high tolerance for change.
- Has a solid personal awareness – capacity to build an executive team to capitalize on strengths and minimize limitations.
- Wants to have fun and enjoy their role in the community - has a sense of humour.

CORE COMPETENCIES

- **Strategic Orientation**
The ability to link long-range vision and concepts to daily work. Strategic orientation moves from understanding business fundamentals and strategies to a sophisticated awareness of the impact of the external environment on strategies and how external factors affect choices.
- **Shaping the Organization**
The ability to work effectively within structures, stakeholders and relationships within the City. The ability to identify the decision-makers and the individuals who can influence them and work with them to achieve objectives. The ability to predict how new events or situations will affect individuals and groups both within and external to the City and to utilize that knowledge to achieve the organization's objectives.
- **Leadership**
The ability to create and communicate a vision and engage others in its achievement. It is the ability to demonstrate behaviours that model and support the organization's aspirations and values and ensure its success.
- **Leading Change**
The ability to initiate, facilitate or implement change. Helping staff and stakeholders understand what the change means to them, building a shared vision and providing the ongoing guidance and support which will generate and maintain enthusiasm and commitment to the change process:
- **Political Acuity**
Dealing with the culture of the City. Navigating the formal and informal channels and networking with Council, the Executive Team, management groups, the media and the private sector.
- **Innovation**
An effort to enhance performance by being creative, promoting new ideas and introducing new solutions or processes.

- **Communication**
 High degree of interpersonal skill, tact and diplomacy. Ongoing contact and dialogue with members of Council and various stakeholders at all levels. External contact with Community stakeholders and partners, the provincial and federal governments, the media and related organizations to provide and exchange information and solve problems. Able to adapt and tailor the conversation / presentation to a variety of audiences and contexts.
- **Relationship Building**
 Establishing, building, and maintaining strong and reciprocal relationships and a network of contacts to keep a pulse on the City's, political and internal issues and to make informed decisions. Identifying who to involve and when and how to involve them in order to accomplish objectives and minimize obstacles.
- **Partnering**
 Creating an organizational environment that is open to alliances and attracting partnerships. Able to strategically identify and then approach potential partners – understands what's in it" for the other partner. Negotiating and managing the strategic nature of alliances and determining when adjustments, fine tuning or termination of partnerships is required.
- **Customer First Orientation**
 A desire to identify and meet/exceed the requirements of both internal AND external customers / clients. Clear emphasis on service to customer groups:

 - Recognizing the variety of "customers" within the City and at all levels of the organization and accommodating their diverse needs;
 - Recognizing the variety of external customers including residents, community groups and other stakeholders.
- **Results Orientation**
 The desire or drive to achieve or surpass identified goals. Establishes performance objectives and measures to continuously improve performance and the standard of excellence across the City. Includes innovative or entrepreneurial behaviours.
- **Holding People Accountable**
 Ensuring others meet objectives and expectations in an appropriate and effective manner. Ensuring the performance management process is conducted throughout the year. Provides clear direction, appropriate tools, resources and authority to support success.
- **Fiscal Accountability**
 The ability to effectively manage and optimize human, financial and physical resources, undertake qualitative and quantitative measurement, planning and control of resources to maximize results.
- **Teamwork**
 Being part of a team and working co-operatively with others. "Team" is broadly defined as any task or process-oriented group of individuals working towards a common goal.

EMPLOYMENT AGREEMENT

BETWEEN:

NAME

(hereinafter called the “Employee”)

and

THE CORPORATION OF THE CITY OF GUELPH

(hereinafter called “the Employer”)

WHEREAS the *Municipal Act*, S.O. 2001, as amended, authorizes a municipal council to appoint a Chief Administrative Officer (“CAO”);

AND WHEREAS the Employer wishes to employ the Employee and the Employee wishes to accept this employment with the Employer as its Chief Administrative Officer (CAO);

NOW THEREFORE, in consideration of mutual covenants set out in this Agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each of the Parties, the Parties covenant and agree as follows:

1. Effective Date and Term of Agreement

1.01 Subject to the provisions for earlier termination as hereinafter provided, the term of this Agreement shall begin on *[Insert Data]* and shall terminate at midnight on *[Insert Data]* (to represent length of contract such in years).

1.02 The Employer and the Employee shall give consideration to the renewal of this Agreement during its final year. Each party shall advise the other not later than the last day of *[Insert Data]* (DATE WHICH IS 60 DAYS IN ADVANCE OF LAST DAY OF CONTRACT) whether or not they wish to extend or renew this Agreement and the Parties shall thereafter meet to determine the terms, if any, under which they might be willing to extend or renew this Agreement but neither party shall be obligated to agree to any such renewal or extension and may terminate any renewal discussions at any time in their absolute discretion.

1.03 The term of this Agreement cannot be extended or renewed without a further Agreement in writing under which this Agreement is extended or renewed.

1.04 In the event that the Employer does not wish to exercise its option to renew this Agreement or the Parties cannot agree upon the terms and conditions for the renewal, the Agreement shall terminate at the expiration of the existing term and the Employee will be entitled to receive notice in accordance with Clause 7.02.

2. Duties

2.01 The duties of the Employee shall be those duties set forth in the *Municipal Act* and any amendments thereto, and those duties set forth in City of Guelph By-law Number (2002) – #####, and such other duties as Council may, from time to time, assign. The Employee shall report to the Mayor and City Council.

2.02 The Employee undertakes to fully and faithfully discharge the duties and responsibilities of the Chief Administrative Officer to a high standard of professional competence.

2.03 The Employee will devote the whole of his/her time; effort and attention to the business and well-being of the Corporation of the City of Guelph. Without limiting the generality of the foregoing, the Employee:

- (i) will not engage in or accept any office or position or business that might interfere with the business and well-being of the Employer, except with the prior written consent of Council; and
- (ii) will not engage in or accept any office or position or business for gain, except with the prior written consent of Council.

2.04 At the initiative of the Mayor of the City of Guelph, the performance of the Chief Administrative Officer shall be reviewed annually, at a minimum, by a designated committee of Councillors, inclusive of the Mayor as Chair of said committee. The performance evaluation shall be conducted in a manner generally consistent with the performance evaluation process employed for all senior management of the Employer. The completed written performance evaluation shall be confidential and it shall include goals and expectations for the following year.

3. City Policies

3.01 Except as specifically provided for in this Agreement, the terms and conditions of the Chief Administrative Officer's employment shall be governed by the Employer's human resource policies and practices.

4. Remuneration

Salary

4.01 Effective (insert date) the Employer will pay the Employee an annual salary of (insert amount) (subject to any deductions required under the Employer's policies and by law). The Employee's salary will be reviewed annually to ensure that the range remains competitive at the Council approved competitive position (i.e. currently at the 55th percentile of the Council approved municipal comparator group). Future increases where required to maintain the Council approved competitive position will be reviewed and approved by Council. The Parties further agree that if the City implements a Pay for Performance Program, then the Employee would be eligible to participate in this program. The Employee will move through the salary range annually on the anniversary date of the appointment to the CAO position, subject to satisfactory performance.

Benefits

4.02 The Employee will be entitled to participate in all health, disability, insurance, and any other employee benefit plans and programs of the Employer in effect for senior staff in

accordance with the terms of those plans and policies and which may be subject to change by the Employer from time to time.

Automotive Allowance

4.03 The Employee will receive an automotive allowance of *[Insert Data]* per month as compensation for the use of his/her personal vehicle for business purposes. This allowance will be reviewed and updated on a yearly basis in accordance with the Employer's Automotive Expense Reimbursement Policy.

Parking

4.04 The Employee will be provided with a reserved parking space for one vehicle.

Moving Allowance

4.05 The Employee shall be provided with a one-time moving allowance to recompense the Employee for costs related to his/her relocation to the City of Guelph. These costs may include but are not limited to the sale and purchase of homes, temporary relocation and moving costs. The payment of this one-time moving allowance will be made in accordance with the following schedule:

- A maximum *[Insert Data]* if the Employee's residency in Guelph commences within the first *[Insert Data]* months of this Agreement, OR
- A maximum of *[Insert Data]* if residency in Guelph commences after the first *[Insert Data]* months and before the first *[Insert Data]* months of this Agreement.

The Employee shall provide receipts proving any such expenses to the satisfaction of the City Treasurer. In the event that the employment of the Employee is terminated for cause or as a result of his/her resignation, during the first two (2) years following the payment of such allowance, the said moving allowance shall be fully refunded by the Employee.

Professional Memberships

4.06 The Employer agrees to maintain at no cost to the Employee, his/her membership in the following professional organizations:
[Insert Data]

5. Confidentiality and Contract Details

5.01 - It is understood that the salary range of this position and policies governing benefits for management employees of the Employer are a matter of public record. The Employee acknowledges that this contract may be subject to an access request under the Municipal Freedom of Information and Protection of Privacy Act, and that those provisions of the agreement that are not deemed to be personal information will be released by the Employer. Prior to releasing any details of this contract that are not deemed to be personal information, the Employer shall first inform the Employee of its intention to do so.

6. Vacation/Overtime

6.01 The Employee will be entitled to *[Insert Data]* weeks paid vacation per year of employment.

6.02 The Employee will not be compensated for any overtime save and except the Employee will be entitled to one (1) week in lieu of all overtime worked in a year, in accordance with the City of Guelph's compensation policy for Senior Management to be attached in Appendix C (upon hire of CAO).

7. Termination

(A) With Cause

7.01 The Employer may terminate the Employee's position, without notice, at any time, for "just cause". The Employee's employment and rights under this Agreement shall terminate on the day that notice of termination is delivered. Upon termination for just cause, the Employee shall be paid all unpaid salary owing to the date of termination. No further payments will be made by the Employer and all of the Employer's obligations under this Agreement shall cease.

(B) Without Cause

7.02 At any time during the term of this Agreement, the Employer may, at its sole discretion, terminate the Employee for any reason, without cause. If the Employee's employment is terminated in accordance with this provision, the Parties agree as follows:

- (i) the Employer will continue to pay the Employee's base salary for a period of *[Insert Data]* months, plus one (1) month for each year completed during the term of this Agreement up to a maximum of *[Insert Data]* months. This payment will be made from the date of termination, payable in bi-weekly instalments on the normal payroll day;
- (ii) with the exception of short-term and long-term disability benefits, and the automotive allowance, the Employer will continue the Employee's employment benefits, including pension contributions, throughout the notice period in which the Employer continues to pay the Employee's salary. The Employer will continue the Employee's short term and long term disability benefits as per the minimum requirements set out in the *Employment Standards Act, 2000*. The automotive allowance will cease on the effective date of termination.
- (iii) all payments provided under this paragraph will be subject to all deductions required under Employer's policies and by law.
- (iv) Any future entitlement to salary continuation terminates immediately upon the death of the Employee.

(C) Voluntary Resignation

7.03 The Employee may voluntarily resign from his/her position as Chief Administrative Officer by providing the Employer with at least eight (8) weeks' written notice. Upon being provided with said notice of resignation, the Employer may, by Resolution, waive or reduce this period and may require the Employee to cease work at any point within the eight (8) week period. Upon receiving the Employee's notice of resignation, the Employer will pay the Employee all unpaid salary to the proposed date of resignation.

8. Return of Property

8.01 All equipment, material, written correspondence, memoranda, communication, reports, or other documents pertaining to the business of the Employer used or produced by the Employee in connection with his/her employment, or in the Employee's possession or control, shall at all times remain the property of the Employer. The Employee shall return all property of the Employer in his/her possession or control in good condition within one (1) week of a request by the Employer, or within one (1) week of the termination or resignation of the Employee.

9. Entire Agreement

9.01 This Agreement constitutes the entire Agreement between the Employee and the Employer. This Agreement may not be modified or amended except in writing by Resolution of the Employer with the agreement of the Employee.

10. Severability

10.01 If any provision of this Agreement is held to be illegal, invalid or unenforceable by any competent authority, such illegality, invalidity or unenforceability shall not in any manner affect or render illegal, invalid or unenforceable any other provision of this Agreement.

11. Release and Acknowledgement

11.01 The Employee acknowledges and agrees that the consideration contained in this Agreement is inclusive of any and all compensation, payments, notice, pay in lieu of notice or severance payments to which he/she may be entitled under the *Employment Standards Act, 2000* and any other applicable legislation, common law, or otherwise. The Employee further acknowledges and agrees that the consideration herein is fair and reasonable. The Employee agrees that upon any termination of his/her employment by the Employer, the Employee shall have no cause of action, claim or demand against the Employer, including its successors, predecessors, and all affiliated entities, and the Mayor, Councillors, Officers, Directors, Employees and agents thereof, as the case may be, for any matter related to the Employee's employment or the termination of or resignation from said employment, and the Employee hereby releases and discharges the Employer, including its successors, predecessors, and all affiliated entities, and the Mayor, Councillors, Officers, Executive Directors, Employees and agents thereof, as the case may be, from any and all liability related to his/her employment on the termination of or resignation from said employment other than for his/her entitlements as set out herein, including wrongful dismissal.

12. Assignment of Rights

12.01 The rights and obligations of the Employer under this Agreement shall pass and be binding upon its successors. The Employee's rights under this Agreement are not assignable or transferable in any manner without the consent of the Employer.

13. Notices

13.01 Any notice required or permitted to be given to the Employee shall be sufficiently given if delivered to the Employee personally, delivered by facsimile transmission (with confirmation of receipt) or if mailed by ordinary or registered mail to the Employee's address last known to the Employer. Service shall be effective on the fifth day after mailing.

13.02 Any notice required or permitted to be given to the Employer shall be sufficiently given if delivered or mailed to the Mayor or Clerk by ordinary or registered mail to the City of Guelph and shall be effective on the fifth day after mailing.

14. Applicable Law

14.01 This Agreement shall be governed by and construed in accordance with the laws applicable in the Province of Ontario by a court of competent jurisdiction.

15. Independent Legal Advice

15.01 the Employee acknowledges that he/she has had the opportunity to obtain independent legal advice before executing this Agreement and acknowledges that he/she fully understands the nature of the Agreement, which the Employee voluntarily enters into. The Employer agrees to compensate the Employee, up to a maximum of five hundred (\$500.00) dollars, for the cost of legal advice obtained by him/her in this regard.

DATED at Guelph this *[Insert Data]* day of *[Insert Data]*, 2008.

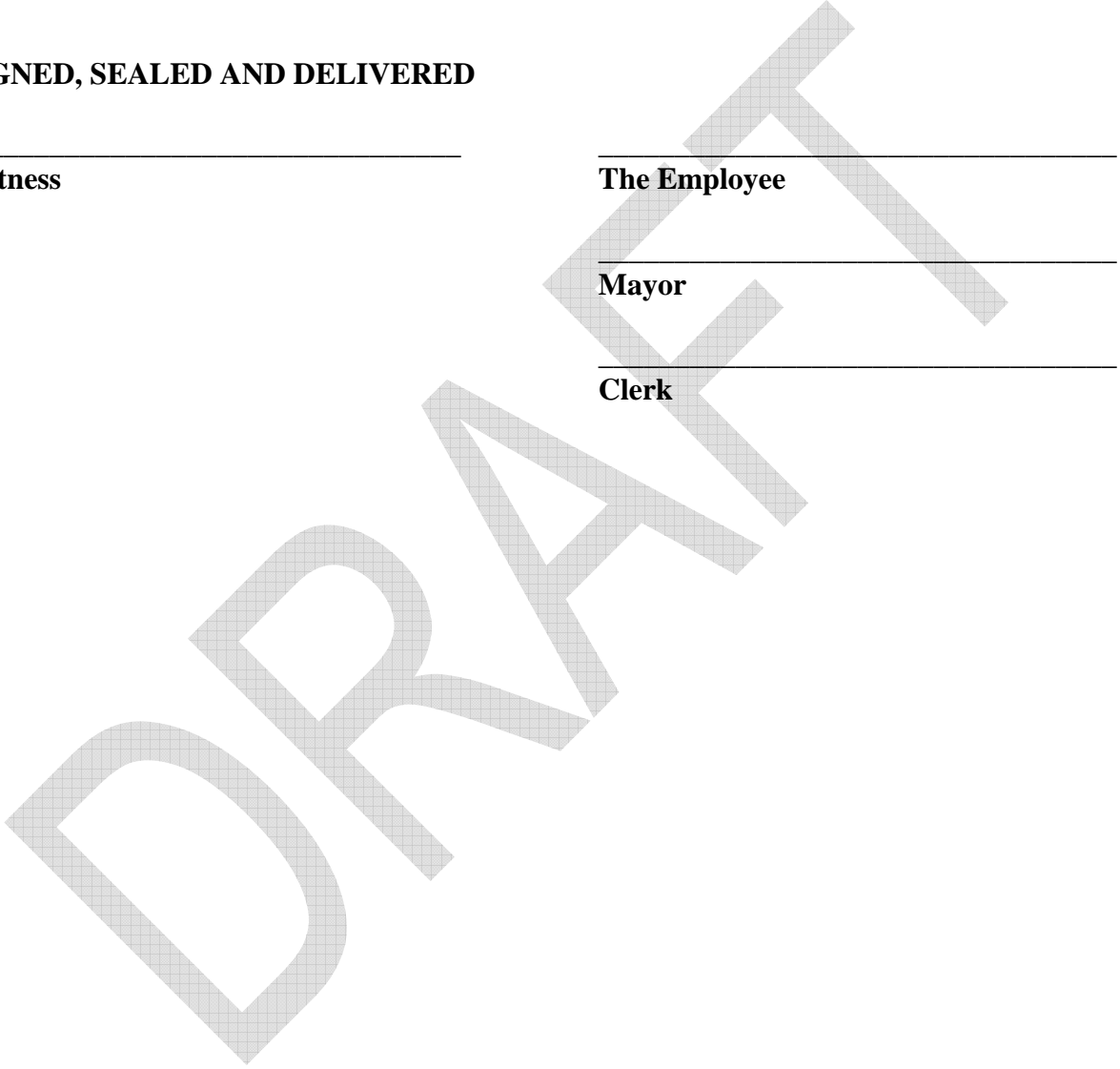
SIGNED, SEALED AND DELIVERED

Witness

The Employee

Mayor

Clerk



CORPORATE POLICY AND PROCEDURE



POLICY No.

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EFFECTIVE DATE

JANUARY 28, 2008

REVISION

Tab	CITY COUNCIL
Subject	DELEGATION OF CAO DUTIES
Related Policies	Procedure for Hiring the CAO
Approved by	Council, January 28, 2008
Review Date	Beginning of New Term of Council

POLICY STATEMENT	The City Council acknowledges that it is responsible for ensuring the effective management of the Corporation.
PURPOSE	The purpose of this policy is to establish roles and responsibilities with respect to the delegation of CAO duties.
DEFINITIONS	<p>Chief Administrative Officer (CAO) Long-term contractual position reporting directly to City Council.</p> <p>Acting CAO Short-term (less than 1 month) appointment to carry out the duties of CAO for a specific period of time due to an absence of the CAO.</p> <p>Interim CAO Appointment to carry out the duties of CAO for a specific period of time due to a vacancy in the CAO position.</p> <p>Assistant CAO Added temporary administrative responsibilities to an Executive Director/Member of the Executive Team (ET), to assist the CAO in the administration of the Corporation. This appointment is for a specified period of time to enable the CAO to engage in corporate business opportunities, sabbaticals/leaves and/or mentoring program for members of ET.</p>
POLICY REQUIREMENTS	<p>Acting CAO Guelph City Council delegates authority to the CAO to appoint an Acting CAO.</p> <p>Interim CAO Guelph City Council appoints the Interim CAO.</p> <p>Assistant CAO Guelph City Council delegates authority to the CAO to appoint an assistant CAO as described in the "Procedure for Appointing an Assistant CAO".</p>

**Procedure for Appointing an Assistant CAO
Who Reports Directly to the Chief Administrative Officer (CAO)**

1. The authority to appoint an Assistant CAO is delegated to the CAO.
2. The purpose of the Assistant CAO is to enable the CAO to engage in corporate business opportunities, sabbaticals/leaves and/or mentoring programs for members of the Executive Team.
3. Added temporary administrative responsibilities will be assigned by the CAO to an Executive Director/Member of the Executive Team to assist the CAO in the administration of the Corporation.
4. The CAO will advise Council of the candidate and purpose and term of the appointment prior to appointing an Assistant CAO.

COMMITTEE REPORT



TO **Governance**

SERVICE AREA The Office of the CAO
DATE October 11, 2011

SUBJECT Social media principles and guidelines; a reference for elected officials

REPORT NUMBER

RECOMMENDATION

That the report titled, *Social media principles and guidelines; a reference for elected officials* be received.

BACKGROUND

Earlier this year Council asked Corporate Communications to bring forward some current guidelines for Council that offer useful information for the use of social media. Principles and guidelines are included with this report.

Since then, a companion piece—a media policy for Council—has also been requested. It will be developed and brought to Council in 2012.

REPORT

The social media principles and guidelines, attached, have been compiled for Council's use based on best practices and with input from the City's Web Governance team—a cross departmental team of subject matter experts. They are intended to align with the City's *corporate* social media guidelines, policy framework and strategy, which will govern City staff's use of social media and which are currently under development.

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

N/A.

DEPARTMENTAL CONSULTATION

Corporate Communications consulted with the City's Web Governance team in the development of this report.

COMMUNICATIONS

N/A.

ATTACHMENTS

Attachment 1: Social media principles and guidelines; a reference for elected officials

Attachment 2: City of Guelph social media guidelines

“original signed by Tara Sprigg”

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Social Media Principles and Guidelines

A reference for City of Guelph elected officials

Introduction

Every day, people discuss, criticize, laud and debate the City of Guelph, its services, initiatives, and policies in hundreds of online conversations. The City of Guelph recognizes the importance of participating in these online conversations and is committed to ensuring we participate in social media the right way.

These social media principles have been developed as a starting point to help empower elected officials to participate in this realm of communication and effectively represent the municipality to their constituents, and the interests of their constituents to City administration.

Social media in the public sector is about participating in conversations with constituents and other stakeholders, and engaging audiences in an authentic way to provide helpful information and build relationships which, in turn, help achieve organizational and community goals.

What follows is a brief reference intended for elected officials of the City of Guelph. It is not intended as a 'how-to' or as steps to take towards creating a social media strategy.

Social media principles

Principles abound when it comes to social media. The five principles that follow are considered by City of Guelph staff to be a useful, sequential set of principles for elected officials engaged in or considering the use of social media.

1. Listen

Listen to what people are saying before joining the conversation. The most important lesson in social media is that, before engaging anyone, you should first observe and understand the cultures, behaviour, and immersion necessary to genuinely participate in online communities in which you don't already reside¹.

2. Engage

Invite ideas from your readers and encourage discussion. Social media is rooted in conversations, relationships, exchanges, shared ideas, and common interests.² Ask questions.

¹ Brian Solis, *Putting the Public Back in Public Relations*.

² Brian Solis, *Putting the Public Back in Public Relations*.

3. Enable

Enable people to share your content with their own networks. Herein lies the power of social media. Use simple keywords to improve interaction.

4. Share

Give and share your expertise, insight and questions with your audience. The more you do, the more likely you are to foster meaningful relationships. Be authentic and use your own voice.

5. Participate

As the experts say, social media isn't a spectator sport. To truly participate, organizations—and elected officials—must be inspired and compelled to do so.

Post regularly and be prepared to engage people when it suits them. This may mean checking comments or making edits after work hours and on weekends.

Share content that is an honest reflection of your thinking and position. At all times measure your actions against City of Guelph codes of conduct. If you think a post or comment could compromise your professional integrity or that of the City, check with someone who has some distance from the issue. Once it is published, there is no taking it back.

Finally, social media is about reciprocity. If you are going to engage and invite comment then you should accept the good with the bad. The City of Guelph invites community members to share and discuss their opinions provided that those discussions are respectful. The City expects some level of criticism, which presents an opportunity to correct misinformation and deliver excellent service. However, the City will not maintain posts that foster discrimination, condone illegal activity, or that are defamatory towards City employees (see Appendix 2: City of Guelph social media guidelines.) If you author or plan to author a blog, one of the best things to do is to post a very clear comments policy and stick to it.

Social media guidelines for elected officials

Social media presents a unique opportunity to engage in conversations with constituents, including those that may otherwise be difficult to reach. Social media is one of many communication tools at our disposal. While rarely effective if used in isolation, social media can be a useful *supplement* to traditional modes of communication.

Perhaps the best advice is to approach online worlds in the same way we do the physical one—by using sound judgment and common sense, by adhering to the City’s values, and by following relevant codes of conduct and sound business practices.

1. Follow the City of Guelph’s codes of conduct and corporate values

City of Guelph codes of conduct, corporate values and policies are the foundation for these principles and guidelines.

2. Give credit where credit is due

Be authentic. Write as an extension of your own voice. When you re-post something written by someone else, first ensure you have the proper permissions to do so. Then clearly state the material, letter, response, etc. has been authored by someone else. Do not use the copyrights, trademarks, publicity rights, or other rights of others without the necessary permissions of the rightholder(s).

3. Maintain confidentiality

Do not post information about the City of Guelph discussed in closed session. Do not post private or confidential information about fellow Councillors or City of Guelph employees.

4. Maintain privacy

Do not discuss situations involving named or pictured individuals without their permission. Do not post anything that you would not present in a public forum.

5. More isn’t more

Resist the urge to post *everything*. Refrain from cutting and pasting emails from staff or constituents into posts without clear context and permissions. These are written for a specific audience for a specific purpose that is probably different from your own. You could be doing your readers a disservice by merely copying them into your blog without context. Take the time to interpret the contents, and re-present them based on *your* audience and *its* needs.

6. Provide information when it counts

Should you decide to engage in social media, know that monitoring and responding in a timely way are crucial. Social media participants expect timely responses to requests and expect co-participants to monitor social media properties frequently and regularly.

7. When in doubt, do not post

Like City staff, elected officials have an obligation to ensure their posts are accurate and not misleading, and that they do not reveal non-public information about the City of Guelph.

8. Know that the Internet is permanent

Once information is published online, it becomes part of a permanent record. It is a good practice to provide a link to an online space where your thought or message can be expressed completely and accurately if it, along with its context, cannot fit within a character-restricted space (such as Twitter).

9. Social media needs maintenance. If you start it, commit to it

Be dynamic: update news feeds, post developments, upload new pictures. Social media participants are savvy; if your online property appears static, it is likely to quickly fall into disuse.

The following guidelines are posted on guelph.ca and are intended to convey to visitors to the site the circumstances under which the City of Guelph participates in social media:

Social Media Guidelines

When the City of Guelph uses a social media site which allows public comments and posts from its users, the following content will not be permitted:

- Comments/posts not related to a posted article/topic/information;
- Business solicitation;
- Profane or inappropriate language;
- Content considered to be defamatory, disrespectful or insulting to City staff or representatives
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- Sexual content or links to sexual content;
- Conduct or encouragement of illegal activity;
- Any content deemed inappropriate by the City of Guelph

The City of Guelph may post events where the City is involved as a participant, host or sponsor. If you have an event that meets this criteria you can send it to webmaster@guelph.ca.

Posts by the public promoting events will not be permitted.

COMMITTEE REPORT



TO **Governance Committee**

SERVICE AREA Corporate Administration
DATE October 11, 2011

SUBJECT Service and Operational Review Plans - REVISED
REPORT NUMBER

SUMMARY

Purpose of the Report: To provide the Governance Committee and Council with purpose and scope information, a funding strategy and a collaborative approach for conducting Council approved Service and Operational Reviews.

Committee Action: To receive and review the report for Council consideration.

RECOMMENDATION

THAT financial resource requirements necessary to initiate Council approved review activity be funded in 2011 through the Human Resource gapping Operational Reserve and that the resources be repaid over time through positive year end variance.

BACKGROUND

Service and Operational reviews are designed to provide Council and Management with the information necessary to understand a service or aspects thereof, how it compares to other municipalities, to explore alternative delivery options and best practices in terms of process or outcomes, and to identify what improvements can be made to realize valued change, efficiencies and/or effectiveness within approved service levels. Efficiencies and benefits can include cost savings, streamlined processes, improved service quality and increased levels of service satisfaction.

On July 25th, 2011 Council approved an Executive Team recommendation to conduct six Service Reviews and four Operational Reviews. In response, review plan elements have been developed for Council consideration along with a proposed strategy for completing the work that will result in strengthened internal capacity to support a sustainable efficiency focus.

REPORT

Minimizing Costs and Maximizing Returns

Plan elements, including purpose and scope, to guide Service and Operational reviews in the 2012/13 timeframe have been completed and are included in Appendix 1. In preparing the plans, staff also explored additional requirements including human and financial resources, methodologies, project timeframes and quality control measures. Internal assessment of the individually prepared review plans surfaced a number of opportunities that a more collaborative and centralized approach to completing the work will help to realize:

- Long term sustainable, efficiency gains;
- A replicable and innovative internal approach to solution building; and
- A stronger focus on productivity.

A Refocused Approach – Continuous Learning and Innovation

Many municipalities look to external support when conducting Service and Operational reviews. This assistance can provide benefits including new approaches, new ways of thinking, technical and skill expertise as well as an objective, third party viewpoint. A real risk of fully outsourcing ownership of review work, however, is that a limited legacy of learning is left within the organization. Engaging in joint activities and processes that are more inclusive of staff and the community will result in shared learning.

To complete the Council directed review projects, an interdepartmental team will be created utilizing existing staff expertise embedded within the organization. The team will bring leadership, subject and technical expertise. They will leverage the assistance of an external specialist to help guide the work. This approach will increase the investment in review activity, delivering not only review results but an increased internal capacity to conduct future reviews. Shared learning can be communicated, perspectives and recommendations can be challenged, and new techniques for service reviews and evaluations can be implemented (e.g. Lean Review, Public Stream Value Analysis, Source to Citizen evaluation and service re-design).

A team approach to Council directed Service and Operational Reviews will build and support a sustained change in approach towards continuous improvement and institute the practice of regular review and evaluation as a core aspect of work processes.

CORPORATE STRATEGIC PLAN

5.6 – Organizational excellence in planning and management.

FINANCIAL IMPLICATIONS

The projected financial cost to support Service and Operational Review activity for the 2012/13 time period is \$200,000.

It is recommended that the cost be funded through Human Resource gapping operating reserves that will be repaid with positive year end variances. This funding level will allow for assistance from a third party resource to provide oversight to an interdepartmental team of staff focused on continuous improvement. Conducted individually, instead of through the recommended centralized approach, this exercise could have incurred more significant costs and missed the opportunity for investing in staff learning and development.

It is important to note that moving in this direction also supports strengthened performance governance in the corporation by leveraging a more integrated approach to conducting the work and ensuring that the review projects include information on performance indicators and reporting practices. At the same time, this effort also contributes to the Service Excellence Strategy goals by further developing the capacity for and culture of continuous performance improvement.

DEPARTMENTAL CONSULTATION

The Executive Team was consulted in the development of this report.

COMMUNICATIONS

n/a

ATTACHMENTS

Appendix 1: Service and Operational Review Plans – Purpose and Scope.

I Service Reviews

- Service Guelph
- Special Events and Logistics Service Function
- Legal Representation
- Corporate Communications (formerly Corporate Publications and Graphic Design)
- Boulevard Maintenance
- Seasonal Recreation Facilities

II Operational Reviews

- Business Systems Team
- Traffic Flow Management
- Procurement Process Development and Implementation
- Property Standards By-law

“original signed by Brenda Boisvert”

“original signed by Ann Pappert”

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Recommended By:

Ann Pappert, CAO

2012/13 Service and Operational Review Plans – Purpose and Scope

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I – SERVICE REVIEWS

Service Reviews provide detailed information to help Council to determine whether or not a service should be provided by the corporation. All the Service Review projects undertaken will include information on customer service improvement efforts, performance indicators and reporting practices.

Service Guelph

Element	Description
Purpose:	To assist Council with the determination of whether ServiceGuelph is a service that should be provided by the City and if so, the most appropriate way to provide the service and at what service level.
Scope:	<p>The ServiceGuelph Service Review will focus on the following items and the method in which they are performed:</p> <ul style="list-style-type: none"> • Mandate/Objectives i.e. what is the service, who are the customers; • Services are delivered i.e. what are the criteria, how does a department or program get exempted to not offer their services thru the ServiceGuelph channel; • Service delivery relationship between ServiceGuelph and its internal customers i.e. agreements, fees; • Channels serviced e.g. in-person, phone, e-mail, live web chat, social media; • Levels of service delivered e.g. referral, first-level resolution, second level resolution; • Levels of decision-making for services delivered; • Resource requirements e.g. technology, financial, human; • Physical locations(s); • Hours; and • The role ServiceGuelph has in developing and implementing corporate customer service policy.

Special Events Coordination

Element	Description
Purpose:	To assist Council with the determination of whether Special Event Coordination is a service that should be provided by the City and if so, the most appropriate way to provide the service and at what service level.
Scope:	<p>The Special Event Coordination Service Review will focus on the following services/concepts and the method in which they are performed:</p> <ul style="list-style-type: none"> • Service mandates/Objectives – What is the service, What level of service should be provided, who should deliver the service, should the service be centrally provided(one stop delivery); • Which events or occurrences should be considered special events for purposes of this review? Criteria-based(# in attendance, required or requested amenities or permits) or location-based(on City owned or operated property/facilities); • Service delivery relationship and delineation of role and responsibility between C&SS staff and other internal departments(Traffic, Operations, EcDev) and external agencies (Health Unit, AGCO, Humane Society); • Service delivery relationship and delineation of role between C&SS staff and Event organizers; • How does this service tie in with events hosted by the City and its partners and external providers, is there duplication – ie Winterfest, Civic events; • How does this service tie in with the development of other strategies and initiatives (ie Events Framework, Community Investment Strategy); • How does this service relate to existing policies and processes? (ie Grants policy, Downtown Board letter of agreement re: St. Georges Square); • Should there be a fee for this service; and • What City controlled by-laws can be adjusted to accommodate event requirements.

Legal Representation

Element	Description
Purpose:	To determine whether Legal Services is a service that should be provided by the City and if so, the most appropriate way to provide the service and at what service level.
Scope:	<p>The Legal Services Service Review will focus on the provision of legal services, including realty services, to the Corporation and the method in which it is performed. It is anticipated that the Service Review will identify the appropriate service level and set parameters for the use of external counsel or consultants to supplement the services provided in house.</p> <ul style="list-style-type: none"> • Examine the positioning of Legal Services within the corporation and review the business plan to ensure alignment with strategic initiatives • Determine the services currently offered and interview primary users regarding services • Review other applicable practice information from comparator municipalities and options for delivery of this service • Create three year demand forecast for Legal Services, including the use of external counsel and consultants • Review workloads, workflow and standards for turnaround time and other performance measures • Develop performance indicators, goals and objectives, including service levels • Realign organization of resources • Assess use of external resources to supplement internal resources to achieve desired level of service

Corporate Communications

Element	Description
Purpose:	To assist Council with the determination of whether Corporate Communications is a service that should be provided by the City and if so, the most appropriate way to provide the service and at what service level.
Scope:	<p>The Corporate Communications Service Review will focus on the following:</p> <ul style="list-style-type: none"> • Mandate/objectives; • Services delivered (current services include strategic communications management, critical issues management, public opinion research, employee communications, public education and external communications, media relations, corporate identity and branding, corporate publications, graphic design, and public addresses and events.); • Level of service; and • Resource requirements.

Boulevard Maintenance

Element	Description
Purpose:	To assist Council with the determination of whether boulevard maintenance is a service that should be provided by the City and if so, the most appropriate way to provide the service and at what service level.
Scope:	The Boulevard Maintenance Service Review will focus on the service levels of the fine and rough-cutting turf operation of these public road allowance areas, including cul-de-sacs, corner lot flanks, abandoned/unmaintained boulevard frontages and the cutting standard and method that is performed.

Seasonal Recreation Facilities

Element	Description
Purpose:	To assist Council with the determination of whether Seasonal Recreation Facilities is a service that should be provided by the City and if so, the most appropriate way to provide the service and at what service level.
Scope:	<p>The Seasonal Recreation Facilities Service Review will focus on the service provision performed by Park Maintenance and Development staff on outdoor splash pads, wading pools, and amusement rides including the carousel, miniature train and pedal boats and whether the recreational services are best provided by an operations group, including the following aspects:</p> <ul style="list-style-type: none"> • staffing recruitment, training and scheduling; • daily supervision of seasonal temporary staff; and • daily operation and maintenance of the seasonal recreational facilities.

II – OPERATIONAL REVIEWS

Operational Reviews provide Council with detailed information on services currently provided by the corporation and recommendations regarding how they can be delivered more efficiently and/or effectively. All the Operational Review projects undertaken will include information on customer service improvement efforts, performance indicators and reporting practices.

Business Systems Team

Element	Description
Purpose:	The Operational Review of the Business Systems division will analyze the service delivery model for supporting the corporate application systems. It will affirm that the either current service delivery model is meeting the needs of the organization or if there are methods to update the model to ensure that Business Systems is not only service management, but also a strategic asset.
Scope:	<p>In focusing on the service delivery model for supporting corporate application systems the review scope and objectives will:</p> <ul style="list-style-type: none"> • Provide details of the services delivered including an understanding of the Business Systems division’s structure, costs, objectives, standards and outcomes as well as a historical perspective of our role in the organization; • Examine other municipal practices from the list of Council approved comparator municipalities; • Make informed recommendations for improvements for consideration by the ET that focus solely on the Business Systems division and serve to streamline processes, improve service quality or increase levels of satisfaction; and • Following ET approval, develop an implementation plan with timeframes and deliverables as well as a plan for monitoring, evaluating and reporting on outcomes.

Traffic Flow Management

Element	Description
Purpose:	The Operational Review of Traffic Flow will analyze the performance of the services, policies and programs that impact Traffic Flow Management in order to determine the most effective delivery of this requirement with a view to providing recommendations on increased efficiency.
Scope:	<p>The Traffic Flow Management operational review will include performance assessment and deficiency resolution on the following City of Guelph traffic network activities:</p> <ul style="list-style-type: none"> • Traffic Control Signal Analysis to include: <ul style="list-style-type: none"> ○ Corridor/network reviews ○ Traffic signal system management • Traffic Investigations regarding network deficiencies (collision analysis) to include: <ul style="list-style-type: none"> ○ Analysis methodology ○ Mitigation process and relationship to capital and operational budgets • Review of staff handling of Public Requests • Traffic impacts/traffic flow on the existing and future traffic network created by forecasted development • Accommodation through the use of Transportation Demand Management (pedestrians, bicycles, transit) • Review of Management of existing assets (e.g. traffic signals, signs) • Review of Detour Management practices

Procurement Process Development and Implementation

Element	Description
Purpose:	The Procurement Process Development and Implementation operational review will analyze the performance of this service area with a view to identifying efficiencies and process improvements.
Scope:	<ul style="list-style-type: none"> • Assess whether procurement policies and procedures are in place, which will include assessment of the purchasing by-law, to ensure that the City acquires goods and services through an open, fair and transparent process; • Assess whether appropriate internal controls exist to support the procurement process; • Assess whether City processes ensure that we receive value for money from all acquired goods and services; • Identify opportunities to support continual improvement and efficiency of all processes; and • Further build on the previous operational review completed by BMA in November 2010. This work will include updating of the purchasing policy.

Property Standards By-Law

Element	Description
Purpose:	The Operational Review of the Property Standards & Yard Maintenance By-law programs will focus on the content of both by-laws and the method in which these by-laws are administered and enforced.
Scope:	<ul style="list-style-type: none"> • Assess the current Property Standards and Yard Maintenance By-law programs • Detail the program, structure, costs, objectives, standards and outcomes; • Analyze the relationship between staffing levels, workload and service levels; • Determine preferred options for service delivery and address any implementation issues; • Identify efficiencies in the administration and enforcement of both of the Property Standards and Yard Maintenance by-laws; • Identify opportunities to increase pro-active enforcement of the Yard Maintenance By-law; and • Identify recommendations for improvements for consideration by the ET. • Broadening the scope of this review will be considered by the Service and Operational Review Team.

COMMITTEE REPORT



TO **Governance Committee**

SERVICE AREA Corporate and Human Resources, City Clerk's Services
DATE October 11 , 2011

SUBJECT **City of Guelph Procedural By-law
Governing Council and Committee meetings**

SUMMARY

Purpose of Report:

To have committee review and consider a new procedural by-law for recommendation to Council which is current, comprehensive clear and concise.

Committee Action:

To recommended for approval a new By-law governing the proceedings of Council and Committee meetings.

RECOMMENDATION

That the report from the Acting Clerk dated October 11, 2011 regarding the Procedural By-law be received;

AND THAT a by-law be enacted to approve the Procedures Governing Council and Committee meetings as attached hereto as Appendix "A".

BACKGROUND

On July 27, 2011 a report came to the Governance committee with a proposed by-law governing the proceedings of Council and Committees for consideration. The draft by-law was introduced in order to solicit input from the members of council and to consider comments for this final draft.

The proposed by-law consolidates 20 amendments that have occurred represents an opportunity to clear up ambiguities and to clarify any areas of interpretation which may exist. Since the original by-law was adopted in 1996, governance and administrative structures have changed, and the format of the conduct of business at meetings has also changed.

This new procedural by-law, when approved, will replace By-law (1996)-15200 in its entirety.

REPORT

During the review period, comments were received by 4 members of council and as a result changes have been incorporated in response to comments. Further changes were incorporated following a review by Legal Services staff.

There were questions concerning section 21.6(a) regarding the proposed changes to the role of non committee Council members at Standing Committee meetings.

The City of Guelph has, as its decision making process, a standing committee structure of governance. This means that the Council, through recommendation of its Nominating Committee, appoints members of Council who are entrusted to deal specific subject matter pertaining to the purview of the standing committee as detailed in the procedural By-law. Therefore, those specific committee members are charged with the responsibility of deliberating and making recommendations to Council.

An alternate governance structure is the Committee of the Whole structure, wherein all members of council deal with all matters to be decided by council. In this scenario all members deliberate on all matters.

Since the City of Guelph has a standing committee structure, it is recommended that non members of the Standing committee are free to attend and ask questions for clarification, but not to enter into debate at the Standing Committee.

A list of material changes to the procedural by-law which are neither housekeeping not a result of current legislation and practices and are included as Appendix "B".

CORPORATE STRATEGIC PLAN

This report aligns with the following strategic objective:

5.3 Open accountable and transparent conduct of municipal business.

FINANCIAL IMPLICATIONS

As this is an operational governance matter, there are no financial implications.

COMMUNICATIONS

Legal Service Staff conducted a comprehensive review of the proposed By-law.

ATTACHMENTS

Appendix "A" Draft Procedural By-law

Appendix "B" Material changes to proposed procedural by-law

“original signed by Tina Agnello”

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THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2011)-

A By-law to provide rules for governing the order and procedures of the Council of the City of Guelph, to adopt Municipal Code Amendment #_____ and to repeal By-laws (1998)-15690, (2000)-16326, (2003)-17071, (2005)-17807, (2006)-17923, (2006)-18060, (2007)-18222, (2007)-18249, (2007)-18274, (2007)-18372, (2007)-18454, (2008)-19595, (2008)-18618, (2008)-18694, (2009)-18856, (2009)-18906, (2010)-18945, (2010)-19065, (2010)-19095, (2010)-19107 and (2011)-19220

WHEREAS it is necessary and expedient that there should be rules governing the order and procedure of the Council and its Committees;

AND WHEREAS section 238(2) of the *Municipal Act*, requires Council and every local board to adopt a procedure by-law for governing the calling, place and proceedings of meetings;

NOW THEREFORE The Corporation of the City of Guelph ENACTS AS FOLLOWS:

1. DEFINITIONS

In this By-law,

"Acting Chair" means a member of the Committee appointed by the Chair or by the members of the Committee to act in the place and stead of the Chair in his or her absence.

"Acting Mayor" means the Councillor is appointed, in alphabetical order by last name, to serve one month each, to act in the place and stead of the Mayor when called upon to do so by the Mayor;

"Advisory Committee" means a Committee created by Council, with no definitive end, to report through the appropriate Standing Committee on a specific subject;

"By-law" means an enactment, in a form approved by Council, passed for the purpose of giving effect to a decision or proceedings of Council;

"CAO" means the Chief Administrative Officer of the City;

"Chair" means the Mayor or Acting Mayor of any Meeting of Council or the Chair or Acting Chair of any Meeting of a Committee.

“City” means The Corporation of the City of Guelph and includes the geographical area of the City of Guelph;

“Clerk” means the City Clerk, or his or her designate;

“Closed Meeting” means a meeting, or part of a meeting of Council or a Committee, which is closed to the public as permitted by the Municipal Act;

“Committee” means a Committee of the City created by Council and includes an Advisory Committee, Special/Ad Hoc Committee and Standing Committee;

“Committee Chair” means the Chair of a Committee;

“Consent Agenda” means a listing of Consent Items being presented to Council and Committee for its consideration;

“Consent Item” means a report that is presented for approval without debate and with no delegation or presentation and is generally considered routine or time sensitive;

“Consent Report” means a report from a Standing Committees outlining items approved by the Committee and being forwarded to Council for its consideration;

“Council” means the Council of the City, comprised of the Mayor and Councillors;

“Councillor” means a member of Council, other than the Mayor;

“Delegate” means any person, group of persons, firm or organization, who is neither a Member of Committee or Council or an appointed Official of the City, wishing to address Committee or Council upon request to the Clerk;

“Executive Directors” means staff who report to the CAO and are responsible for multijurisdictional areas;

“Local Board” means a local board of the City as defined in the *Municipal Act*;

“Majority” means for the purpose of voting, unless otherwise specified, more than half the total number of Members of Council or Committee present at the vote and not prohibited by statute from voting;

“Mayor” means the head of Council and includes the Acting Mayor when the Acting Mayor is acting in place and stead of the Mayor;

“Meeting” means any regular or special meeting;

“Member” means, according to the circumstances, a member of Council, including the Mayor, or a member of the Committee including the Chair;

“Motion” means a proposal moved by a Member and seconded by another Member, for the consideration of Council or a Committee;

“Municipal Act” means the *Municipal Act, 2001, S.O. 2001, c.25* as amended or replaced from time to time;

“Resolution” means a Motion that has been carried;

“Rules of Procedure” means the rules and procedures set out in this By-law;

“Special/Ad Hoc Committee” means a Committee created by Council, with a defined ending, to report directly to Council on a very specific matter.

“Standing Committee” means a Committee appointed by and directly reporting to Council, created from time to time, and currently comprised of the following Committees:

- Audit Committee
- Community & Social Services Committee
- Corporate Administration, Finance & Emergency Services Committee
- Operations & Transit Committee
- Planning & Building Engineering and Environment Committee
- Emergency Governance Committee

2. MEETINGS

2.1 Public Notice of Meetings

2.1(a) Staff shall give public notice of all regular open and Closed Council and Standing Committee meetings by:

- inclusion on the City’s website calendar at least 72 hours prior to the Meeting,
- posting in City Hall at least 72 hours prior to the Meeting; and
- publication in a local newspaper at least 72 hours prior to the Meeting.

2.1(b) Staff shall give public notice of all special open and Closed Council and Standing Committee meetings by:

- inclusion on the City’s website calendar as soon as possible after the Meeting is called and no later than 24 hours prior to the Meeting;

2.1(c) Notwithstanding subsections 2.1(a) and (b), staff shall give legislated notice of items on any agenda, in accordance with the applicable legislation.

2.2 Inaugural Meeting of Council

2.2(a) The first meeting of Council following a regular election shall be held on the first Monday in December at 7:00 p.m. in the Council Chambers of City Hall or at such alternate location as determined by the Clerk. If this

day is a public holiday, the Council shall meet at the same hour on the next day, not being a public holiday.

- 2.2(b) At the inaugural Meeting, each member present shall make his or her declaration of office and sign Council's Code of Conduct, and Council shall not proceed with any regular business at this Meeting.

2.3 Regular Meetings of Council

- 2.3(a) Council shall meet in the Council Chamber of City Hall on the dates and times set by Council by Resolution each year, unless by way of Resolution, the Council selects an alternate Meeting location, date, or time. In the event the regular Meeting date falls on a public holiday, the Council shall meet at the same hour on the next day not being a public holiday. When a regular Closed meeting is required, staff shall schedule it no earlier than 5:00 p.m. on the day of a scheduled Council meeting.
- 2.3(b) Unless there is a quorum consisting of at least seven Members of Council present within fifteen minutes after the time appointed for the Meeting of the Council, the Council shall stand adjourned until the next Meeting date, and the Clerk shall take down the names of the Members present at the expiration of such fifteen minutes.
- 2.3(c) As soon after the hour of a Meeting of Council as there shall be a quorum present, the Mayor shall take the chair and call the Members to order. In the absence of the Mayor or Acting Mayor, the Clerk shall call the Members to order and the Council shall choose a Chair from the Members present and that person shall preside during the Meeting or until the arrival of the Mayor or Acting Mayor.

2.4 Public Meetings Pursuant to the *Planning Act*

- 2.4(a) Where a public meeting under the *Planning Act* is required, Council shall hold on the first Monday of the month. Staff shall make reports on planning matters available to the public at least one week in advance of the regular agenda distribution date.
- 2.4(b) Notwithstanding Section 7.6 of this By-law, the time limitation for delegations at a public meeting for the purpose of informing the public of matters under the *Planning Act*, shall not exceed ten minutes. Council may extend the ten minute time period by a Majority vote of the Council members present without debate. Council may ask questions of staff after the staff presentation and prior to the delegate addressing Council.
- 2.4(c) Once all delegates listed on the agenda have spoken, the Mayor or Chair shall ask if anyone present wishes to speak and any person will be permitted to speak without advance notice.

2.5 Special Council Meetings

- 2.5(a) The Mayor may at any time summon a special Meeting of Council the Mayor shall summon a special Meeting of Council when so requested in writing by a Majority of Members of Council.
- 2.5(b) Upon receipt of a petition of the Majority of the Members of the Council, the Clerk shall summon a special Meeting for the purpose and at the time and place mentioned in the petition.
- 2.5(c) The Clerk shall give notice of the time, place and purpose of every special Meeting to all Members not less than 48 hours prior to the time fixed for the Meeting.
- 2.5(d) The notice calling a special Meeting of the Council shall state the business to be considered at the special Meeting and Council shall consider no business other than that stated in the notice at such Meeting, except with the unanimous consent of all Members present at such Meeting.
- 2.5(e) On urgent or extraordinary occasions, the Mayor may call an emergency special Council Meeting without the notice provided in sub-section 2.5(c).

2.6 Standing Committee Meetings

- 2.6(a) Standing Committees shall meet in the Council Chamber of City Hall on the dates and times set by Council by Resolution unless otherwise agreed upon.
- 2.6(b) The Chair of the Standing Committee, the Mayor by reason of office, and the majority of members of a Standing Committee may call a special Standing Committee meeting.
- 2.6(c) Once a special Standing Committee meeting has been requested, staff shall make the arrangements for the special Meeting shall be made within the next day and shall schedule the Meeting for the earliest possible time when a quorum would be available.
- 2.6(d) At the direction of the Chair of a Standing Committee, the Clerk shall give notice of the time, place and purpose of every special Meeting or cancellation of a special Meeting to all members not less than 48 hours prior to the time fixed for the meeting.
- 2.6(e) The notice calling a special Meeting of the Standing Committee shall state the business to be considered at the special Meeting and the Standing Committee shall consider no business other than that stated in the notice at such Meeting, except with the unanimous consent of all Members present at such Meeting.
- 2.6(f) On urgent or extraordinary occasions, an emergency special Standing Committee Meeting may be called without the notice provided for in sub-section 2.6(d).

2.6(g) All Resolutions passed at Special Standing Committee Meetings shall be forwarded to Council for consideration.

2.7 Closed Meetings

2.7(a) Meetings shall be open to the public. A meeting or part of a meeting may be closed to the public if the subject matter being considered meets the permissive criterion set out in Appendix 1, and shall hold a Closed Meeting if the subject matter being considered meets the mandatory criterion set out in Appendix 1.

2.7(b) The Clerk or his or her designate shall attend Closed Meetings.

2.7(c) (i) The Clerk may delegate the Clerk duties with respect to recording minutes in a Closed Meeting of Council to a staff person only.

(ii) For closed Meetings of the Audit Committee, the Clerk may delegate the Clerk's duties with instructions to the City's external Auditor.

3. **ORDER OF BUSINESS**

3.1 Council Agenda

The Clerk shall have prepared and printed for the use of Members at the regular Meetings of Council, an agenda with the following headings:

- Singing of O Canada
- Silent Prayer
- Declaration of possible Pecuniary Interest
- Confirmation of previous Council Minutes
- Presentations
- Public Meetings pursuant to legislation including The Planning Act
- Delegates
- Matters arising out of Delegates heard
- Consent Reports of Committees of Council and other Boards, Committees and Commissions
- Consent Agenda
- Special Resolutions
- By-laws
- Announcements
- Notice of Motions
- Adjournment

3.2 Standing Committee Agenda

The Clerk shall have prepared and printed for the use of members at the regular Meetings of the Standing Committees, an agenda with the following headings:

- Declaration of possible Pecuniary Interest
- Confirmation of Minutes

4. DISCLOSURE OF PECUNIARY INTEREST

- 4.1 When a Member present at a Meeting has a pecuniary interest as defined in the *Municipal Conflict of Interest Act, 2001, S.O. 2001, c.25*, as amended or replaced from time to time, the Member shall, prior to any consideration or discussion of the matter, disclose the pecuniary interest and the general nature thereof and not take part in the consideration or discussion of the matter nor vote on the matter.
- 4.2 When a member has a pecuniary interest and is not present at the meeting when the matter is considered or discussed, the Member of Council shall disclose the pecuniary interest and the general nature thereof at the first meeting attended by the Member after the matter was considered or discussed.
- 4.3 In addition to complying with the requirements of section 4.1, if the Member shall, if the matter is being considered or discussed at a Closed Meeting, leave the Meeting for the part of the meeting during which the matter is being discussed, under consideration, or being voted on.
- 4.4 When a Member of Council has participated in any matter despite having previously declared a possible pecuniary interest regarding such matter, Council may consider deferring the matter for sufficient time to assess any impact such participation may have had on the decision making process.

5. MINUTES

- 5.1 The Clerk shall present the minutes of previous Meeting(s) to Council for adoption.
- 5.2 When the minutes of a Council Meeting have been adopted, the Mayor and Clerk shall sign them.

6. PRESENTATIONS

- 6.1 Presentations at meetings shall be limited to a maximum of 10 minutes.
- 6.2 The following types of presentations shall provide information only and shall be heard at the beginning of a Meeting:
 - (i) Presentations by staff and outside organizations providing information with no accompanying report and usually not requiring a decision;

(ii) Presentations recognizing achievements.

6.3 Where a City presentation involves an item on an agenda, the item shall be extracted from the Consent Report and/or Consent Agenda and shall be heard at the appropriate time in the agenda with the report brought forward for consideration immediately after the presentation has been made. If delegates wish to speak in addition to a presentation involving an item on the agenda, the item shall not be brought forward for consideration until all delegates on the same have been heard.

7. DELEGATIONS

7.1 Council shall not permit any person to address Council at a Meeting regarding litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals affecting the City or Local Board unless such matter is referred to Council by the said administrative tribunal or court or, in the alternative, Council deems this matter to be sufficiently important to allow the delegate to be heard.

7.2 No person, except members of Council and appointed officials of the City of Guelph, shall be permitted to come within or behind the horseshoe during a Meeting of the Council or Committee without the permission of Council or Committee.

7.3 No person shall make detrimental comments, or speak ill of, or malign the integrity of staff members or Council.

7.4 Delegates shall not be permitted to appear before Council or Committee for the sole purpose of generating publicity for an event.

7.5 No Delegate shall speak on a matter that is not within the jurisdiction of the Council or Committee. **The Chair in consultation with the Clerk will determine if the matter is in the jurisdiction of the Committee or Council.**

7.6(a) A delegate may address the Council or Committee for a period of time not exceeding five minutes regarding an item on the agenda. Council or Committee may extend the five minute time period by a Majority vote of the Members present. Such question shall be decided without debate.

(b) An organized body of three or more representatives wishing to address Council or Committee as a delegate shall be limited to a maximum of ten minutes when addressing Council or Committee.

(c) Notwithstanding Subsection 7.6(a), designated representatives of the County of Wellington appearing before the Community & Social Services Committee with respect to land ambulance service matters, shall have no time limitations placed on their delegation.

- 7.7(c) Delegates have until 9 a.m. on the day of the Meeting to notify the Clerk to be a delegate or to submit a written comment for a Meeting that takes place at 12 noon or up to 5:59 p.m.
- (d) Delegates have until 4 p.m. the business day prior to the Meeting to notify the Clerk to be a delegate or to submit a written comment for a meeting that takes place at 11:59 a.m. or earlier.
- 7.8 For a Meeting other than a public meeting pursuant to legislation, a delegate who is listed on the agenda and is unable to attend the Meeting, may, by notifying the Clerk at least one business day prior to the Meeting, submit a written statement.
- 7.9 Except on matters of order, Members of Council shall not interrupt a Delegate while he or she is addressing Council or Committee.
- 7.10 Members may address a Delegate only to ask questions and not to express opinions or enter into debate or discussion with the delegate.
- 7.11 All Delegates on an issue shall be heard before questions are asked of staff or discussion takes place among Council or Committee.
- 7.12 After all delegations have been heard, the item shall immediately be brought forward for consideration.

8. CONSENT REPORTS FROM COMMITTEES, BOARDS AND COMMISSIONS

- 8.1 The reports from a Standing Committee to Council shall be submitted to Council in the form of a Consent Report, and shall be dealt with by Council in the manner as provided for in Clause 8.3.
- 8.2 Council shall consider reports of Committees of and other boards, committees and commissions in the following order:
- (a) Standing Committees
 - (b) Special/Ad Hoc Committees; and
 - (c) Boards, and commissions
- 8.3(a) Committees reports shall be presented by the Chair of the Committee or, in his or her absence, by a member of the Committee, who shall move the adoption of the Report.
- (b) Council Members shall identify any items contained in a Committee Consent Report, which they wish to speak to and the matter shall be extracted from the Consent Report to be dealt with separately.
- (c) The balance of items on the Committee Consent Report, which have not been extracted, shall be voted on in one motion.

- 8.4 Reports from boards and commissions submitted in writing shall be signed by the Chair or Secretary. When such reports are requesting Council action, they shall include appropriate Resolutions for consideration.

9. CONSENT AGENDA

9.1 Council Consent Agenda

- 9.1(a) The Council Consent Agenda shall consist of the following items:
- (a) Reports from staff;
 - (b) Correspondence for the direction of Council, which may include:
 - i) correspondence for which a policy decision or approval of Council is required;
 - ii) correspondence accompanied by a recommendation from staff; and,
 - (c) Correspondence for the information of Council.
- 9.1(b) Council may, by one single Resolution adopt the Council Consent Agenda in its entirety. Members of Council who wish to address specific items on the Consent Agenda may identify such items, which shall be extracted and dealt with separately. The balance of the Council Consent agenda, which was not extracted, shall be adopted in one resolution.
- 9.1(c) No item shall be placed on an agenda in respect of a matter which is not within the jurisdiction of Council or the Standing Committee. **The Chair in consultation with the Clerk will determine if the matter is in the jurisdiction of the Committee or Council.**

9.2 Standing Committee Consent Agenda

- 9.2(a) Each Standing Committee shall use a Consent Agenda which shall consist of the following items:
- (1) Reports from the staff of the divisions which report to the Standing Committee;
 - (2) Matters referred by City Council;
 - (3) Correspondence for the direction of a Standing Committee for which a policy decision or approval of the Standing Committee is required;
 - (4) Correspondence accompanied by a recommendation from staff; and,
 - (5) Correspondence for the information of the Standing Committee.
- 9.2(b) The Standing Committee may, by one single Resolution adopt the Consent Agenda in its entirety. Members of the Standing Committee, **and other members of Council present,** who wish to address specific items on the Consent Agenda may identify such items, which shall be extracted and dealt with separately. The balance of the Consent Agenda which was not extracted, shall then be adopted in one resolution.

- 9.2(c) No item shall be placed on an agenda in respect of a matter which is not within the jurisdiction of Council or the Standing Committee. The Chair in consultation with the Clerk will determine if the matter is in the jurisdiction of the Committee or Council.

10. CONDUCT OF MEMBERS

- 10.1 Council and Committee Members shall govern themselves according to Council's Code of Conduct.
- 10.2 The Mayor or Chair shall preserve order and decide questions of order and privilege.
- 10.3 Every Member desiring to speak, shall raise his or her hand so as to be recognized by the Mayor or Chair.
- 10.4 Every Member, on being recognized, shall remain seated in his or her place, and address themselves to the Mayor or Chair.
- 10.5 A member called to order by the Mayor or Chair shall immediately cease stating further comment, and may appeal the calling to order to the Council or Committee. The Council or Committee, if appealed to, shall decide on the case, but without debate. If there is no appeal, the decision of the Mayor or Chair shall be final.
- 10.6 No member shall without leave of the Council or Committee:
- (a) speak to an issue for more than 5 minutes (cumulative);
 - (b) use offensive words or speak disrespectfully of Council, staff, or any person;
 - (c) speak on any subject other than the subject under debate;
 - (d) speak in contempt of any decision of the Council ~~except when speaking in support of a Motion for reconsideration~~;
 - (e) leave his or her seat or make any noise or disturbance while a vote is being taken or until the result is declared; or,
 - (f) disobey the rules or decisions of Council or a decision of the Mayor or Chair on questions of order or privilege, or upon the interpretation of the rules of procedure, and in case a Member persists in any such disobedience after having been called to order by the Mayor or Chair, such Member may be ordered by Council or Committee to leave his or her seat for that Meeting and, in case of their refusing to do so, they may, on the order of the Mayor or Chair, be removed therefrom by the police. In case of adequate apology being made by the member they may, by vote of the Council or Committee, be permitted to take their seat.

- 10.7 Subsection 10.6(a) shall not apply to a Committee Chair, or his or her designate when presenting the Committee's report to Council.

11. POINTS OF ORDER OR PRIVILEGE

11.1 Point of Order

- 11.1(a) A Member may raise a point of order at any time, whereupon the Mayor or Chair shall:
- a) interrupt the matter under consideration; and,
 - b) ask the Member raising the point of order to state the substance of and the basis for the point of order; and the applicable rule involved; and,
 - c) rule on the point of order immediately without debate by Council or Committee.
- 11.1(b) A Member of Council or Committee may appeal the ruling of the Mayor or Chair to Council or Committee.
- 11.1(c) If there is no appeal, the decision of the Mayor or Chair shall be final. The Council or Committee, if appealed to, shall decide the question without debate and its decision shall be final.

11.2 Point of Privilege

- 11.2(a) A Member may raise a point of privilege at any time if he or she considers that their integrity or the integrity of Council or the Committee as a whole has been impugned, whereupon the Mayor or Chair shall:
- a) interrupt the matter under consideration; and,
 - b) ask the Member raising the point of privilege to state the substance of and the basis for the point of privilege; and,
 - c) rule on the point of privilege immediately without debate by Council or Committee.
- 11.2(b) A member of Council or Committee may appeal the ruling of the Mayor or Chair to Council or Committee.
- 11,2(c) If there is no appeal, the decision of the Mayor or Chair shall be final. The Council or Committee, if appealed to, shall decide the question without debate and its decision shall be final.
- 11.2(d) Where the Mayor or Chair considers that the integrity of any City employee has been impugned or questioned, the Mayor or Chair may permit staff to make a statement to Council or Committee.

12. MOTIONS AND ORDER OF PUTTING QUESTIONS IN COUNCIL

- 12.1 Council shall not debate any motion until it has been seconded. When a Motion has been seconded, it may upon request, be read or stated by the Mayor or Clerk at any time during the debate.
- 12.2 When a Councillor moves a Main motion or an amendment to a Motion that is not recorded as part of the Agenda package, that Councillor shall provide a written copy of the Motion to the Mayor prior to the vote being taken.
- 12.3(a) Whenever the Mayor is of the opinion that an amending Motion is contrary to the main Motion, the Mayor shall apprise the Members thereof immediately.
- (b) A member of Council may appeal the ruling of the Mayor to Council.
- (c) If there is no appeal, the decision of the Mayor shall be final. The Council, if appealed to, shall decide the question without debate and its decision shall be final.
- 12.4 A Motion in respect of a matter which is not within the jurisdiction of the Council shall not be in order. The Chair in consultation with the Clerk will determine if the matter is in the jurisdiction of the Committee or Council.
- 12.5 After a motion has been moved and seconded, it shall be deemed to be possession of the Council. Council may consent to the withdrawal of the Motion at any time before amendment or decision.
- 12.6 When a Motion is under consideration no other Motion shall be received unless it is a Motion:
- (a) to refer the Motion to a Committee, staff or any person or body and such motion to refer:
- (i) is open to debate;
- (ii) is amendable; and
- (iii) shall preclude amendment or debate of the preceding motion unless resolved in the negative.
- (b) to amend the Motion and such Motion to amend:
- (i) is open to debate;
- (ii) shall not propose a direct negative to the main Motion;
- (iii) shall be relevant to the main Motion;
- (iv) is subject to only one amendment, and any amendment more than one must be to the main question; and
- (v) if more than one, shall be put in the reverse order to that in which they were moved, and shall be decided or withdrawn before the main question is put to the vote.
- (c) to defer the Motion to another time and such Motion to defer:
- (i) is not open to debate;

- (ii) is not subject to amendment; and
- (iii) applies to the main Motion and any amendments thereto under debate at the time the Motion to defer is made.

(d) to adjourn the meeting and such Motion to adjourn:

- (i) is not open to debate;
- (ii) is not subject to amendment; and
- (iii) shall always be in order.

(e) to call the question and such Motion to call the question:

- (i) cannot be amended;
- (ii) cannot be proposed when there is an amendment under consideration;
- (iii) shall preclude all amendments to the main Motion
- (iv) when resolved in the affirmative, shall be followed by putting the question, without debate or amendment;
- (v) when resolved in the negative, shall be followed by resumption of debate.
- (vi) shall always be in order.

12.7(a) Once all Motions relating to the main motion have been dealt with, and once main Motion is put there shall be no further discussion or debate and the Motion shall be immediately voted on.

(b) A Motion once put may be voted against by the mover and seconder.

13. VOTING

Open Meeting Voting

13.1(a) When one or more of the Motions set out in Section 12 has been made, the order of the vote shall be as follows:

- (i) to defer the Motion;
- (ii) to refer the Motion;
- (iii) upon the amendments in the reverse order to that in which they were moved, dealing with an amendment to an amendment immediately before the amendment it proposes to amend; and
- (iv) then, upon the main Motion or upon the main Motion as amended, if any amendments have been carried.

13.1(b) When the question under consideration contains distinct clauses, upon the request of any Member, the vote on each clause shall be taken separately.

13.1(c) After a question is finally put by the Mayor or Chair, no member shall speak to the question, or make any other Motion after the result of the vote has been declared.

- 13.1(d) After a question is finally put by the Mayor or Chair, no members of Council or Committee shall be recognized to speak by the Mayor or Chair.
- 13.1(e) (i) Members shall distinguish their vote by voting in favour or opposed using an electronic voting system.
(ii) Notwithstanding (e) above, no recorded vote is required for an adjournment.
- 13.1(f) Should Council or Committee meet in a place where there is no electronic voting system or should the electronic voting system in the Council Chambers be inoperable, each Member must distinguish their vote by clearly calling out if they are in favour or opposed to the question when their name is called.
- 13.1(g) The Clerk shall for all motions, record the name and vote of every Member voting on a matter of question.
- 13.1(h) The Clerk shall record in the minutes the name of any Member of Council or Committee who is not present in the Chamber when such recorded vote is taken.
- 13.1(i) The Mayor or Chair shall vote on any question while in possession of the Chair, however, if the Mayor or Chair wishes to propose a Motion he or she shall step down and shall not resume the Chair until the vote is taken.

13.2 Closed Meeting Voting

- 13.2(a) In a Closed Meeting, Council or Committee may vote only on resolutions pertaining to a procedural matter or for giving directions or instructions to officers, agents, employees or contracted persons to the City.
- 13.2(b) Council shall vote upon all other Motions in open session. Council or Committee shall, in the Closed Meeting, pass a Resolution to rise and report and the motion shall be introduced under special resolutions on the open Meeting Agenda.
- 13.2(c) Notwithstanding subsection 13.1(e), there shall be no recorded votes in closed meetings unless otherwise requested by a Member.

14. RECONSIDERATION OF A COUNCIL DECISION:

- 14.1 Council may, in accordance with these reconsideration provisions of this By-law, reconsider a Motion that was decided in a previous decision.
- 14.2 Any member of Council who voted with the majority in respect of a previous decision may move a Motion for reconsideration. The Motion

shall only be seconded by a member of Council who voted with the majority.

- 14.3 No discussion on the main motion shall be allowed unless the Motion for reconsideration is carried in the affirmative by a vote of a minimum vote of seven of the entire Council.
- 14.4 Any Member of Council who did not vote on the motion to be reconsidered by reason of not being a duly elected member of Council at the time the vote was taken or who was absent at the time a vote was taken on the Motion, shall be deemed to be a member of Council who voted with the Majority for the purposes of sub-section 14.2 .
- 14.5 Debate on a Motion for reconsideration must be confined to reasons for or against the reconsideration, and no discussion on the main question shall be allowed until the motion for reconsideration is carried.
- 14.6 If a motion to reconsider is decided in the affirmative, such reconsideration of the original motion shall become the next order of business unless the Motion for reconsideration called for a future definite date.
- 14.7 Once the motion to reconsider has been passed, Council shall proceed with the original motion as though it had never previously been voted on.
- 14.8 No question shall be reconsidered more than once during the term of Council, nor shall a vote to reconsider be reconsidered.
- 14.9 A motion to reconsider may be introduced by a Notice of Motion. The mover or seconder of the Notice of Motion is not required to have voted with the Majority of Council when the previous decision was made. This notice of motion shall appear on the agenda of a subsequent Meeting or the Meeting specified by the mover and seconder.

15. BY-LAWS

- 15.1 The Clerk shall submit to Council a summary of all By-laws proposed for adoption, including the By-law numbers, titles and explanatory notes.
- 15.2 Every proposed by-law shall be at the Council Meeting and be available to any person interested in reviewing same.
- 15.3 Unless otherwise requested or separated, all by-laws proposed for adoption shall be passed in one single motion.
- 15.4 After the By-laws have been passed, the Clerk shall be responsible for their correctness should they be amended at the Council Meeting.
- 15.5 Every By-law passed by Council shall:
 - (i) be signed by the Mayor, or the presiding officer at the meeting;

- (ii) be signed by the Clerk;
- (iii) be sealed with the seal of the City, and;
- (iv) indicate the date of passage.

15.6 Council shall enact a By-law to confirm each Motion, Resolution and action passed and taken by the Council at that Meeting.

16. ANNOUNCEMENTS

16.1 Announcements shall be provided to the Mayor in writing prior to the Council Meeting, and the Mayor shall read the announcements at the end of the Council Meeting.

17. NOTICE OF MOTIONS AND SPECIAL RESOLUTIONS

17.1 Notice of Motions

17.1(a) Any Member may give notice of intent that he or she intends to introduce a Motion at the next or a subsequent Meeting of Council to initiate any measure or to make any change in the Council's established policy. At the time of giving of notice, the Member shall fully disclose the intent of the Motion to Council. The giving of notice requires no seconder and is not at that time debatable.

17.1(b) Further to Section 17.1, every Notice of Motion submitted to Council, other than a notice for reconsideration of a Council decision, shall be in the form of a referral to a Committee for a recommendation to Council, unless the matter is time sensitive and requires a more immediate decision of Council.

17.1(c) Every Notice of Motion shall be in writing, and shall be submitted to the Clerk for inclusion in the Agenda of the next regular meeting of Council.

17.1(e) If a Notice of Motion is introduced and not brought forward in the next 2 subsequent regular meetings of Council, the Notice of Motion expires.

17.2 Special Resolutions for Notice of Motion

17.2(a) Motions for which previous notice has been given shall be listed on the agenda under the heading "Special Resolutions". Special resolutions for which previous notice has been given shall not be placed on any supplementary or addendum agenda.

17.2(b) In introducing a special Resolution to Council, a member shall be permitted the opportunity of providing material and information in support of the resolution for the benefit of Council.

17.3 Special Resolutions for Closed Meetings

- 17.3(a) Where Council has passed a resolution at a meeting closed to the public in which is not procedural in nature or direction to staff, such resolution shall be introduced in the Special Resolution section of the Council agenda.
- 17.3(b) Such resolution shall be presented in the following manner:
"That Council rise and report the following motion as a special resolution in Council open session."

18. ADDENDUM/SUPPLEMENTARY AGENDA

- 18.1 The Clerk shall prepare an addendum or supplementary agenda shall be prepared by to advise Council or Committee of names of persons who wish to speak to matters on the agenda who have contacted the Clerk after the agenda has been distributed.
- 18.2 Items or matters will not be added to the agenda after its distribution to Council or Committee by inclusion on the addendum unless directed by the Mayor or Chair, respectively, or CAO and/or Executive Director(s) if the urgent nature of the matter requires a decision prior to the next Council or Committee meeting.

19. ADJOURNMENT

- 19.1 The Council shall adjourn at 11:00 p.m. if in session at that hour, unless otherwise decided before that hour by a two-thirds vote of the members present. If the Council is adjourned at 11:00 p.m., before the agenda is completed, Council shall establish a time and date for consideration of the balance of the agenda.
- 19.2 Only one motion to extend the automatic adjournment beyond 11:00 p.m. shall be permitted per meeting, and the maximum allowable extension shall be to 11:59 p.m.
- 19.3 A Motion to adjourn may be made by a member who has the floor, requires no seconder and need not be in writing. However, no Motion to adjourn may be made during the taking of a vote on any other Motion.
- 19.4 Notwithstanding section 19.2, if a Motion to extend the automatic adjournment time is required prior to the hearing of all Delegates on a matter being considered at the time such Motion to adjourn is made, Council shall not adjourn the meeting until all listed Delegates on the matter have been heard. Once the listed Delegates have been heard, Council shall deal with the matter being considered at the time the Motion to adjourn was made, as well as any other time sensitive issues on the agenda identified by the Clerk.

20. NOMINATING AND STRIKING COMMITTEE

- 20.1 Council as whole shall select the Chairs of the Standing Committees annually prior to the selection of the Standing Committee Members. The Council shall consider rotating the Standing Committee Chair position every two years when selecting a committee Chair. In appointing the Standing Committee Chair, consideration shall be given to workload balance, individual interests and Councillor development.
- 20.2 In the first year of each new term, the Council shall establish a Nominating Committee for the purpose of making recommendations on the appointment of Council members to Committees, public agencies and any other bodies.
- 20.3 The Mayor shall chair the Nominating Committee.
- 20.4 The Nominating Committee shall be composed of the Mayor and the Chairs of the Standing Committees.
- 20.5 In the first year of each new term of Council, the Nominating Committee shall, as soon as possible, make recommendations to Council on all Council Member appointments.
- 20.6 In all other years of the Council term, the Nominating Committee shall make recommendations on Councillor Member appointments to Council prior to the last regularly scheduled Council meeting in November.
- 20.7 For Councillor vacancies that occur during the term of Council, the Nominating Committee shall make a recommendation to Council.
- 20.8 Council shall consider both qualifications as well as individual interests when selecting Committee Members. In order to balance Committee workload, each Councillor shall serve on at least two of the Standing Committees. The selected members of each Standing Committee shall be appointed by Council for a one year term. A quorum for a Standing Committee shall be three Members.
- 20.9(a) In the first year of each new term, the Council shall meet as a Striking committee for the purpose of making citizen appointments to Boards, Committees and Commissions.
 - (b) In all other years of the Council term, the Striking Committee shall meet as part of the last regularly scheduled Council meeting in November.

21. STANDING COMMITTEES, SPECIAL/ AD HOC COMMITTEES AND ADVISORY COMMITTEES

21.1 Standing Committee Procedures

- 21.1(a) A Standing Committee, shall be comprised of 5 Members of Council and deal with the subject matter specific to its mandate and charter, and shall make recommendations to Council for approval.

- 21.1(b) A Standing Committee is an advisory body to Council established by Council. Standing Committees are composed of Councillors only and are supported by City staff.
- 21.1(c) Standing Committees shall deal with matters relating to the specific area of jurisdiction regarding municipal functions as detailed in Section 21.2.
- 21.1(d) The Role of each Standing Committee shall be to:
- (i) guide and direct staff, through the CAO, on the direction and nature of policy development, including policy interpretation and clarification, fact-finding, analysis, and generation of alternatives;
 - (ii) receive Delegates and establish mechanisms to receive further public input on public policy matters;
 - (iii) establish Special/Ad hoc committees and sub-committees, including the establishment of terms of reference and memberships for same, to address specified policy issues for referral to the Standing Committee;
 - (iv) consider the well-being and interests of the municipality;
 - (v) evaluate the policies and programs of the municipality;
 - (vi) ensure the accountability and transparency of the operations of the municipality; and,
 - (vii) support and maintain the financial integrity of the municipality.
- 21.1(e) Council shall appoint the following Standing Committees:
- i) Audit Committee
 - ii) Community & Social Services Committee,
 - iii) Corporate Administration, Finance & Emergency Services Committee
 - iv) Governance Committee
 - v) Operations & Transit Committee
 - vi) Planning & Building, Engineering and Environment Committee
 - vii) Emergency Governance Committee
- 21.1(f) The following Standing Committees shall be composed of four Councillors and the Mayor:
- i) Audit Committee
 - ii) Community & Social Services Committee
 - iii) Corporate Administration, Finance & Emergency Services Committee
 - iv) Planning & Building, Engineering and Environment Committee
 - v) Operations & Transit Committee

- 21.1(g) The Emergency Governance Committee shall be comprised of a minimum of four and a maximum of six members of Council and quorum shall be four members.
- 21.1(h) The Governance Committee shall be composed of the Chairs of the Community & Social Services Committee; Corporate Administration, Finance & Emergency Services Committee; Planning & Building, Engineering and Environment Committee; Operations & Transit Committee and the Mayor.
- 21.1(i) Notwithstanding Section 20.1 the Mayor shall chair the Governance Committee.
- 21.1(j) Where a matter may fall under the responsibility of more than one Standing Committee, the Clerk shall consult with the Mayor and the Standing Committee Chairs involved, for a determination of which Standing Committee shall deal with the matter.

21.2 Standing Committee Responsibilities

- 21.2(a) The general responsibilities of the Audit Committee shall be to study and report to Council on matters relating to, but not limited to, the following:
 - a) External Audit (Annual Audit)
 - b) Annual Financial Statements
 - c) Auditor Performance and Review
 - d) Compliance
 - d) Risk Management and Internal Control
 - e) Reporting Responsibilities
 - f) Adequacy of the City's Resources
 - e) Internal Audit
 - f) City Financial and Control Systems
- 21.2(b) The general service area responsibilities of the Community & Social Services Committee shall be to study and report to Council on matters relating to, but not limited to, the following:
 - a) Arts, Culture & Entertainment
 - b) Community Engagement & Social Planning (Social Services, Child Care Services, Social Housing, and Homes for the Aged)
 - c) Parks, Recreation Programming & Facilities
 - d) Administration & Customer Service
 - e) Corporate Building Maintenance
- 21.2(c) The general service area responsibilities of the Corporate Administration, Finance & Emergency Services Committee shall be to study and report to Council on matters relating to, but not limited to, the following:
 - a) Administration
 - b) Community Energy Initiative

- c) Downtown Renewal
 - d) Economic Development & Tourism
 - e) Emergency Services (including land ambulance)
 - f) Financial Services
 - g) Corporate & Human Resources
 - Clerks Services
 - Information Technology
 - Legal & Realty Services / Court Services
- 21.2(d) The general responsibilities of the Governance Committee shall be to study and report to Council on matters relating to, but not limited to, the following:
- a) Effective Corporate Governance (review governance principles, policies and procedures)
 - b) Accountability and Transparency
 - c) Strategic Planning Processes
 - d) Committee and Council Effectiveness
 - e) CAO Performance and Review
 - f) Oversight of Governance Policies
 - g) Oversight of CAO and Senior Management Team
 - h) Succession Planning
 - i) Enterprise Risk Management
 - j) Council Compensation
 - k) Council Performance Reporting
- 21.2(d) The general service area responsibilities of the Operations & Transit Committee shall be to study and report to Council on matters relating to, but not limited to, the following:
- a) Operations
 - b) Park Maintenance & Development
 - c) Community Connectivity & Transit
 - d) Public Works
 - e) By-law Compliance & Security
- 21.2(e) The general service area responsibilities of the Planning & Building, Engineering and Environment Committee shall be to study and report to Council on matters relating to but not limited to, the following:
- a) Engineering Services
 - b) Planning & Building Services
 - c) Solid Waste Resources
 - d) Wastewater Services
 - e) Water Services
- 21.2(g) Council hereby delegates to the Emergency Governance Committee authority to exercise Council's legislative, quasi-judicial and administrative powers, subject to the limitations of the *Municipal Act*, with such delegated authority to be exercised only:

- (i) for the duration of an emergency which has been declared by the Mayor or his/her designate, in accordance with the City's Emergency Response Plan;
- (ii) at such time when at least seven members of Council are incapacitated through death, illness or injury, and are not able to attend a properly scheduled Meeting of Council; and
- (iii) for Council's normal decision making process and not for the management or co-ordination of emergency response activities.

21.3 Special /Ad Hoc Committees

- 21.3(a) Council may appoint Special /Ad Hoc Committees, with a defined ending, each of which shall consider a very specific matter and report to Council on that matter.
- 21.3(b) Notwithstanding subsection 21.6(a) only the members of a Special/ Ad Hoc Committee shall participate in debate or ask questions at the Special/Ad Hoc Committee meetings;
- 21.3(c) Special/Ad Hoc Committees shall report back to Council.

21.4 Advisory Committees

- 21.4(a) Advisory Committees are created by Council with no defined ending, to report through the appropriate Standing Committee on a specific subject matter.
- 21.4(b) No members of Council shall be appointed to Advisory Committees.

21.5 Member Absent from Committee Meetings

- 21.5(a) The appointment of a Member of Council to a Committee may be terminated if the Member has been absent from Meetings of the Committee for three consecutive months without being authorized to do so by a Resolution of the Committee entered upon its minutes.
- 21.5(b) The appointment of a citizen member to an Special/Ad Hoc committee or Advisory Committee may be terminated if the citizen is absent from Meetings of the Committee for three consecutive months without being authorized to do so by a Resolution of the Committee entered upon its minutes.

21.6 Non Committee Member Participation at Meetings

- 21.6(a) Members of Council who are not Committee members are encouraged to attend both regular and closed meetings. They may ask questions for clarification, but shall not enter into the debate of the Committee.
- 21.6(b) The Chairs of the Standing Committees shall recognize members of Council in the following order:

- i. Standing Committee Members
- ii. Non Standing Committee Members

21.6(c) All non Members of the Standing Committees may ask questions regarding an issue for no more than 5 minutes (cumulative).

22. GENERAL RULES

- 22.1 No provision of this by-law shall be suspended except by affirmative vote of at least two-thirds of the entire Council.
- 22.2 Council and Committees shall observe the rules of procedure contained in this By-law in all proceedings of the Council and Committees these Rules of Procedure shall be the rules for the order and dispatch of business of the Council and wherever possible, with the necessary modifications, for all Committees of Council, including Advisory Committees and Special/Ad Hoc Committees unless otherwise provided.
- 22.3 Council shall decide all matters relating to the proceedings of Council and Committees for which Rules of Procedure have not been provided in this By-law, with reference, as far as is reasonably practicable, to the parliamentary rules as contained in Bourinot's Rules of Order.
- 22.4 This By-law comes into force on _____, 2011.
- 22.5 The short title of this By-law is the Procedural By-law.
- 22.6 Appendix 1 "Matters for Closed meetings" forms part of this By-law.
- 22.7 Council's Code of Conduct forms part of this By-law and shall apply to all Members of Council and is attached as, Appendix 2 to this By-law.
- 22.8 Appendix 3 "Motions Table" forms part of this By-law and shall be used as a reference.
- 22.9 Appendix 4 "Committee/Council/Closed Session Council Differences" forms part of this by-law and shall be used as a reference.

23. PROCEDURAL BY-LAWS FOR OTHER BOARDS, COMMITTEES OR COMMISSIONS

- 23.1 Where a board, committee or commission of the City has not adopted a procedural by-law, such board, committee or commission shall be deemed to have adopted this Procedural by-law with necessary modifications including the requirement that all Meetings be open to the public, subject to the same exceptions applicable to Council Meetings as set out herein.

24. MUNICIPAL CODE AMENDMENT

- 24.1 Municipal Code Amendment #_____, which amends Chapter 20 of the City of Guelph Municipal Code by removing Article II and substituting the aforementioned clauses is hereby adopted.

25. REPEAL OF PREVIOUS BY-LAWS

- 25.1 By-law Number (1996)-15200, and the accompanying amendments numbered By-law (1998)-15690, (2000)-16326, (2003)-17071, (2005)-17807, (2006)-17923, (2006)-18060, (2007)-18222, (2007)-18249, (2007)-18274, (2007)-18372, (2007)-18454, (2008)-19595, (2008)-18618, (2008)-18694, (2009)-18856, (2009)-18906, (2010)-18945, (2010)-19065, (2010)-19095 and (2010)-19107 are hereby repealed.

PASSED THIS _____ DAY OF _____, 2011.

KAREN FARBRIDGE, MAYOR

TINA AGNELLO, ACTING CLERK

MATTERS FOR CLOSED MEETINGS

Permissive Criteria:

A meeting may be a Closed Meeting if:

1. The subject matter considered is:

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under an Act other than the *Municipal Act*; or

1. The following two conditions are both satisfied:

- 1. The meeting is held for the purpose of educating or training the members; and,
- 2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

Mandatory Criteria:

A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act R.S.O. c. M.56*, as amended or replaced from time to time, if the council, board, commission or other body is the head of an institution for the purposes of that Act. 2001, c. 25, s. 239 (3).

Prior to holding the meeting which is closed to the public, Council or Committee must convene in a formal session and pass a resolution indicating which of the issues as identified in section 1 shall be discussed at the Closed meeting.

COUNCIL'S CODE OF CONDUCT
(Updated Code of Conduct to be attached)

Motions Table

Motion	Debatable	Non-Debatable	Amendable	Non-Amendable	Simple Vote	Special Majority
adjourn		X		X	X	
amend a pending motion	X		X		X	
close debate (call the question)		X		X	X	
point of order		X		X	**	
point of privilege		X		X	**	
defer		X		X	X	
reconsideration	X			X		7 Members of Council
refer	X		X		X	
to continue Council Meeting beyond 11 pm	X			X		2/3 of entire council
suspend the rules		X		X		2/3 of entire council

** The decision is of the Mayor. The Council if appealed to, shall decide the question without debate and its decision is final.

Committee / Council / Closed Meeting Differences

Issue	Committee	Council	Closed Meeting
Delegate – length of time	5 minutes	5 minutes for Regular Meetings 10 minutes for Council Planning Public Meetings	Not permitted unless voted on by Council.
Presentations	10 minutes	10 minutes	Not permitted unless voted on by Council
Chair vote	Yes	Yes	Yes
Motions -writing	Motions must be written if not recorded as part of the agenda package	Motions must be written if not recorded as part of the agenda package	Motions must be written if not recorded as part of the agenda package
Motions – seconding	all motions must be seconded	all motions must be seconded	all motions must be seconded
Motion to close debate (call the question)	Allowed	Allowed	Allowed
Notice of Motion	Not permitted.	Permitted	Not permitted
Quorum	Majority of the Committee	Majority of Council	Majority of Council
Recorded Vote	Yes	Yes	No – unless requested otherwise
Speaking – Councillor Length of time	5 minutes cumulative	5 minutes cumulative	Cumulative
Speaking – manner	remain seated	remain seated	remain seated
Deference re: Bar of Council	No one may approach Committee without permission	No one may approach Council without permission	Not applicable

**Material Changes
(Additions/deletions/replacements)
to proposed procedural by-law**

- add7.6(b) An organized body of three or more representatives wishing to address Council or Committee as a delegate shall be limited to a maximum of ten minutes when addressing Council or Committee.
- 7.8 For a Meeting other than a public meeting pursuant to legislation, a delegate who is listed on the agenda and is unable to attend the Meeting, may, by notifying the Clerk at least one business day prior to the Meeting, submit a written statement. **Replaces**
- 9.(8) A person who is unable to attend a council meeting may arrange for another person to appear as a delegation on such person's behalf and to read aloud a prepared statement pertaining to an item listed on the Council agenda.
- add10.1 Council and Committee Members shall govern themselves according to Council's Code of Conduct.
- add12.2 When a Councillor moves a Main motion or an amendment to a Motion that is not recorded as part of the Agenda package, that Councillor shall provide a written copy of the Motion to the Mayor prior to the vote being taken.
- add13.1(d) After a question is finally put by the Mayor or Chair, no members of Council or Committee shall be recognized to speak by the Mayor or Chair.
- add21.3 Special /Ad Hoc Committees
- (a) Council may appoint Special /Ad Hoc Committees, with a defined ending, each of which shall consider a very specific matter and report to Council on that matter.
- (b) Notwithstanding subsection 21.6(a) only the members of a Special/ Ad Hoc Committee shall participate in debate or ask questions at the Special/Ad Hoc Committee meetings;
- (c) Special/Ad Hoc Committees shall report back to Council.
- add21.6 Non Committee Member Participation at Meetings
- (a) Members of Council who are not Committee members are encouraged to attend both regular and closed meetings. They may ask questions for clarification, but shall not enter into the debate of the Committee.

(b) The Chairs of the Standing Committees shall recognize members of Council in the following order:

- i. Standing Committee Members
- ii. Non Standing Committee Members
- (c) All non Members of the Standing Committees may ask questions regarding an issue for no more than 5 minutes (cumulative).

add22.7 Council's Code of Conduct forms part of this By-law and shall apply to all Members of Council and is attached as, Appendix 2 to this By-law.

add22.8 Appendix 3 "Motions Table" forms part of this By-law and shall be used as a reference.

add22.9 Appendix 4 "Committee/Council/Closed Session Council Differences" forms part of this by-law and shall be used as a reference.

COMMITTEE REPORT



TO **Governance Committee**

SERVICE AREA Community & Social Services Department
Community Engagement & Social Services Liaison

DATE October 11, 2011

SUBJECT Board Appointments – Guelph Non-Profit Housing Board

REPORT NUMBER CSS-CESS-1138

SUMMARY

Purpose of the Report

This report provides information regarding local non-profit housing providers and offers clarification regarding whether there is a role for City Council to have a voice on these boards.

Committee Action: Receive the report and consider not appointing a member to the Guelph Non-Profit Housing Board.

RECOMMENDATION

THAT report #CSS-CESS-1138 dated October 11, 2011, regarding Board Appointments to non- profit housing corporations be received;

AND THAT a Council member no longer be appointed to the Guelph Non-Profit Housing Board

BACKGROUND

Each term, members of City Council are appointed to statutory boards, committees and commissions. To this end, the City Council Striking Committee of December 13, 2010 considered to which discretionary boards, commissions and committees it wished to continue to appoint members of Council. As part of this, the City Clerk's Office completed a review which clarified those board appointments that were mandatory (legislated) and discretionary (not legislated). At this meeting, Committee approved the resolution that no appointments would be made to discretionary boards and committees until consultation with such boards had taken place.

The Guelph Non-Profit Housing Corporation Board (GNPHC) was one of those considered as a discretionary Councillor appointment, and City Clerk's Office

consulted with them via letter dated December 22, 2010. The letter outlined the December 13, 2010 Council resolution and asked for feedback '*regarding the possibility of the City no longer making an appointment*' to their board.

In response, the GNPHB advised that "*It is the view of Guelph Non-Profit Housing that the nomination of a City Councillor for appointment to its Board of Directors remains desirable and important*".

The GNPHB response was later considered at January 17, 2011 Governance Committee and the Committee subsequently approved the resolution,

'THAT the Director of Community and Social Services be directed to provide the Committee with information regarding other non-profit housing corporations within the City and clarify whether there is a role for City Council to have a voice on such boards.'

REPORT

Guelph Non-Profit Housing Corporation (GNPHC) was incorporated on October 4, 1988 by letters patent. The primary objective of the Corporation is to provide affordable housing within Guelph.

Since 1988, a series of by-law amendments have taken place that has reduced the City's involvement in the Corporation and Board's operation. Originally the City had been responsible for the recruitment and appointment of all GNPH Board members and had been mandated to appoint three City Councillors (one being the Mayor) to the Board. The GNPHC has changed their letters patent so that Council no longer appoints their Board. The Corporation's current by-laws state that the Board of Directors consists of seven members, one of whom is an elected City Council member. In addition, the city's auditor who was previously responsible for the Board's audited financial statements, is no longer providing this service.

A Brief Summary – Context and the City's Role in Local Housing

This section of the report provides Committee with information regarding local housing provision and providers. In making its decision regarding Councillor appointments to non-profit housing corporations, it is important to consider how local housing needs are addressed and the critical and legislated role the City plays in this.

The Social Housing Reform Act, 2000 (currently under review) provides the legislative framework and regulations for social housing provision and the transfer of social housing from the province to municipalities via Service Managers and district social services administration boards. Locally, the County of Wellington is the designated Service Manager (Consolidated Municipal Service Manager) which funds and administers social housing programs for the County and the City on behalf of the province.

The Wellington and Guelph Housing Strategy, 2005 (currently under review) describes local housing that takes many forms along a "continuum". This

continuum ranges from Emergency Shelters and Domiciliary Hostels to Social Housing (non-supportive and supportive¹) and finally Private Market Housing (ownership and rental). Social housing is delivered via a number of different organizations such as non for profit providers and co-operatives (see Appendix 1). GNPHC is one of a number of different non profit housing providers that operate in Guelph which work with the Service Manager and others to deliver social housing to meet local need.

The City has a legislated role to play in the ensuring that the Guelph community has adequate access to appropriate housing choices including the provision of good quality affordable housing that meets their diverse and changing needs. Within the current Strategic Plan, the City explicitly states one of its strategic objectives as, 'Diverse housing options....to meet the needs of current and future generations'. The City works with the County of Wellington in the development and delivery of the local Housing Strategy (currently under review) and its targets. Alongside this, the City also plays a critical role in the delivery of Ontario's Long-Term Affordable Housing Strategy, *Building Foundations: Building Futures* (2010) which calls upon all municipalities and service managers to work together to build locally managed housing services which integrate with other supports, including poverty reduction initiatives. The City particularly has a legislated responsibility to meet community housing needs and objectives through its land use planning and regulation; principally Official Plan Development, Provincial Growth Plan and associated legislation and policy. The City also funds various affordable housing projects in the City, (e.g. via the tax supported Affordable Housing Reserve Fund, established in 2003).

In meeting its obligations, the City is now addressing social services and housing issues through the mandates of a significant number of developing portfolios. These include the new Community and Social Services Department and its Social Services workplan; the Community and Social Services Committee and the emerging Community Plan for Wellbeing. These efforts align with local and provincial policy, to integrate our planning, policy, service and program delivery with other City departments, and other service providers, organizations and sectors in the area. This integration enables more effective and efficient community responses to local challenges and need.

Conclusion

Although the GNPHB has requested that a Councillor be appointed, the appointment is not mandated by legislation. In addition, GNPHB is one of 13 housing providers in the City of Guelph. It is important that the City continues to focus efforts in areas

¹ Definition of Supportive Social Housing – *Permanent housing combined with dedicated services for people with special needs.*

Definition of Social Housing (non supportive) – *Social housing that is subsidized, permanent rental housing or units owned and/or operated by the County or non-profit and co-operative housing providers.*
Source: Wellington and Guelph Housing Strategy.

designed to realize the most benefit for the whole community. The City is working hard with its partners to deliver and facilitate local housing. This work is effective and developing in line with the expectations of a complex and changing provincial and local landscape. It is the opinion of Community and Social Services that the City currently works effectively with local housing providers (including non-profit corporations) and other partners to achieve the community goals for housing. Given this, should Committee choose not to appoint a Council member to the GNPHB, the City's role is no less served.

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

There are no financial implications.

DEPARTMENTAL CONSULTATION

Community and Social Services

COMMUNICATIONS

N/A

ATTACHMENTS

N/A



Prepared By:

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**CONSENT REPORT OF THE
COUNCIL IN CLOSED SESSION**

October 24, 2011

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

Your Council as Committee of the Whole beg leave to present their FIFTH
CONSENT REPORT as recommended at its meeting of September 26, 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 Council as Committee of the
Whole will be approved in one resolution.*

**1) CITIZEN APPOINTMENTS TO THE GUELPH JUNCTION RAILWAY
BOARD OF DIRECTORS**

THAT David Clarke and Stephen Host be appointed to the Guelph Junction Railway
Board of Directors for a three year term expiring 2014.

**2) CITIZEN APPOINTMENTS TO THE ORGANIC WASTE PROCESSING
FACILITY PUBLIC LIAISON COMMITTEE**

THAT Donna Sunter, Laura Marini, Ken Spira, Karyn Hogan, Scott Massen, Mike
Fortin and Larry Conrad, be appointed to the Organic Waste Processing Facility
Public Liaison Committee for a term ending November, 2012.

All of which is respectfully submitted.

CONSENT AGENDA

October 24, 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

REPORT	DIRECTION
A-1) DEBENTUE ISSUE THAT the City Treasurer be authorized to proceed with the marketing through the City's fiscal agent, of a debenture issue in the principal aggregate amount of \$46,750,000 dated 9 November 2011 for a term not exceeding ten years.	Approve
B ITEMS FOR DIRECTION OF COUNCIL	
C ITEMS FOR INFORMATION OF COUNCIL	

attach.

COUNCIL REPORT



TO **Guelph City Council**

SERVICE AREA Finance
DATE 24th October 2011

SUBJECT Debenture Issue
REPORT NUMBER FIN-11-50

SUMMARY

Purpose of Report: To provide Council with the details of the upcoming debenture issue.

Council Action: Authorize the City Treasurer to proceed with the marketing of the \$46,750,000 debenture required for tax supported capital funding in the amount of \$33,700,000 and refinancing of existing debt related to The Elliott in the amount of \$13,050,000 as detailed below.

RECOMMENDATION

THAT the City Treasurer be authorized to proceed with the marketing through the City's fiscal agent, of a debenture issue in the principal aggregate amount of \$46,750,000 dated November 9th, 2011 for a term not exceeding ten years.

BACKGROUND

The process for issuing debentures at the City of Guelph is as follows:

- Debt is approved by Council as a funding source during the annual capital budget process.
- Once construction of the debt funded capital project is substantially complete, Finance will prepare a report to Council requesting authorization to market the debt issue through the City's fiscal agent.
- Once the issue has been placed (sold), a debt bylaw is prepared including all details of the issue for Council approval (November 7th).
- Settlement of the debt issue then takes place and the City receives the funds within a few days (November 9th).

REPORT

Staff has determined that the projects listed below are substantially complete and that the debenture financing approved in prior budgets is required as identified in Table 1. We are now seeking Council authorization to proceed. As indicated in the Table, approximately one third (\$13,050,000) of this debenture issue is to refinance the outstanding Elliot debenture which comes due on November 15th, 2011, the balance is for tax supported projects.

Due to historically low financing rates (estimated by our fiscal agent to be <3%) we are recommending borrowing the full amount of authorized debt for the capital projects at this time.

TABLE 1

Council Approval Date	Project Description	Total Project Approved Budget	Approved Debt Funding	Expenditure as at 30-Sep-30	% Spent
17-Jan-07	New Civic Museum (MU0005)	12,700,000	5,700,000	11,445,903	90%
17-Jan-07 & 15-Dec-08	Composter Rebuild (WM0026)	32,825,000	28,000,000	29,254,230	89%
	Tax Supported Total	45,525,000	33,700,000	40,700,133	
	Refinancing of Previous Debenture				
05-Nov-01	Elliott Debenture - By Law 2001-16732		13,050,000	N/A	
	Total Debenture		\$ 46,750,000		

Updated Annual Debt Repayment Limit (ARL)

As required for Council to provide authorization, the Deputy Treasurer has calculated an updated debt and financial obligation limit pursuant to Ontario Regulation 403/02 Section 4(1) and confirms that the debt charges resulting from this debt issue and all approved not yet issued debt will fall within the limits prescribed by the Ministry of Municipal Affairs and Housing. The City is currently using 26% of our annual debt repayment limit.

City of Guelph Debt Limits

Our estimated 2012 Debt Servicing as a percentage of Operating Fund Revenue will be 5.9% as compared to a maximum of 10%. Our estimated 2012 Total Debt as a percentage of Operating Fund Revenue will be 48% as compared to a maximum of 55%.

Refinancing of The Elliott Debenture

In November 2001 the City of Guelph agreed to issue debentures in the amount of \$20,500,000 to fund the then recent replacement and addition of suites to The Elliott. This debenture issue called for payments of interest and principal over a period of 10 years with a final balloon payment of \$13,050,000 due on November 15, 2011. This, \$13,050,000, is the portion that is now being refinanced for an additional term of 10 years.

The City currently has a separate agreement with The Elliott to repay this debt over a period of 30 years, from January 2008 to December 2037. Payments from the Elliott continue to substantially offset the City's annual debt servicing costs of \$1,510,025 for the next 10 years (or until such time as the agreement is renegotiated) and after that the City will realize positive cash flows.

Tax Supported Capital Projects

MU0005 – New Civic Museum

In 2006 a feasibility study was completed on the possibility of renovating Loretto Convent for museum use. Based on this study, a \$12.7 million capital project was included in the 2008-2011 capital budget forecast. Federal (\$1.35 million) and Provincial (\$5 million) grants were received as funding sources and the debt funded portion was approved at \$5.7 million. (By-Law 2007-18224)

The construction of the Civic Museum is progressing well and is expected to be completed in March 2012.

WM0026 – Composter Rebuild – Organics Facility

Due to the deterioration of the prior facility, \$5.5 million was approved in 2007 for the 2007-2009 period to rebuild the facility. Once the full extent of the work required was determined the approved amount for the project was increased by \$24.75 million in 2008 for a total of \$30.25 million. (By-Law 2008-18703)

The application to the recent Infrastructure Stimulus Fund for this project was not successful and therefore the amount of \$28 million in debenture funding was included and approved in the 2009 capital budget.

Construction of the facility was recently completed and it is in the process of being put into operation.

CORPORATE STRATEGIC PLAN

5.5 A high credit rating and strong financial position

FINANCIAL IMPLICATIONS

The annual cost of this debenture will be approximately \$5,409,477 for the next ten years of which \$1.35 million is funded by The Elliott Community.

As these projects are significantly complete from a spending perspective and the City's cash flow forecasts are based on the prior approval of these projects to be debt funded, a delay in issuing the above debt would cause significant cash flow issues for the City. As well, the Elliot debenture is due shortly and the City is not able to repay the balance without negatively impacting the City's financial position.

DEPARTMENTAL CONSULTATION

Planning, Engineering, Environmental Services and Building – Solid Waste Resources
Community and Social Services – Arts, Culture and Entertainment

COMMUNICATIONS

N/A

ATTACHMENTS

None

"original signed by Greg Clark"

"original signed by Susan Aram"

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- **BYLAWS** -- **October 24, 2011** -

<p>By-law Number (2011)-19279 A by-law to authorize the execution of an Agreement between The Corporation of the City of Guelph and J.G. Goetz Construction Limited. (Contract No. 11-165 – Part “A” CCTV and Relining and Part “B” Sewer Repairs at Various Locations)</p>	<p>To execute Contract No. 11-165 – Part “A” CCTV and Relining and Part “B” Sewer Repairs at Various Locations</p>
<p>By-law Number (2011)-19280 A by-law to amend By-law Number (1995)-14864, as amended, known as the Zoning By-law for the City of Guelph as it affects property known municipally as 1820 Gordon Street (File ZC1108).</p>	<p>To amend the Zoning By-law with respect to property municipally known as 1820 Gordon Street, as approved by Council.</p>
<p>By-law Number (2011)-19281 A by-law to dedicate certain lands known as Block 47, Plan 61M113 as part of Kortright Road, City of Guelph.</p>	<p>Dedicate land as part of Kortright Road.</p>
<p>By-law Number (2011)-19282 A by-law to amend By-law Number (1995)-14864, as amended, known as the Zoning By-law for the City of Guelph as it affects property known municipally as 781-783 Wellington Street West and legally described as Part of Lot C, Concession 2, Division E, City of Guelph to permit a limited range of residential uses (File ZC1106).</p>	<p>To amend the Zoning By-law with respect to property known municipally as 781-783 Wellington Street West, as approved by Council.</p>
<p>By-law Number (2011)-19283 A by-law to authorize the execution of an agreement between The Corporation of the City of Guelph and Capital Paving Inc. (Contract No. 11-176 for construction of site servicing for the site at 436 Clair Road West)</p>	<p>To execute Contract No. 11-176 for construction of site servicing for the site at 436 Clair Road West.</p>
<p>By-law Number (2011)-19284 A by-law to authorize the execution of an Agreement between The Corporation of the City of Guelph and Drexler</p>	<p>To execute Contract No. 11-113 for Daily Maintenance of the Stone Road Material Facility for 2011.</p>

<p>Construction Limited. (Contract No. 11-113 for Daily Maintenance of the Stone Road Material Facility for 2011.</p>	
<p>By-law Number (2011)-19285 A by-law to remove Lot 5, Plan 61M167, designated as Parts 23 and 24, Reference Plan 61R11603 in the City of Guelph from Part Lot Control.</p>	<p>To remove land from part lot control to create 2 separate parcels for semi-detached dwellings to be known municipally as 51 and 53 Curzon Crescent.</p>
<p>By-law Number (2011)-19286 A by-law to authorize the execution of an Agreement between The Corporation of the City of Guelph and Capital Paving Inc. (Contract No. 11-1108 for the servicing and road construction of the 312, 316 Grange Road – Creekside Subdivision)</p>	<p>To execute Contract No. 11-1108 for the servicing and road construction of the 312, 316 Grange Road – Creekside Subdivision.</p>
<p>By-law Number (2011)-19287 A By-law to provide for the temporary closure of Kemp Crescent and Marks Avenue within the Creekside Subdivision limits during servicing and road construction. (Contract 2-1108)</p>	<p>To authorize the temporary closure of streets during road construction of the Creekside Subdivision.</p>
<p>By-law Number (2011)-19288 A by-law to authorize the conveyance to Her Majesty the Queen in Right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario with respect to the lands described as: Part Block 14, Registered Plan 687, designated as Part 26, Reference Plan 61R11252, City of Guelph.</p>	<p>To authorize conveyance of land with respect to the Hanlon/Laird Interchange.</p>
<p>By-law Number (2011)-19289 A by-law to authorize the execution of a Subdivision Agreement between Westminister Woods Ltd., The Corporation of the City of Guelph and Coldpoint Capital Corp. (Westminister Woods East Phase 5 Subdivision)</p>	<p>To execute a subdivision agreement with respect to Westminister Woods East, Phase 5, Subdivision.</p>
<p>By-law Number (2011)-19290 A by-law to authorize the execution of an agreement between The Corporation of the City of Guelph and Drexler Construction Limited. (Contract 11-169 for installation of concrete bus pads at</p>	<p>To execute Contract 11-169 for installation of concrete bus pads at various locations.</p>

various locations)	
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