City Council Meeting Agenda



Monday, December 17, 2018 – 5:30 p.m. Council Chambers, Guelph City Hall, 1 Carden Street

Please turn off or place on non-audible all electronic devices during the meeting.

Please note that an electronic version of this agenda is available on quelph.ca/agendas.

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Authority to move into closed meeting

That Council as Shareholder of Guelph Municipal Holdings Inc. and Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to The Municipal Act, to consider:

Confirmation of Minutes for the closed Council meetings held November 19, 2018.

CS-2018-70 Potential Expropriation- Speedvale Avenue East

Section 239 (2) (c) a proposed or pending acquisition or disposition of land by the municipality or local board.

GMHI-2018-05 Guelph Municipal Holdings Inc. (GMHI) -District

Energy Assets – Update (Closed)

Section 239 (2) (f) advice that is subject to solicitor client privilege, including communications necessary for that

purpose.

GMHI-2018-06 Appointment of Guelph Representative to Alectra

Board of Directors

Section 239 (2) (b) personal matters about an identifiable individual, including municipal or local board employees.

Open Meeting - 6:30 p.m.

Closed Meeting Summary

O Canada Silent Reflection First Nations Acknowledgement

Presentations:

a) City of Guelph United Way Campaign
 Sean Finlay, United Way Campaign Manager

Confirmation of Minutes: (Councillor Bell)

That the minutes of the open Council Meeting held November 19, 2018, be confirmed as recorded and without being read.

Council as Shareholder of Guelph Municipal Holdings Inc.

GMHI-2018-07 Proposed New Corporate Governance Structure for Guelph Municipal Holdings Inc.

Recommendation:

- 1. That Report Number GMHI-2018-07, entitled "Proposed New Corporate Governance Structure for Guelph Municipal Holdings Inc.", dated December 17, 2018, be received; and
- 2. That City Council, as the Shareholder of Guelph Municipal Holdings Inc. ("GMHI"):
 - (a) approve the amalgamation of GMHI and GMHI Development Corporation as outlined in Report Number GMHI-2018-07, entitled "Proposed New Corporate Governance Structure for Guelph Municipal Holdings Inc.", dated December 17, 2018; and
 - (b) approve the new corporate governance structure for GMHI as set out in Report Number GMHI-2018-07, entitled "Proposed New Corporate Governance Structure for Guelph Municipal Holdings Inc.", dated December 17, 2018; and
 - (c) direct the Chief Administrative Officer, in his capacity as Chief Executive Officer and Chair of the Board of GMHI, to prepare a new Shareholder Declaration as between the City and the amalgamated GMHI as recommended in Report Number GMHI-2018-07, entitled "Proposed New Corporate Governance Structure for Guelph Municipal Holdings Inc.", dated December 17, 2018.

Guelph City Council

Council Consent Agenda:

The following resolutions have been prepared to facilitate Council's consideration of 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. It will be extracted and dealt with separately as part of the Items for Discussion.

PS-2018-36 Emergency Operations Control Group and Community Emergency Management Program Committee Updates

Recommendation:

- 1. That Council approve the changes to the membership of the Emergency Operations Control Group, as contained in the Emergency Plan.
- 2. That Council approve the recommended membership of the Community Emergency Management Program Committee.

PS-2018-37 Speedvale Underpass Trail

Recommendation:

- 1. That Council approve the conceptual multi-use trail alignment along the west side of the Speed River under Speedvale Avenue East Bridge, as set out in Report # PS-2018-37 dated December 17, 2018;
- 2. That Council direct staff to complete an environmental assessment, detailed design and construction of the multi-use trail along the west side of the Speed River under Speedvale Avenue East, in accordance with the plan recommended in Report # PS-2018-37 dated December 17, 2018;
- 3. That Council approve implementation of the interim solution, to improve accessibility and on-road connectivity along Speedvale Avenue East, as set out in Report # PS-2018-37 dated December 17, 2018;
- 4. That Council direct staff to identify costs for the detailed design and construction of the interim solution, as set out in Report # PS-2018-37 dated December 17, 2018 within the 2020 capital budget forecast.

Items for Discussion:

The following items have been extracted from the Committee of the Whole Consent Report and the Council Consent Agenda and will be considered separately. These items have been extracted either at the request of a member of Council or because they include a presentation and/or delegations.

PS-2018-38 Cannabis Retail Storefronts – Municipal Impacts

Delegations:

Dr. Nicola Mercer, Medical Officer of Health, Guelph-Wellington-Dufferin Public Health

Correspondence:

Silvana Sangiuliano

Recommendation:

- That staff be directed to create a City Bylaw mirroring the Smoke Free Ontario
 Act allowing for enforcement of tobacco and cannabis consumption by the
 City's Bylaw Compliance Officers, Guelph Police, or other designated
 individuals.
- 2. That staff be directed to conduct further public engagement on the need to further strengthen regulations pertaining to smoking within the City of Guelph.
- 3. That staff be directed to inform the Alcohol and Gaming Commission of Ontario that retail cannabis storefronts are permitted to operate within the City of Guelph and that the Delegation of Authority Bylaw (2013)-19529, be amended to authorize staff to provide comments to the Alcohol and Gaming Commission of Ontario, on behalf of the City Council, with respect to any store licence application that does not meet the public interest of the City of Guelph.

CS-2018-66 2018 Governance Review

Presentation:

Stephen O'Brien, City Clerk

Recommendation:

- 1. That the Procedural By-law, included as ATT-1 of report CS-2018-66, 2018 Governance Review, be approved.
- 2. That the Code of Conduct for Council and Local Boards, included as ATT-2 of report CS-2018-66, 2018 Governance Review, be approved.
- 3. That the Committee of the Whole Terms of Reference, included as ATT-3 of report CS-2018-66, 2018 Governance Review, be approved.

- 4. That the City Council Terms of Reference, included as ATT-4 of report CS-2018-66, 2018 Governance Review, be approved.
- 5. That Committee of the Whole Service Area Chairs sit at the seat of the head of Council when acting as Chair in accordance with report CS-2018-66, 2018 Governance Review.

Special Resolutions

By-laws

Resolution to adopt the By-laws (Councillor Allt).

Mayor's Announcements

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

Adjournment



Minutes of Guelph City Council Held in the Council Chambers, Guelph City Hall on November 19, 2018 at 6:03 p.m.

Attendance

Council: Mayor C. Guthrie

Councillor P. Allt Councillor M. MacKinnon Councillor B. Bell Councillor K. Wettstein

Councillor C. Billings Councillor C. Downer Councillor J. Gordon

Absent: Councillor D. Gibson

Councillor J. Hofland Councillor L. Piper Councillor M. Salisbury

Councillor A. Van Hellemond

Staff: Ms. C. Clack, Deputy CAO, Public Services

Mr. T. Lee, Deputy CAO, Corporate Services

Mr. S. O'Brien, City Clerk

Ms. D. Tremblay, Council and Committee Coordinator

Call to Order (6:03 p.m.)

Mayor Guthrie called the meeting to order.

Authority to Resolve into a Closed Meeting of Council

1. Moved by Councillor Allt Seconded by Councillor Gordon

That the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2) (d) of the Municipal Act related to labour relations or employee negotiations.

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer,

Gordon, MacKinnon, Wettstein (8)

Voting Against: (0)

Carried

Closed Meeting (6:05 p.m.)

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

The following matters were considered:

Confirmation of Minutes of the Closed Meetings of Council held September 10, 2018.

CS-2018-67

Memorandum of Agreement Between the City of Guelph and the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada (IATSE) Local No. 357

Rise and recess from Closed Meeting (6:11 p.m.)

Council recessed.

Open Meeting (6:32 p.m.)

Attendance

Council: Mayor C. Guthrie

Councillor P. Allt Councillor J. Hofland
Councillor B. Bell Councillor M. MacKinnon
Councillor C. Billings Councillor L. Piper

Councillor J. Gordon

Councillor J. Gordon

Councillor M. Salisbury
Councillor K. Wettstein

Absent: Councillor D. Gibson

Councillor A. Van Hellemond

Staff: Mr. D. Thomson, Chief Administrative Officer

Ms. C. Clack, Deputy CAO, Public Services Mr. T. Lee, Deputy CAO, Corporate Services

Mr. S. Stewart, Deputy CAO, Infrastructure, Development and Enterprise

Services

Mr. D. Godwaldt, General Manager, Human Resources

Mr. S. O'Brien, City Clerk

Ms. D. Tremblay, Council and Committee Coordinator

Mayor Guthrie called the meeting to order.

Closed Meeting Summary

Mayor Guthrie spoke regarding the matters addressed in closed and identified the following:

Minutes - Council Closed Session - September 10, 2018

These minutes were adopted by Council.

CS-2018.67

Memorandum of Agreement Between the City of Guelph and the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada (IATSE) Local No. 357

The Mayor advised that an Agreement was discussed and that Council voted to rise and report on this matter.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Presentations:

Trevor Lee, Deputy CAO, Corporate Services and Christopher Cooper, General Manager of Legal, Realty and Court Services / City Solicitor presented the Municipal Court Managers' Association (MCMA) 2018 Peer Recognition Award for Innovation to Denis Desrosiers, Manager, Court Operations.

Confirmation of Minutes

2. Moved by Councillor Salisbury Seconded by Councillor Billings

That the minutes of the Council Meetings held September 10 and 11, 2018 be confirmed as recorded and without being read.

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gordon,

Hofland, MacKinnon, Piper, Salisbury and Wettstein (11)

Voting Against: (0)

Carried

Council Consent Reports

The following item was extracted:

CS-2018-63 Subordination and Postponement Agreement – Habitat

for Humanity Wellington Dufferin Guelph

Balance of Council Consent Items

3. Moved by Councillor Billings
Seconded by Councillor Hofland

That the balance of the November 19, 2018 Council Consent Reports as identified below, be adopted:

IDE-2018-133 Sign By-law Variances – 175 Stone Road West

That the request for variances from Table 2, Row 1 of City of Guelph Sign By-law Number (1996)-15245, as amended, to permit six (6) 0.74m2 non-illuminated freestanding Walmart "PickUP" signs to be located a distance of 1m from each other and within 120m of other freestanding signs on the property, be approved

IDE-2018-134 Sign By-law Variances – 649 Scottsdale Drive

That the request for variances from Table 1, Row 1 of Sign By-law Number (1996)-15245, as amended, to permit a 14.1m2 internally illuminated building sign be located on the fifth storey of 649 Scottsdale Drive, be approved.

IDE-2018-135 Sign By-law Variances – 370-374 Stone Road West

That the request for variances from Table 2, Row 13 and Section 6 (1) of Sign By-law Number (1996)-15245, as amended, to permit two (2) menu boards with a height of 2.34m above the adjacent roadway, with sign faces of 1.85m2 that have action, motion, animation and colour change on the property of 370-374 Stone Road West, be approved.

IDE-2018-136 Guelph Junction Railway – Board of Directors

- 1. That Guelph City Council postpone its appointment of Municipal (Municipal) Member Directors to the Guelph Junction Railway Board, pending the results of staff's assessment of Guelph Junction Railway's operations and governance;
- 2. That Guelph City Council, in its capacity as sole shareholder of the Guelph Junction Railway, delegate's authority, as described within Report IDE-2018-136, to the City of Guelph's Chief Administrative Officer, in his capacity as shareholder representative, to appoint a City of Guelph employee(s) to the Board for an interim period that is not to exceed March 31st, 2019.

CS-2018-61 Request for Designation as an Event of Municipal Significance –Wellington Brewery

That the Wellington Brewery First Annual Beer-Zaar event request to be designated as an event of municipal significance for the purpose of obtaining a Special Occasion Permit from the Alcohol and Gaming Commission of Ontario, be approved.

PS-2018-33 Spring Mill Distillery – By the Glass Manufacturer's Limited Liquor Sales Licence Application

That Council support Spring Mill Distillery's application to the Alcohol and Gaming Commission of Ontario for a By the Glass - Manufacturer's Limited Liquor Sales Licence for their brewery located at 43 Arthur Street South as set out in Report # PS-2018-33 dated November 19, 2018.

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gordon,

Hofland, MacKinnon, Piper, Salisbury and Wettstein (11)

Voting Against: (0)

Carried

Items for Discussion

Closed Meeting Investigation Report re: Clair-Maltby Secondary Plan Community Working Group and Technical Working Group

The following delegations spoke to this item: Matt Saunders Lin Grist Zachery Glavine

4. Moved by Councillor Salisbury Seconded by Councillor Allt

That the Closed Meeting Investigation Report prepared by Amberley Gavel Ltd., relating to the closed meetings of the Clair Maltby Secondary Plan Community Working Group and Technical Working Group, be referred to the next meeting of Council so that Mr. Bellchamber may answer Council questions regarding the report.

Voting in Favour: Councillor Salisbury (1)

Voting Against: Mayor Guthrie, Councillors, Allt, Bell, Billings, Downer, Gordon,

Hofland, MacKinnon, Piper, and Wettstein (10)

Defeated

5. Moved by Councillor Downer Seconded by Councillor Billings

That the matter of staff advisory and working group minutes and procedures be referred to staff to report back in January, 2019.

Voting in Favour: Mayor Guthrie, Councillors, Allt, Bell, Billings, Downer, Gordon, Hofland, MacKinnon, Piper, Salisbury and Wettstein (11)

Voting Against: (0)

Carried

6. Moved by Councillor Billings Seconded by Councillor Bell

That the Closed Meeting Investigation Report prepared by Amberley Gavel Ltd., relating to the closed meetings of the Clair Maltby Secondary Plan Community Working Group and Technical Working Group, be received.

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gordon, Hofland, MacKinnon, Piper, and Wettstein (10)

Voting Against: Councillor Salisbury (1)

Carried

CS-2018.55 Council – Staff Relations Policy

Stephen O'Brien, City Clerk provided background regarding the legislative changes relating to the development of the Council – Staff Relations Policy.

7. Moved by Councillor Allt Seconded by Councillor Bell

That the Council-Staff Relations Policy, attached as ATT1 to CS-2018-55 Council-Staff Relations Policy, be approved.

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (13) **Voting Against**: (0)

Carried

CS-2018-63 Subordination and Postponement Agreement – Habitat for Humanity Wellington Dufferin Guelph

- 8. Moved by Councillor Bell Seconded by Councillor Allt
 - 1. That the Subordination and Postponement Agreement with Vancity Community Investment Bank and Habitat for Humanity Wellington Dufferin Guelph be approved.
 - 2. That the Affordable Housing Reserve will be used to mitigate the City's financial risk of not being the priority lender.

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gordon, Hofland, MacKinnon, Piper, Salisbury, and Wettstein (11) **Voting Against**: (0)

Carried

By-laws

9. Moved by Councillor Wettstein Seconded by Councillor Piper

That By-laws Numbered (2018)-20324 and (2018)-20340 to (2018)-20349, inclusive, are hereby passed.

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gordon, Hofland, MacKinnon, Piper, Salisbury and Wettstein (11)

Voting Against: (0)

Carried

Mayor's Announcements

Mayor Guthrie thanked the 2014-2018 Council Members and offered congratulations to those returning members of Council.

Mayor Guthrie recognized both outgoing Councillors, Ward 6 Councillor Karl Wettstein, and Ward 2 Councillor Andy Van Hellemond, for their work during their terms on Guelph City Council.

Adjournment (7:54 p.m.)

10.	Moved by Councillor Wettstein Seconded by Councillor Bell	
	That the meeting be adjourned.	Carried
Minut	tes to be confirmed on December 17, 2018.	

Stephen O'Brien - City Clerk

Mayor Guthrie

Staff Report



To City Council as Shareholders of Guelph Municipal Holdings

Inc.

Service Area Office of the Chief Administrative Officer

Date Monday, December 17, 2018

Subject Proposed New Corporate Governance Structure for

Guelph Municipal Holdings Inc.

Report Number GMHI-2018-07

Recommendation

1. That Report Number GMHI-2018-07, entitled "Proposed New Corporate Governance Structure for Guelph Municipal Holdings Inc.", dated December 17, 2018, be received; and

- 2. That City Council, as the Shareholder of Guelph Municipal Holdings Inc. ("GMHI"):
 - (a) approve the amalgamation of GMHI and GMHI Development Corporation as outlined in Report Number GMHI-2018-07, entitled "Proposed New Corporate Governance Structure for Guelph Municipal Holdings Inc.", dated December 17, 2018; and
 - (b) approve the new corporate governance structure for GMHI as set out in Report Number GMHI-2018-07, entitled "Proposed New Corporate Governance Structure for Guelph Municipal Holdings Inc.", dated December 17, 2018; and
 - (c) direct the Chief Administrative Officer, in his capacity as Chief Executive Officer and Chair of the Board of GMHI, to prepare a new Shareholder Declaration as between the City and the amalgamated GMHI as recommended in Report Number GMHI-2018-07, entitled "Proposed New Corporate Governance Structure for Guelph Municipal Holdings Inc.", dated December 17, 2018.

Executive Summary

Purpose of Report

To seek the approval of City Council, as Shareholder of Guelph Municipal Holdings Inc. ("GMHI"), for: (i) the amalgamation of GMHI and DevCo, to continue as Guelph Municipal Holdings Inc.; (ii) a new corporate governance structure for GMHI; and (iii) direction for the Chief Executive Officer and Chair of the Board of GMHI, to prepare a new Shareholder Declaration as between the City and the amalgamated GMHI.

Key Findings

In anticipation of the closing of the transactions required to effect the amalgamation of Guelph Hydro Electric Systems Inc. ("GHESI") and Alectra Utilities Corporation ("AUC"), the City has reviewed the GMHI corporate governance structure. GMHI will assume the role of conduit between Alectra Inc. ("Alectra") and City Council, as Shareholder of GMHI (the "Shareholder"), given the issuance to GMHI of shares in the capital of Alectra (the "Alectra Shares"), GMHI's receipt of the Special Distribution and subsequent annual dividends from Alectra, as well as its role as signatory of the Merger Participation Agreement and the Unanimous Shareholder Agreement.

Upon the amalgamation of GHESI and AUC, there will be a necessary transferring of responsibilities of the former GHESI Board and executive to the GMHI Board and executive. This has the potential to result in the need for an increased administrative and decision-making role for GMHI and increased staff support to that company.

With the July 2018 amalgamation of Envida Community Energy Inc. and GHESI and the pending GHESI-AUC merger, DevCo will be GMHI's only remaining subsidiary and, accordingly, GMHI's broader management and oversight roles will be diminished. Given that DevCo has heretofore been underutilized, it is recommended in this Report that GMHI and DevCo amalgamate, so as to achieve economies of scale and capitalize on existing synergies.

Financial Implications

Potential costs for external tax and legal advice and associated fees relating to the proposed amalgamation of GMHI and DevCo, which costs are not anticipated to be significant and can, in any event, be accommodated within existing budgets.

Report

Background

1. The Pre-Merger Transactions and the Governance Status Quo

The City is the sole shareholder of Guelph Municipal Holdings Inc., which was incorporated, initially, on August 13, 2011. On September 6, 2014, the former Guelph Municipal Holdings Inc. amalgamated with Guelph Hydro Inc. To this day,

the amalgamated corporation carries on business as Guelph Municipal Holdings Inc. ("GMHI").

Guelph Hydro Electric Systems Inc. ("GHESI") and GMHI Development Corporation ("DevCo") are subsidiaries of GMHI. DevCo was incorporated on January 8, 2015. Envida Community Energy Inc. ("Envida") was a subsidiary of GMHI prior to the former's July 1, 2018 amalgamation with GHESI. GMHI will cease being GHESI's parent company when the latter amalgamates with Alectra Utilities Corporation ("AUC") on or about December 31, 2018 ("Closing" or the "Closing Date").

A Merger Participation Agreement between GMHI, GHESI, Alectra Inc. ("Alectra") and AUC (the "MPA") provides, in part, that, on the Closing Date, GMHI shall sell to Alectra all of GMHI's right, title and interest in and to all of the issued and outstanding shares in the capital of GHESI held by GMHI (the "Purchased Shares").

The purchase price for the Purchased Shares shall be paid and satisfied by Alectra issuing and allotting to GMHI 485,000 Class G Common Shares in the capital of Alectra (the "Alectra Shares"), representing 4.63% of the equity value in Alectra.

Immediately prior to Closing, GHESI shall be entitled to declare and pay a one-time special distribution (*i.e.*, dividend) to GMHI in the amount of \$18.5 million (the "Special Distribution").

On Closing, the City and GMHI intend to enter into a Unanimous Shareholder Agreement with Alectra, AUC (or its successor following its amalgamation with GHESI) and each of the existing Alectra shareholders, OMERS Infrastructure Corporation and their municipal shareholders (the "USA").

In anticipation of the closing of the foregoing transactions, the City has reviewed the GMHI governance structure, which currently consists of the City's Chief Administrative Officer (the Shareholder Representative under the GMHI Shareholder Declaration) serving as GMHI's sole Director and Chief Executive Officer ("CEO"); the CEO of GHESI serving as GMHI's Chief Financial Officer; and the City Solicitor serving as GMHI's Corporate Secretary.

Concurrently, the City's Chief Administrative Officer serves as the sole Director and CEO of DevCo.

GMHI will be called upon to assume the role of conduit between Alectra and City Council, as Shareholder of GMHI (the "Shareholder"), given the issuance of the Alectra Shares to GMHI, its receipt of the Special Distribution and subsequent annual dividends from Alectra, and its role as signatory of the MPA and the USA.

Upon the amalgamation of GHESI with AUC, there will be a necessary transferring of responsibilities of the former GHESI Board and executive to the GMHI Board and executive. This has the potential to result in the need for an increased administrative and decision-making role for GMHI and increased staff support to that company.

2. Proposed Post-Merger Governance Structure

With the transferring of certain of the responsibilities of the former GHESI Board and executive to the GMHI Board and executive when GHESI and AUC amalgamate, DevCo will become GMHI's only remaining subsidiary. Accordingly, GMHI's overall management and oversight roles will lessen.

It is arguable that, to date, DevCo as a corporate entity has been largely underutilized. Recently, however, it became the repository for certain of the assets that Envida disposed of prior to its July 1, 2018 amalgamation with GHESI. Indeed, DevCo acquired from Envida the Galt District Energy System – Sleeman Centre and the Hanlon Creek Business Park – Temporary District Energy Plant (the "Plant"). The property on which the Plant is located has since been sold to a third-party, who has leased back a portion of it to DevCo for the purpose of operating the Plant.

Despite this fairly recent asset acquisition, DevCo's ability to serve as a purely "development"-related entity is impaired by certain obstacles, including the tax-related consequences and implications that may arise depending on the business or activities in which it contemplates engaging. Accordingly, and by way of achieving economies of scale and capitalizing on potential synergies, GMHI hereby recommends a rationalization of its corporate structure. This will entail GMHI and DevCo amalgamating and continuing as Guelph Municipal Holdings Inc., given DevCo's status as a subsidiary of GMHI, which remains a "municipal electricity utility" as defined under section 88 of the *Electricity Act, 1998.* Accordingly, GMHI hereby proposes for the Shareholder's consideration the following corporate structure for GMHI—to take effect upon approval, if any—and an amalgamated GMHI, which structure is similar to the one currently utilized by GMHI:

GMHI

OFFICER TITLE	CITY POSITION
Chief Executive Officer	Chief Administrative Officer
Chief Financial Officer	Deputy CAO- Corporate Services
Corporate Secretary	City Solicitor
BOARD OF DIRECTORS	
Director	Chief Administrative Officer

The sole functional change to this proposed structure relates to the position of Chief Financial Officer, whereby it is recommended that the Deputy CAO – Corporate Services serve in that position instead of the current CEO of GHESI.

Financial Implications

Potential costs for external tax and legal advice and associated fees relating to the proposed amalgamation of GMHI and DevCo, which costs are not anticipated to be significant and can, in any event, be accommodated within existing budgets.

Consultations

N.A.

Corporate Administrative Plan

Overarching Goals

Service Excellence Financial Stability

Service Area Operational Work Plans

Our Services - Municipal services that make lives better Our Resources - A solid foundation for a growing city

Attachments

N.A.

Approved By

Derrick Thomson Chief Executive Officer Guelph Municipal Holdings Inc.

519-822-1260 ext.2221 derrick.thomson@gueph.ca

Staff Report



To City Council

Service Area Public Services

Date Monday, December 17, 2018

Subject Emergency Operations Control Group and

Community Emergency Management Program

Committee Updates

Report Number PS-2018-36

Recommendation

1. That Council approve the changes to the membership of the Emergency Operations Control Group, as contained in the Emergency Plan.

2. That Council approve the recommended membership of the Community Emergency Management Program Committee.

Executive Summary

Purpose of Report

To inform Council of changes that are required by Ontario Regulation, and Council's endorsement of those changes through the passing of a bylaw supporting the changes.

Key Findings

Emergency Management and Civil Protection Act regulations require that all members of a municipal emergency control group be employees of the municipality, resulting in the requirement to amend the current composition of the Emergency Operations Control Group. Those regulations also require the appointment of members/positions as part of the Community Emergency Management Program Committee. Adoption of the Emergency Management bylaw to reflect these changes is required by Regulation under the Emergency Management and Civil Protection Act.

Financial Implications

None

Report

The Emergency Management and Civil Protection Act (EMCPA) requires that all municipalities maintain a municipal plan to manage emergency situations, and that

each municipality appoint a Community Emergency Management Coordinator (CEMC), and establish an Emergency Operations Centre. The municipality's emergency program is to be managed and directed by a Community Emergency Management Program Committee (CEMPC).

Ontario Regulation 380/04 amplifies and outlines the requirements of a municipal emergency management program. In 2018, Emergency Management Ontario (EMO) has provided guidance to assist municipalities in complying with their interpretation of the regulations.

The City of Guelph Emergency Operations Control Group (EOCG) has been defined in our emergency plan, and is comprised of 11 roles from the municipality and other key areas. The Ontario Regulation 380/04 is specific in requiring the EOCG to be comprised of municipal employees. This has resulted in a number of changes that need to occur to our existing EOCG – namely the roles of the Medical Officer of Health, and Alectra Utilities are moved to supporting positions. This is required as those officials are not direct municipal employees. By moving both roles to support the EOCG, we retain the expertise and organizational resources they bring within the emergency management structure, and comply with the Ontario Regulation requirements of municipal employees.

Council is being asked to endorse the bylaw as adapted, removing the roles of Medical Officer of Health, Wellington County Social Services, and the Chief Operating Officer of Guelph Hydro from the EOCG. Council is also asked to endorse the addition of the Guelph Wellington Paramedic Service Chief, and the CEMC to the EOCG members.

The City of Guelph CEMPC has traditionally been composed of the Community Emergency Management Coordinator (CEMC) and other non-appointed representatives and stakeholders from the Community. The Ontario Regulation 380/04 requires that the CEMPC consist of the CEMC, a member of senior staff, and any other persons so required, and that the chair be appointed. The recommendation is for the core CEMPC to be kept small to allow for agility when required: the CEMC, the DCAO Public Services, and an Alternate CEMC. The recommendation is that the DCAO Public Services be appointed as the Chair of the CEMPC. Community stakeholders will continue involvement with the CEMPC to at least annually review the Hazard Index and Risk Assessments, and provide input and guidance into the emergency management plans.

Financial Implications

None

Consultations

Guelph Wellington Social Services Wellington Dufferin Guelph Medical Officer of Health

Corporate Administrative Plan

Overarching Goals

Service Excellence

Service Area Operational Work Plans

Our Services - Municipal services that make lives better

Attachments

ATT-1 City of Guelph Emergency Management Plan

Departmental Approval

Report Author

Dave Elloway, Community Emergency Management Coordinator, Deputy Fire Chief

Approved By

John Osborne General Manager, Fire Services Public Services 519-822-1260 ext. 2140

John.Osborne@guelph.ca

Recommended By

Gelo Clack

Colleen Clack Deputy CAO Public Services 519-822-1260 ext. 2588

colleen.clack@guelph.ca



Making a Difference

CITY OF GUELPH

EMERGENCY RESPONSE PLAN

2018

Updated

November, 2018

Glossary of Terms

CAO - Chief Administrative Officer

CEMC - Community Emergency Management Coordinator

CEMPC - Community Emergency Management Program Committee EMCPA - Emergency Management and Civil Protection Act RSO 1990

EMS - Paramedic Services

EOC - Emergency Operations Centre

EOCG - Emergency Operations Control Group

ERP - Emergency Response PlanGFD - Guelph Fire DepartmentGPS - Guelph Police Service

GRCA - Grand River Conservation Authority

GWEMS - Guelph Wellington Emergency Medical Services

HIRA - Hazard Index and Risk Assessment

ICS - Incident Command SystemIMS - Incident Management System

MCSCS - Ministry of Community Safety and Correctional Services

MOH - Medical Officer of Health MP - Member of Parliament

MPP - Member of Provincial Parliament

ODRAP - Ontario Disaster Relief Assistance Program

OFMEM- Office of the Fire Marshal and Emergency Management

(Emergency Management Ontario)

PEOC - Provincial Emergency Operation Centre

PIO - Public Information Officer

POO - Province of Ontario

WSIA - Workplace Safety and Insurance Act

Deputy CAO PS – Deputy CAO Public Services

Deputy CAO CS - Deputy CAO Corporate Services

Deputy CAO ID - Deputy CAO Infrastructure, Development and Enterprise

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CITY OF GUELPH EMERGENCY RESPONSE PLAN

PART 1: INTRODUCTION

Emergencies are defined as situations or the threat of impending situations abnormally affecting the lives and property of our society, which by their nature require a coordinated response by a number of agencies, both governmental and private, under the direction of the appropriate elected officials, as distinct from routine operations carried out by the agencies as normal day-to-day procedures.

Such emergencies could include floods, tornadoes, wind storms, blizzards, ice storms, explosions, aircraft or rail crashes, toxic or flammable gas escapes, building collapses, uncontrollable fires, or any threat of the foregoing in which immediate remedial action will be required by the City of Guelph. The most likely community risks to the City of Guelph are:

- 1) Severe Weather (including Tornadoes and Ice Storms).
- 2) Hazardous Material releases from fixed or mobile sites.
- 3) Human Health Emergencies.

The population of Guelph is approximately 120,000 residents (138,000 when University students are included).

In order to protect residents, businesses and visitors, the City of Guelph requires a coordinated emergency response by a number of agencies under the direction of the Emergency Operations Control Group. These are arrangements and procedures distinct from the normal, day-to-day operations carried out by emergency response agencies.

The City of Guelph Community Emergency Management Program Committee developed this emergency response plan. Every official, municipal department and agency must be prepared to carry out assigned responsibilities in an emergency. The response plan has been prepared to provide key officials, agencies and departments of the City of Guelph important emergency response information related to:

- Arrangements, services and equipment; and
- Roles and responsibilities during an emergency.

In addition, it is important that residents, businesses and interested visitors be aware of its provisions. Copies of the City of Guelph Emergency Response Plan may be viewed at City Hall and the Library Branches. A copy of the plan and other important emergency management information may be viewed and copied at www.guelph.ca.

PART 2: AIM

The aim of this plan is to make provision for the extraordinary arrangements and measures that may have to be taken to protect the health, safety, welfare, environment and economic health of the residents, businesses and visitors of the City of Guelph when faced with an emergency.

It enables a centralized, controlled and coordinated response to emergencies in the City of Guelph, and meets the legislated requirements of the Emergency Management and Civil Protection Act.

Familiarity and Responsibilities

All members of Council, the Executive Team, members of the Emergency Operations Control Group (and alternates), and designated personnel must be familiar with this Emergency response Plan. These persons must be prepared to act, exercising due diligence, in the best interests of the community, carrying out their duties and responsibilities described in this plan.

These responsibilities include:

- 1. Policy and Strategic Direction
- 2. Site Support and Consequence Management
- 3. Information Collection, Evaluation and Distribution
- 4. Coordination of Response Agencies, and Municipal Resources
- 5. Resource Management
- 6. Internal and External Communications

Community Hazard Risk Analysis

The Office of the Fire Marshal and Emergency Management (Emergency Management Ontario), through Ontario Regulation 380/04, requires that each community conduct an assessment of risks faced in the community. The prescribed standard tool for evaluating these risks in the community is known as a HIRA – Hazard Identification and Risk Assessment.

The assessment is done by the Community Emergency Management Program Committee, and is reviewed annually. The risk assessment is based in the practical history of the community. This is done through a community scan to determine what hazards exist in the community. Once identified and measured in a historical perspective, the likelihood of an incident and the consequences of it occurring in the community are evaluated.

It is possible to have a potential incident that is unlikely to occur, with severe consequences. It is also possible to have an incident that is very likely to occur, with minimal consequences.

City of Guelph Emergency Response Plan, November 2018

There are many types of emergencies which the City of Guelph is prepared to deal with. The HIRA for the City of Guelph indicates that the most likely are:

- 1) Severe Weather (including Tornadoes and Ice Storms).
- 2) Hazardous Material releases from fixed or mobile sites.
- 3) Human Health Emergencies.

This Emergency Response Plan forms the framework to respond to the identified risks for the community, and also allows the flexibility to respond to any hazardous situation that may occur from time to time. The Emergency Response Plan can be tailored to match the incident through use of appropriate subject matter expertise. This framework also provides political oversight and accountability through the involvement of the Head of Council.



PART 3: AUTHORITY

The Emergency Management and Civil Protection Act (EMCPA) R.S.O. 1990, c. E-9 is the legal authority for this emergency response plan in Ontario.

The EMCPA states that the:

"The head of council of a municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area."

As enabled by the Emergency Management and Civil Protection Act this emergency response plan and its' elements are:

- Issued under the authority of the City of Guelph By-Law(2015) #19867 and
- Filed with the Office of the Fire Marshal and Emergency Management (Emergency Management Ontario), Ministry of Community Safety and Correctional Services.
- Sets out the procedures for notification of the Emergency Operations Control Group
- Assigns responsibilities to municipal employees and identified persons as required

Definition of an Emergency

The EMCPA defines an emergency as:

"An emergency means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise".

In plain language, an emergency situation affects the safety or health of the public at large, the environment, property, critical infrastructure or economic stability of the community. When an emergency occurs, the initial and prime responsibility for the provision of immediate emergency response rests with the local municipality. Every emergency is a local emergency, and the response is lead locally. The Emergency Response Plan is required to facilitate orderly and effective coordinated responses to emergency situations.

The Emergency Operations Control Group (EOCG) and the municipal Emergency Operations Centre (EOC) are at the disposal of the municipality during an emergency. The EOC is a properly equipped facility that provides space to facilitate municipal

response to extraordinary circumstances. The Emergency Operations Centre (EOC) can be activated for any emergency for the purposes of coordinating any phase of an emergency: monitoring an incident at an early stage, supporting response and recovery efforts at an incident site, and for the purpose of maintaining services to the community.

Action Taken Prior to a Declaration of Emergency

When an emergency exists but has not yet been declared to exist by the Head of Council, City of Guelph employees must take such action(s) under this emergency response plan as may be required to protect property and the health, safety and welfare of the citizens and visitors to the City of Guelph.

The actions taken must be done in good faith, exercising due diligence in their responsibilities, and be consistent with the standard response goals established in this Emergency Response Plan:

- 1. The Safety and Health of All Responders
- 2. Save Lives
- 3. Reduce Suffering
- 4. Protect Public Health
- 5. Protect Critical Infrastructure
- 6. Protect Property
- 7. Protect the Environment
- 8. Reduce Economic and Social Losses

PART 4: EMERGENCY NOTIFICATION PROCEDURES

Upon receipt of a warning of a real or potential emergency, a member of the Emergency Operations Control Group or alternate will immediately contact the City of Guelph Police Duty Supervisor to request that the notification system be activated and the required members of the EOCG or Incident Management System (IMS) team convene at the Primary EOC, the Alternate EOC, or any other place they are required.

Upon receipt of the warning, the Guelph Police Duty Supervisor will notify all members of the Emergency Operations Control Group (EOCG) through the approved contact methods, and provide a synopsis of the emergency situation, and request that the required members convene or remain available to monitor the situation as required.

Upon being notified of the need to convene, it is the responsibility of all EOCG officials to notify their staff and affiliated volunteer organizations who may be required for response or support of the ongoing operations, and recovery efforts.

Where a threat of an impending emergency exists, the EOCG will be notified and placed on standby and requested to enhance their situational awareness through monitoring of the impending emergency situation.

A Declared Community Emergency Exists

The Head of Council is responsible for declaring an emergency. This decision is usually made in consultation with other members of the EOCG.

Upon declaring an emergency, the Head of Council will ensure notification of:

- The Office of the Fire Marshall and Emergency Management (Emergency Management Ontario), Ministry of Community Safety and Correctional Services and the Province of Ontario through the Provincial Emergency Operations Centre
- City Council
- The Public
- Neighbouring community officials as required
- Local Member of the Provincial Parliament (MPP)
- Local Member of Parliament (MP)
- Any affected agency or municipality with whom a mutual aid or mutual assistance agreement exists and had been invoked to provide assistance to the City of Guelph

A community emergency may be terminated at any time by:

• The Head of Council or the Council.

When terminating an emergency, the Head of Council will ensure notification of:

- The Office of the Fire Marshall and Emergency Management (Emergency Management Ontario), Ministry of Community Safety and Correctional Services
- City Council members
- The Public
- Neighbouring community officials as required
- Local Member of the Provincial Parliament (MPP)
- Local Member of Parliament (MP)
- Any affected agency or municipality with whom a mutual aid or mutual assistance agreement had been invoked
- The Province of Ontario and The Office of the Fire Marshall and Emergency Management (Emergency Management Ontario) through the Provincial Emergency Operations Centre

Requests for Assistance from the Province or another Municipality

Assistance may be requested from the Province of Ontario at any time without any loss of control or authority at the local level.

Mutual aid /mutual assistance agreements are in place with neighbouring municipalities, and at the request of the EOC Commander, requests can be made for resources or support from those municipalities as needed (utilizing the agreed upon methodology). This can occur at any time, before, during or after an emergency situation should the resources be needed by the City of Guelph.

A request for assistance from the Province of Ontario, or for resources of the Government of Canada, will be made through The Office of the Fire Marshall and Emergency Management (Emergency Management Ontario) and the Provincial Emergency Operations Centre. This contact will be ongoing, and made through the Liaison Officer at the request of the EOC Commander.

All requests for other municipal, provincial or federal resources have a potential financial impact to the City of Guelph. The primary deciding factor for the request of these resources will be found in the guiding principles of the standard response goals:

- 1. The Safety and Health of All Responders
- 2. Save Lives
- 3. Reduce Suffering
- 4. Protect Public Health
- 5. Protect Critical Infrastructure
- 6. Protect Property
- 7. Protect the Environment
- 8. Reduce Economic and Social Losses

PART 5: EMERGENCY OPERATIONS CONTROL GROUP

Background

In 2012 and prior, the Emergency Operations Control Group followed the "Arnprior Model" of emergency management. As an entire group, they reviewed the circumstances associated to an emergency situation, provided advice on the declaration of emergency to the head of council, and engaged in consensus based decisions to provide support to the site of the emergency. This model worked well to stimulate discussion, evaluate options, and make consensus based decisions. Among the responsibilities of the control group in this model, was to ensure continued municipal services to the area of the community unaffected by the emergency.

In January 2009, Emergency Management Ontario first published the Incident Management System doctrine for Ontario in the IMS for Ontario (2009). The vision of this doctrine was that Ontario have a standardized Incident Management System that would provide functional interoperability at all levels of government. The goal of the Incident Management System is to provide an efficient, flexible, and consistent process and structure that can be scaled up or down in size as needed to manage incidents. This IMS doctrine should be used by all levels of government, emergency response organizations, communities, ministries, non-government organizations (NGOs), and the private sector.

Within Ontario, the emergency management environment is comprised of a diverse mix of emergency management organizations, many of which have implemented or are implementing an incident management system (IMS), invariably based on the Incident Command System (ICS) that was developed within the fire service. Using ICS, they function exceptionally well carrying out their own mandate.

No individual service or organization has the ability to conduct all aspects of incident management. Therefore, the need to coordinate response efforts when working jointly is generally recognized. Nevertheless, there has been a variance of approaches within Ontario, a lack of standardized tools to manage incidents, and hence no single province-wide system to ensure effective coordination.

This doctrine does not involve regulated implementation, nor does it compel an organization to change its response system. Yet, lessons from past incidents continue to indicate the ever-pressing need for all organizations to be integrated into a standardized incident management system (IMS). IMS is recommended for managing all incidents. Wide-scale stakeholder implementation of the IMS in Ontario is the desired outcome.

To achieve a standardized IMS that cuts across organizational boundaries may necessarily involve cultural shifts, over time, among some incident management practitioners. This IMS doctrine builds on the strength of current systems by retaining the ICS component and structure. There is wide buy-in for this approach, and coupled with training, province-wide implementation is envisaged over time.

Source: IMS for Ontario, 2009

Current Status

The members of the EOCG no longer operate utilizing the "Arnprior model", but now will have assigned tasks and responsibilities dependent on their roles and expertise. The EOCG retains its responsibility for all aspects of Emergency Management in Guelph as assigned to it in legislation and regulation. The EOCG members will be assigned to roles and responsibilities suited to their unique background and expertise while dealing with emergency circumstances.

All members of the EOCG play their part, contributing to the successful prevention, preparation, mitigation, response and recovery phases of dealing with an emergency or incident. EOCG members will be deployed into the IMS model, utilizing their knowledge skills and abilities to populate it.

Leadership and guidance is provided through the EOC Commander. This is normally the CAO, but may be delegated to a subject matter expert (SME) from the Executive Group or other management level.

The EOCG members now fill the responsibilities of populating the 5 functional sections: Command, Operations, Planning, Logistics, and Administration and Finance as required. The flexibility in the IMS deployment model allows for as many sections or as few sections to be deployed as are needed to support operations. The following page has an example of how EOCG members may be deployed as a Control Group in response to an emergency situation.

In the sections following, the responsibilities of all members of the EOCG are laid out. Each member of the EOCG retains operational input over their individual agencies, in addition to their overall EOCG responsibilities to operate as a control group in support of emergencies within the City or when required to support mutual assistance agreements with other municipalities.

EOC STAFFING MODEL (deployed as needed, in coordinated stages)

HEAD OF COUNCIL Mayor

EXECUTIVE GROUP/EOCG

Mayor Chief of Police CAO Fire Chief

Deputy CAO PS Paramedic Chief

Deputy CAO CS **CEMC**

Deputy CAO IDE

EOC COMMANDER CAO*and/or designate **Deputy Commander** CEMC* or alternate

General Manager of Corporate Issues Management/ PIO

Communications and Customer Service, or

alternate

Legal representative / Health and Safety Risk Management / Safety

manager or coordinator

Assigned Duty Officer of the day **Liaison Officer**

OPERATIONS CHIEF

(situational) Operations:

Police Chief or alternate * Fire Chief or alternate *

Paramedic Chief or alternate*

Transit GM or alternate

Administrator of Wellington Social Services or

alternate

Medical Officer or Health or alternate

General Manager of Environmental Services,

or alternate

General Manager of Engineering and Capital

Infrastructure, or alternate

SME's as required

PLANNING CHIEF (situational)

Planning: Police support members

Fire support members

Paramedic support members

Transit GM or alternate

Waste Water Services support

Water Services support Human resources support

SME's as required

LOGISTICS CHIEF Manager of Procurement or alternate

City of Guelph Emergency Response Plan, November 2018

Logistics: CS staff

SME's as required

FIN/ADMIN CHIEF Finance Subject Matter Expert (SME)as

designated

SME's as required

*indicates an EOCG member in a deployed role



Emergency Operations Control Group Members

The emergency response will be directed and controlled by the Emergency Operations Control Group (EOCG) – a group of officials who are responsible for coordinating the provision of the essential services necessary to minimize the effects of an emergency on the community. The EOCG consists of the following officials:

- Mayor
- Chief Administrative Officer
- Deputy CAO Public Services
- Deputy CAO Corporate Service
- Deputy CAO Infrastructure, Development and Enterprise
- Chief of Police
- Fire Chief
- Paramedic Chief
- ❖ CEMC
- ❖ Additional personnel called or added to the EOCG **may** include:
 - The Office of the Fire Marshall and Emergency Management (Emergency Management Ontario) Representative
 - Grand River Conservation Authority Representative
 - Liaison staff from provincial ministries
 - Operations Personnel from Alectra Utilities
 - Medical Officer of Health
 - Wellington Social Services
 - Red Cross Representative
 - School Board Officials
 - Hospital Officials
 - Any other officials, experts or representatives from the public or private sector as deemed necessary by the EOCG

The Emergency Operations Control Group will normally utilize the Incident Management System, with members filling or delegating the roles of:

- Command
- Operations
- Planning
- Logistics
- Administration and Finance

The EOCG may function with a limited number of persons filling only the roles that are required, depending upon the nature of the emergency. While the EOCG may not require the presence of all the people listed as members, all members must be notified of the activation of the EOCG, so that they may monitor the developing situation and responses.

Emergency Operations Centre

Upon notification required members of the EOCG will report to the primary Emergency Operations Centre (EOC) unless notified of a change of venue to the alternate EOC. In the event the alternate EOC cannot be used, the EOCG will be advised to attend another appropriate location.

Operating Cycle

Members of the EOCG will gather at regular intervals to inform each other of actions taken and problems encountered. The CAO will normally fill the role of EOC Commander. In some instances, the CAO will facilitate this role by delegating to an Executive Group member (or other level of management) who is a subject matter expert. The EOC Commander will establish the frequency of meetings of the IMS Section Chiefs. Meetings will normally consist of situational awareness updates for current operations, and planning for ongoing and future operations. The Chiefs of the Operations, Planning, Logistics and Finance sections will normally attend these operating cycle meetings.

Emergency Operations Control Group Responsibilities

The members of the Emergency Operations Control Group (EOCG) are likely to be responsible for the following overarching actions or decisions:

- 1. Providing Policy and Strategic Direction
- 2. Site Support and Consequence Management
- 3. Information Collection, Evaluation, and Distribution
- 4. Coordination of Agencies and/or Departments
- 5. Resource Management
- 6. Internal and External Communications

Additionally, through the IMS system as appropriate, Emergency Operations Control Group members are responsible for the following:

- Providing support as required to Site Incident Command
- Confirming the Site Incident Commander (Operations Chief)
- Utilizing the Incident Management System appropriately
- Ensuring that systems and services are maintained in the City areas not affected by the ongoing emergency operations

- Provide support to secure the emergency /incident site to establish crowd control, facilitate emergency operations access / egress, and prevent injuries / casualties
- Ensure the earliest possible response and overall control of emergency operations
- Supporting immediate actions to eliminate sources of potential danger within the affected area
- Ensuring coordinated acquisition and distribution of emergency resources, supplies and equipment
- Establishing an Emergency Operations Centre and any other necessary emergency operations control facilities, reception / evacuation centres, etc.
- Arranging Pre-Hospital Care and transport of casualties to hospitals and / or designated sites outside the designated site area
- Providing timely, factual, and official information to the emergency operations officials, media, public, and individuals information
- Evacuating any building that poses a threat to public safety
- Providing for a total or partial controlled evacuation of the City, as required
- Providing emergency food, lodging, clothing, and essential social services and assistance to persons affected by the incident and to emergency services personnel involved in the incident responses as required
- Arranging for assistance from private, voluntary, non-profit and government and non-governmental organizations and agencies as appropriate
- Commencement of coordinated recovery activities
- Authorization of expenditures
- Restoration of essential services.
- ❖ Ensuring all employed persons (and volunteers as deemed appropriate as per section 71 of the WSIA) shall be covered for the duration of the declared emergency under the Workplace Safety and Insurance Act, so long as it is declared by the head of council. (In the event of the foregoing, the City of Guelph shall require registration of the volunteer(s) to record that they are, in fact, volunteering on behalf of the City of Guelph, during the declared emergency).
- Ensuring that contingency planning activities take place in response to community risks identified through the Hazard Index and Risk Assessment tools.
- Acting as a member of the Executive Group or other role in the IMS structure at the EOC.

Deployment model

In this deployment of the EOC, consistent with the established international practices of the Incident Management System, only the sections of the EOC required will be activated. Primarily, this will be the Command and Operations sections. The initial decision on the activation level is made by the EOCG member or alternate authorizing the EOC deployment.

Planning, Logistics, Finance, PIO, Risk Management / Safety, and Liaison will only be activated as needed when the assigned tasks are not able to be contained within the EOC Command or Operations sections.

Stage 1 response = Head of Council, EOC Command and Operations Section Stage 2 response = Head of Council, EOC Command, Operations Section and all other required sections staffed Stage 3 response = Full EOCG turnout, all sections PLUS executive group

Notification of an emergency will be made to all members or alternates to advise them of the incident and the level of EOCG activation.

Stage 1 Response

Less serious/routine emergencies will be a stage 1 response. The stage 1 response will encompass emergencies commencing on the lower end of the spectrum, and may be borderline as to whether or not they can be handled by the first response and normal city resources, through to more complicated but low impact or short duration emergencies. Each emergency, during the normal operating cycle meetings, will be consistently re-evaluated to determine if the continuing response category is valid, or if the response should be up-scaled to engage more IMS sections, and/or the Executive Group. All activations of the EOC will commence at a stage 1 response, and will be reviewed as part of the first operating cycle meeting, scaling the response to a stage 2 or 3 as required. See the stage 1 diagram contained at Annex D.

Stage 2 & 3 Response

Emergencies that are complicated or have extremely high impact on the community will require a stage 2 or stage 3 response from the outset. These will include emergency situations that immediately require resources that exceed normal City capacities or involve outside agencies.

A Stage 2 response will exceed the Stage 1 response by engaging the required IMS sections as needed. In most instances, the planning section will be the first section engaged beyond a stage 1 response, but all areas may be engaged as required. The EOC Commander may at any time delegate an appropriate subject matter expert from

the Executive Group to assist with the ongoing guidance and leadership for the control group. See the Stage 2 & 3 diagram contained at Annex D.

In a complicated emergency, where the overall impact on the community is severe, extraordinary measures are required, or where coordination with outside agencies (example: PEOC, Transportation Safety Board, Canadian Nuclear Safety Commission) are engaged, an immediate Stage 3 response, with the Executive Group in attendance is appropriate.

The EOC Commander may escalate or de-escalate the EOC staffing as required, and may at any time assemble the Executive Group for briefing or advice.

Response Goals

The following are established goals of this Emergency Management Program:

- 1. The Health and Safety of All Responders
- 2. Save Lives
- 3. Reduce Suffering
- 4. Protect the public health
- 5. Protect critical infrastructure
- 6. Protect property
- 7. Protect the environment
- 8. Reduce the economic and social losses in the community

Reporting Relationships

The following reporting relationships and area responsibilities have been established in this plan.

EOC Commander



The EOC Commander is responsible for the overall functioning of the EOC, ensuring that adequate and knowledgeable members are given the responsibility of section chiefs: Operations, Planning, Logistics, Administration and Finance.

The EOC Commander briefs members of the Executive Group, and consults with them for guidance as required. The EOC Commander confirms the appointments of section chiefs, and approves Incident Action Plans

The EOC Commander establishes operating cycles, and approves all current Incident Action Plans. The EOC Commander maintains situational awareness, and directs all efforts in a manner consistent with the Response Goals.

The EOC Commander appoints members to act as the Deputy Commander, Risk / Safety Officer, the Liaison Officer, and the Public Information Officer.

The EOC Commander is responsible for the effectiveness of the overall operations of the Emergency Operations Centre.

Deputy Commander

The role of deputy commander of the EOC will normally be filled by the CEMC or alternate who will act in an advisory capacity to the EOC Commander and the EOCG. May be required to assume the duties of the EOC Commander in their absence. Ensures efficient internal information / communication processes. Facilitates resolution of internal staffing / personnel challenges.

Command Staff

Risk / Safety Officer

The Risk/Safety Officer (if activated) is a member of the EOC Commander's staff, and reports to the EOC Commander. If this position is not activated, the EOC Commander assumes these responsibilities. The Risk/Safety Officer monitors and assesses current operations to be an advocate for worker safety. The Risk/Safety Officer also provides the EOC Commander with recommendations about risks and liabilities to the City of Guelph. The Risk/Safety Officer in the EOC maintains contact with the Risk/Safety Officer at the site (if activated).

Liaison Officer

The Liaison Officer (if activated) is a member of the EOC Commander's staff, and reports to the EOC Commander. If this position is not activated, the EOC Commander assumes these responsibilities. The Liaison Officer is responsible for establishing and maintaining communication with the Provincial Emergency Operations Centre and any other EOC's of other municipalities as required. The Liaison Officer seeks out and invites to the EOC any other agencies or subject matter experts required by the EOC.

Public Information Officer (Issues Management)

The Public Information Officer (PIO) (if activated) is a member of the EOC Commander's staff, and reports to the EOC Commander. If this position is not activated, the EOC Commander assumes these responsibilities. The PIO is the primary conduit of information to the general public from the EOC. The PIO establishes and maintains information flow to the media and public, ensures that information releases are provided promptly, and establishes a media centre as required. The PIO also monitors news media and other sources to ensure correct information is being conveyed through media and other means. The PIO will also provide background materials for media if required.

Operations Section Chief



Reports to the EOC Commander and is responsible for briefing the EOC Commander and section chiefs to maintain situational awareness of ongoing efforts to mitigate and respond to the emergency. The Operations Chief is confirmed by the EOC Commander.

The Operations Section Chief maintains direct contact with the Site Commander and coordinates the support response to assist the site. The Operations Section will liaise closely with the Planning Section (when activated) to assist in planning for future operational periods and Incident Action Plans for future use. The Operations Section Chief has a close working relationship with the Planning Section Chief, and ensures that the Planning Section maintains situational awareness of the current operational status.

Operations Section Members

Members of the Operations Section report to the Operations Section Chief, and they are responsible for the execution of the current Incident Action Plan.

Planning Section Chief



Reports to the EOC Commander and is responsible for briefing the EOC Commander and section chiefs as required at operating cycle meetings. The Planning Section Chief

is confirmed by the EOC Commander. The Planning Section Chief has a close working relationship with the Operations Section Chief to allow for the identification of future needs, and develops options for future operational periods in consultation with the members of the planning section.

Planning Section Members

The Planning section members report to the Planning Section Chief, and produce Incident Action Plans (IAP) for future operational periods. Planning Section members monitor the current situational status; develop Incident Action Plans for future operational periods that include options for those future operational periods.

Logistics Section Chief



Reports to the EOC Commander and is responsible for briefing the EOC Commander and section chiefs as required at operating cycle meetings. The Logistic Section Chief is confirmed by the EOC Commander. The Logistics Sections Chief coordinates all requests for resources.

Logistics Section Members

The Logistics Section members report to the Logistics Section Chief, and are responsible for logistic functions for current and future operational periods.

Finance and Administration Section Chief



Reports to the EOC Commander and is responsible for briefing the EOC Commander and section chiefs as required at operating cycle meetings. The Finance and Administrative section will maintain financial records of employee time and materials used to support the site operations.

Finance and Administration Section Members

The Finance and Administration Section members report to the Finance and Administration Section Chief, and are responsible for all financial and administrative duties as assigned for previous, current and future operational periods.

Executive Group Members



All members of the Emergency Operations Control Group are members of the Executive Group. The Executive Group makeup is determined by the response required to the emergency. Normally, Emergency Operations Control Group members not deployed into the IMS system in Command, Operations, Planning, Logistics or Finance and Administration will have duties in the Executive Group. Members of the Executive Group can be named as the EOC Commander or other functional positions. Members of the Executive Group are available to provide policy advice and guidance to the EOC Commander when extraordinary measures are taken by the EOCG.

Annex A to the Emergency Response Plan

Incident Management System (IMS)

The Incident Management System (IMS) is a standardized approach to emergency management that utilizes a common organizational structure to encompass personnel, facilities, equipment, procedures, and communications. IMS recognizes that every emergency has similar management functions that must be carried out. These management functions must occur regardless of the size of the emergency, the number of personnel affected, or the resources available. IMS is the methodology utilized to manage the emergency response. IMS is utilized as a best practice in many areas of the world, and is based in recognized standards in North America. IMS is flexible in its approach, able to scale up or down in the size and scope of support offered to the emergency site according to the needs of the site. IMS has been recommended for use by Emergency Management Ontario, and ensures that municipalities and regions are utilizing the same approach to dealing with emergency situations, and utilizing common terminology during the management of emergencies.

IMS essentially consists of 5 functions:

- 1. Command
- 2. Operations
- 3. Planning
- 4. Logistics
- 5. Finance and Administration

In a widespread or sweeping emergency that affects the entire community, all response efforts may be directed from the Emergency Operations Center (EOC), and these responses would include both tactical and strategic responses. In this instance, the EOC Commander may also fill the role as the Incident Commander.

Annex B is a chart showing the overall structure of Guelph's IMS response. The nature of IMS allows for the activation of only the portions of the structure that are required. All emergency response/support will have an EOC Commander and Operations section.

Deployment model

In this deployment of the EOCG, consistent with the established international practices of the Incident Management System, only the sections of the EOCG that are required will be activated. Primarily, this will be the Commander and Operations sections. Planning, Logistics, Finance, PIO, Safety, and Liaison will only be activated as needed when the assigned tasks are not able to be contained within the EOC Commander or Operations sections.

Stage 1 response = Mayor, EOC Commander, and Operations Section Stage 2 response = Mayor, EOC Commander, Operations Section and all other required sections staffed Stage 3 response = Full EOCG turnout, all sections PLUS executive group

Notification of an emergency will normally be made to all EOCG members or alternates to advise them of the incident and the level of EOCG activation.

Stage 1 Response

Less serious/routine emergencies will be a stage 1 response. The stage 1 response will encompass emergencies commencing on the lower end of the spectrum, and may be borderline as to whether or not they can be handled by the first response and normal city resources, through to more complicated but low impact or short duration emergencies. Each emergency, during the normal operating cycle meetings, will be consistently re-evaluated to determine if the continuing responses category is valid, or if the response should be up-scaled to engage more IMS sections, and/or the Executive Group. All activations of the Control Group will commence at a stage 1 response, and will be reviewed as part of the first operating cycle meeting, scaling the response to a stage 2 or 3 as required.

Stage 2 & 3 Response

Emergencies that are complicated or have extremely high impact on the community will require a stage 2 or stage 3 response from the outset. These will include emergency situations that immediately require resources that exceed normal City capacities or involve outside agencies.

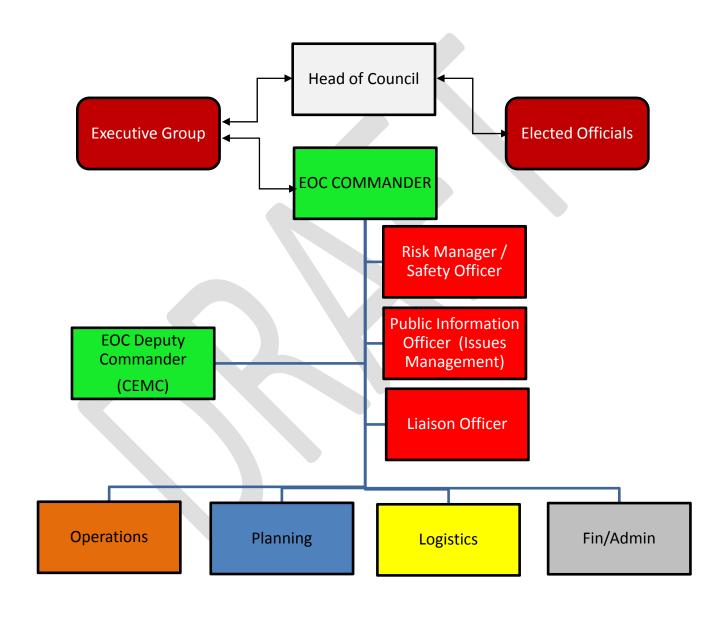
A Stage 2 response will exceed the Stage 1 response by engaging the required IMS sections as needed. In most instances, the planning section will be the first section engaged beyond a stage 1 response, but all areas may be engaged as required. The EOC Commander may at any time delegate an appropriate subject matter expert from the Executive Group to assist with the ongoing guidance and leadership for the control group.

In a complicated emergency, where the overall impact on the community is severe, extraordinary measures are required, or where coordination with outside agencies (example: PEOC, Transportation Safety Board, Canadian Nuclear Safety Commission) are engaged, an immediate Stage 3 response, with the Executive Group in attendance is appropriate.

The EOC Commander may escalate or de-escalate the EOC staffing as required, and may at any time assemble the Executive Group for briefing or advice.

Appendix B to the Emergency Response Plan

Reporting Relationships in the Incident Management System structure



Annex C to the Emergency Response Plan

Operations/Operating cycle

During an activation of the Emergency Operations Centre, operations will be conducted in an operating cycle. The tempo of operations and the frequency of the operating cycle will be determined by the EOC Commander or alternate.

In general, the tempo of operations established will require the EOC Commander and the Section Chief's to schedule regular briefing/update meetings to maintain situational awareness across the areas of responsibility, and review priorities and support levels being provided by the EOC to the Site.

In a community wide emergency, when the EOC may take the overall lead during the emergency, these operating cycle meetings will determine both strategic and tactical priorities as the incident progresses.

The operating cycle has the following main areas that are to be addressed:

- 1. Planning the time required to assess the situation and develop the incident action plan for the next operational period.
- 2. Action the time necessary to implement the plan, evaluate the results and support the emergency response activities.
- 3. Reporting the Operations Cycle meeting where the Section Chief's and EOC Commander report on and review the current status of the emergency, assess the results and validity of the current operational plan including any new strategies required, and the confirmation of existing priorities, and identification of any emerging priorities.

At the conclusion of the operating cycle meeting that has reviewed the current status, and the incident action plan for the following operational period, the planning section will begin to plan for future support of the operations section.

Appendix D to the Emergency Plan

EOC Activation Levels 1-3

LEVEL 1 ACTIVATION:

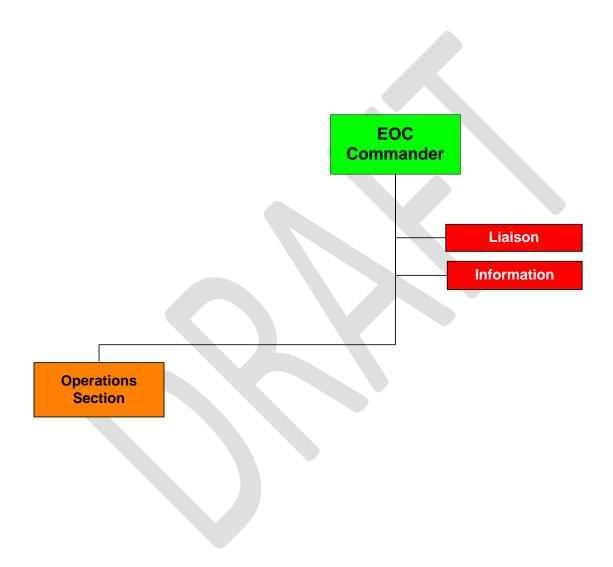


Figure 1: Level 1 Activation of the EOC. Conducting routine operations and monitoring.

LEVEL 2 ACTIVATION:

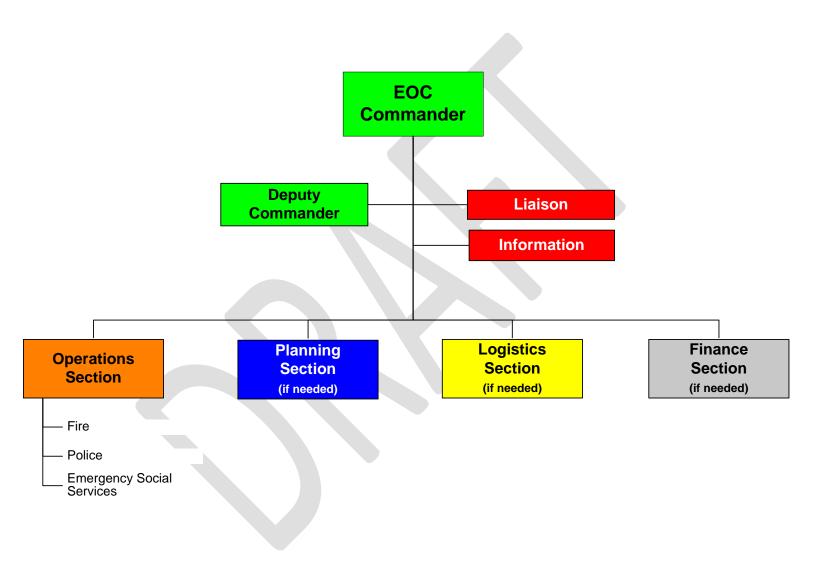


Figure 2: Level 2 Activation of the EOC. Enhanced operations and monitoring.

LEVEL 3 ACTIVATION

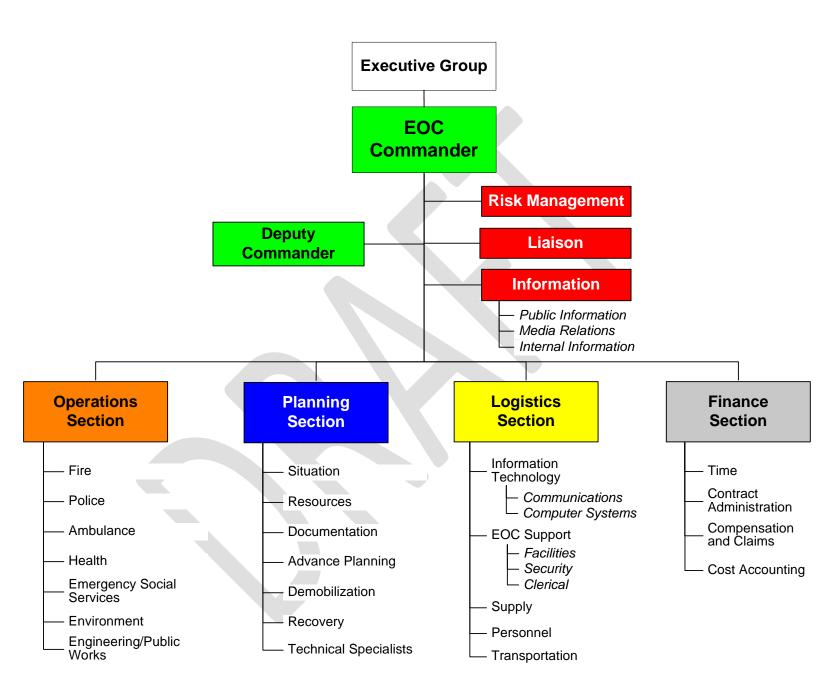


Figure 3: Level 3 Activation of the EOC: Full activation of all areas when sustained ongoing operations are likely to occur.

Staff Report



To City Council

Service Area Public Services

Date Monday, December 17, 2018

Subject Speedvale Underpass Trail

Report Number PS-2018-37

Recommendations

1. That Council approve the conceptual multi-use trail alignment along the west side of the Speed River under Speedvale Avenue East Bridge, as set out in Report # PS-2018-37 dated December 17, 2018;

- 2. That Council direct staff to complete an environmental assessment, detailed design and construction of the multi-use trail along the west side of the Speed River under Speedvale Avenue East, in accordance with the plan recommended in Report # PS-2018-37 dated December 17, 2018;
- 3. That Council approve implementation of the interim solution, to improve accessibility and on-road connectivity along Speedvale Avenue East, as set out in Report # PS-2018-37 dated December 17, 2018;
- 4. That Council direct staff to identify costs for the detailed design and construction of the interim solution, as set out in Report # PS-2018-37 dated December 17, 2018 within the 2020 capital budget forecast.

Executive Summary

Purpose of Report

This report provides a response to Council direction dated November 27, 2017 to report back on alternative trail design options, compliant with the City's Official Plan, Zoning Bylaw, and provincial legislation, under Speedvale Avenue East along the west side of the Speed River.

Key Findings

Staff is recommending a conceptual multi-use trail alignment that can be implemented in compliance with the City's Official Plan, Zoning Bylaw and 'Accessibility for Ontarians with Disabilities Act', 2005 (AODA).

The multi-use trail alignment consists of three main segments (ATT-1):

- Trail segment south of Speedvale Avenue East
- Underpass: Trail segment under the Speedvale Avenue East Bridge
- Trail segment north of Speedvale Avenue East to Riverside Park

An allowance for the underpass section is proposed to be constructed as part of the Speedvale Avenue East Bridge reconstruction project scheduled to be completed in 2022.

Trail segments north and south of Speedvale Avenue East will be designed and constructed in conjunction with the replacement of the existing retaining wall located north of Speedvale Avenue East on the west side of the Speed River. An environmental assessment (EA) process will be required to determine the final form of the retaining wall and the design of the northern trail section.

The proposed interim solution involves realigning the existing trail on the north side of Speedvale Avenue East on the east side of the Speed River so it can align with a relocated signalized pedestrian crossing (ATT-2). The pedestrian activated signalized crossing and improvement of the existing trail section on the south side of the road will improve overall trail connectivity and accessibility. Implementation of the interim solution will coincide with the completion of the Speedvale Avenue East bridge reconstruction project.

Financial implications

Capital funding:

The capital cost to implement the south and north trail sections and replacement of the existing retaining wall including the EA process, project management, consulting services, detailed design and construction have been estimated at approximately \$5.39 million (ATT-3). The 2019 Capital Budget and forecast identifies \$250,000 in 2021 and \$2.1 million in 2022 towards the costs to implement the proposed multi-use trail. Council's decision would be taken into consideration during preparation of the 2020 Capital Budget and forecast. The approximate capital costs to implement the interim solution have been estimated at \$683,000 (ATT-4).

Operating funding:

There are no operating cost implications for the interim solution. Operating costs to maintain the new sections of the multi-use trail will be presented for Council approval through the capital budget, as operating impacts from capital, in future to align with the construction of the proposed trail.

Report

Background

Council received a request from members of the Guelph Coalition of Active Transportation (GCAT) and Guelph Hiking Trail Club (GHTC) in early 2015. The request sought a shorter and safer alternative to the current on-road Trans Canada

Trail (TCT) route, and proposed an expansion of the existing TCT up to Riverside Park along the west side of the Speed River including an underpass platform under the Speedvale Avenue East Bridge.

In July 2015, staff presented Report # PS-15-34, entitled "Speedvale Avenue Bridge Underpass". In accordance with staff recommendations, Council directed staff to proceed with a preliminary design and an Environmental Impact Study (EIS) for the proposed expansion of the existing TCT up to Riverside Park along the west side of the Speed River including an underpass at Speedvale Avenue East Bridge. Council also directed staff to complete the detailed design of the trail including the underpass in conjunction with the ongoing Speedvale Avenue East Bridge reconstruction project.

In November 2017, staff presented Report # PS-17-24 entitled "Speedvale Avenue Bridge Underpass" to Council. This report recommended that Council not proceed with the design and construction of an active transportation route along the west side of the river under Speedvale Avenue East due to non-compliance with the City's Official Plan policies and Zoning Bylaw. As a result of that report, Council requested additional information and directed staff to report back to Council in 2018 with alternative trail design options which, when implemented, would be compliant with the Official Plan, Zoning Bylaw, and provincial legislation on the west side of the river. Council also directed staff to consider future capital budget requirements for a possible alternative trail under Speedvale Avenue East as part of the 2019 capital budget process (ATT-5).

Explored Trail Options

In accordance with Council's direction, staff consulted internally with relevant City service areas, and externally with the Grand River Conservation Authority (GRCA). The City retained a consultant to investigate alternative trail design options under Speedvale Avenue East on the west side of the Speed River that comply with the City's Official Plan, Zoning Bylaw, and provincial legislation.

Staff focused on achieving new connections to the proposed underpass on the south and north sides of Speedvale Avenue East Bridge along the west side of Speed River and also included addressing accessibility issues on the existing TCT route south of the bridge.

The consultant explored ten possible connections for the trail segment south of Speedvale Avenue East and six possible connections for the trail segment north of the Speedvale Avenue East. These 16 options are available for review at the link below.

Speedvale Underpass Draft Options

After a thorough evaluation of these options by staff, the trail alignment option ten on the south side and option six on the north side were determined to be the only options that have the potential to fully meet the criteria outlined by Council.

Recommended multi-use trail alignment

Staff is recommending that Council approve a conceptual multi-use trail alignment (ATT-1) that can be implemented in compliance with the City's Natural Heritage and Floodplain Policies, Zoning Bylaw and provincial legislation.

The multi-use trail alignment on the west side of the Speed River including an underpass has three segments:

- Trail segment south of Speedvale Avenue East
- Underpass: Trail segment under the Speedvale Avenue East Bridge
- Trail segment north of Speedvale Avenue East to Riverside Park

Trail segment south of Speedvale Avenue East

This proposed trail segment, approximately 140 metres in length, is anticipated to be 2.5 metres wide with asphalt surfacing, a maximum five per cent running slope, with retaining walls running along both sides of the proposed trail. The proposed trail segment will be compliant with the Accessibility for Ontarians with Disabilities Act (AODA) and, where possible, the design would also meet the criteria identified in the City of Guelph Facility Accessibility Design Manual (FADM) where those criteria exceed AODA requirements. Retaining walls with guards are required to minimize the impact to the Natural Heritage System. Some of the impact mitigation measures would include restoration of the significant woodland, wetland buffer and river shoreline. The trail development would require authorization from the Minister of Natural Resources and Forestry to remove and compensate for the removal of butternut trees, pursuant to the Endangered Species Act, 2007.

The City is currently party to a license agreement with a private property owner, which permits the City to construct and maintain a small section of the existing TCT trail, south of Speedvale Avenue East on private property. The new trail alignment may require a re-grading and/or reconfiguration of the trail located on private property. The private property owner has been advised of this potential change, and has been supportive of the proposed project to date. As the detailed design of the new trail proceeds, the City will be further engaging the private property owner with respect to any required amendments to the existing license agreement.

Underpass: Trail segment under the Speedvale Avenue Bridge

An allowance for the underpass section is proposed to be constructed as part of the Speedvale Avenue East Bridge reconstruction project which is currently in the detailed design phase. The underpass will be located directly under the Speedvale Avenue East Bridge across its width on the west side of the river and proposed to be approximately 20 metres long, 2.4 metres wide with 2.5 metres clearance height.

Hydraulic analysis has confirmed that the trail alignment at the underpass is within the regulatory floodplain and may be subjected to periods where it will be under water. Measures for public safety (e. g. warning signage, temporary barrier gates, etc.) during flood events would be required and implemented at the time of construction.

Trail segment north of Speedvale Avenue East to Riverside Park

This trail segment is approximately 340 linear metres long. A recreation trail installed at grade, a flood control facility and retaining walls are all permitted uses within the Floodway Zone. The sole functional trail location for this section of trail would significantly damage the existing retaining wall during installation, and would effectively require a premature replacement of the existing retaining wall if undertaken immediately. Staff are recommending to Council that a new trail be integrated into this process. The existing flood control/retaining wall will be redesigned and replaced at the end of the wall lifecycle. This will ensure the construction of the trail section is an integral part of the retaining wall structure and that the entirety of the proposed solution will meet any policy or legislative requirements in place at the time of construction. This will ensure that there will be no negative impact to slope stability, which was identified as a concern in this location. The trail design can be achieved to meet AODA and FADM requirements, including a four percent (4%) running slope.

An Engineering Report provides a recent assessment of the structural condition of the existing retaining wall north of Speedvale Avenue and provides recommendations about repairs and regular maintenance of the wall. The required repairs will be scheduled in future years based on asset management priorities and available funding.

Implementation of the multi-use trail alignment:

Environmental Assessment (EA) process

Replacement of the existing retaining wall would require a Class EA under Part II.1 of the *Environmental Assessment Act*, RSO 1990, c E.18 (EAA). The project meets the criteria of a Schedule "B" Project in accordance with the "Municipal Class Environmental Assessment" document (Municipal Engineers Association, October 2000, as amended in 2007, 2011 and 2015), which is an approved process under the EAA. The Class EA process includes consultation with stakeholders, an evaluation of alternatives, an assessment of potential environmental impacts of the proposed improvements, and identification of reasonable measures to mitigate any potential adverse impacts.

Accessibility

At a minimum, the multi-use trail will be designed to meet AODA requirements, and wherever possible, will meet City's FADM criteria where they exceed AODA requirements. The north segment and the underpass of the trail alignment will be designed to meet AODA and FADM standards and guidelines.

Public Safety

The proposed underpass may be subject to seasonal flooding. The City will need to develop a protocol for monitoring the water levels. When water levels reach a point that it becomes a hazard to the public, a process will need to be developed to take

action as and when appropriate to protect users. Full details on monitoring, the action plan requirements, and appropriate measures for temporary closure would be identified through the detailed design process.

Interim Solution

The proposed interim solution that is recommended for Council consideration (ATT-2) will be implemented upon completion of the Speedvale Avenue East Bridge reconstruction project in 2022.

The interim solution improves the existing on-road crossing by relocating an existing traffic signal and pedestrian signalized crossing closer to the existing section north of Speedvale Avenue East of the TCT on the east side of the river. A distance of 55 metres is the maximum allowable between the stop bar in front of the existing fire station and the proposed relocated pedestrian signalized crossing.

The interim solution involves realigning the existing trail in east Riverside Park to the relocated pedestrian signalized crossing. It improves trail accessibility on the existing TCT section south of the Speedvale Avenue to make it AODA compliant by reducing the existing eighteen per cent (18%) running slope to five per cent (5%) running slope.

Conclusion

Staff recommend a conceptual multi-use trail alignment, included as ATT-1, which includes north and south trail segments and an underpass segment to be installed as part of the existing retaining wall reconstruction. The new trail will comply with the Official Plan, Zoning Bylaw and the AODA, pending full completion of detailed design. An EA process would be required to consider design options for construction of the trail and reconstruction of the existing retaining wall on the north side of Speedvale Avenue East at the end of the wall lifecycle.

The Speedvale Avenue East Bridge design includes platforms under the bridge on the east and west sides of the river which would be built as part of the bridge reconstruction.

Staff recommend the interim solution, included as ATT-2, to be implemented upon completion of the Speedvale Avenue East Bridge reconstruction project.

Financial implications

Capital funding

Capital funding is required for implementation of the multi-use trail alignment including the EA process, project management, detailed design, consulting costs, community consultation, tendering, construction, etc. The capital project (PK0099) was approved with \$50,000 in 2017. There is approximately \$30,000 remaining for design costs.

The 2019 Capital Budget and forecast identifies \$250,000 in 2021 and \$2.1 million in 2022 towards the estimated costs to implement the proposed multi-use trail. Council's decision would be taken into consideration during preparation of the 2020 Capital Budget and forecast. The ongoing Development Charges background study does contain this project; any revised costing or other impacts from Council's decision will be integrated into the next background study.

Estimated costs

The capital costs to implement the north and south sections of the multi-use trail including project management, consulting services, detailed design and construction are approximately \$5.39 million (ATT-3).

A more refined cost estimate will be developed after the Environmental Assessment process is complete and the final form of the replacement wall with integrated trail are confirmed and the project proceeds to detail design.

The capital costs to implement the interim solution are approximately \$683,000 (ATT-4).

Estimated costs the interim solution will be further refined as part of the design development process.

This significant cost, detrimental impacts to existing infrastructure that still has useful life and significant concerns with the site constraints north of Speedvale Avenue are the primary drivers for the staff recommendation of the interim solution. These are the primary reasons for not proceeding with the installation of the trail on the west side of the Speed River until the lifecycle replacement of the floodwall.

Operating funding

Operating costs to maintain the new sections of the multi-use trail route will be presented for Council approval through the capital budget, as operating impacts from capital, in future to align with the construction of the proposed trail.

Consultations

Open Space Planning staff have led project specific consultations with the Grand River Conservation Authority (GRCA), the Accessibility Advisory Committee (AAC), and the River Systems Advisory Committee (RSAC).

Accessibility Advisory Committee (AAC)

Council's Accessibility Advisory Committee supports the conceptual multi-use trail alignment. City staff and the consultant presented trail alignment options for the south and north side sections to the AAC on August 21, 2018. The City is required to consult with the AAC under the AODA. AAC meeting minutes of the August 21, 2018 meeting can be viewed at the link below.

Accessibility Advisory Committee Minutes

Community engagement

Public Open House: On September 13, 2018 a public open house was held to share the recommended multi-use trail alignment and the interim solution with interested stakeholders and the public. Staff shared a presentation and display panels of the recommendations followed by a question and answer session.

Presentation materials from the public open house can be found on guelph.ca/speedvaleunderpass.

Public Open House Presentation Materials

River Systems Advisory Committee: A project update was provided to RSAC following the Public Open House. The purpose of the update was to let RSAC members know about the progress made regarding the project. RSAC will have an opportunity to provide input in the future once the EIS addendum is completed prior to detailed design stage.

Corporate Administrative Plan

Overarching goals

Service Excellence Financial Stability Innovation

Service Area Operational Work Plans

Our Services - Municipal services that make lives better Our People- Building a great community together Our Resources - A solid foundation for a growing city

Attachments

ATT-1	Conceptual multi-use trail alignment
ATT-2	Interim Solution
ATT-3	Cost estimate – multi-use trail
ATT-4	Cost estimate - interim solution
ATT-5	Council resolution dated November 27, 2017

Departmental Approval

Luke Jefferson, Manager, Open Space Planning
Martin Neumann, Manager, Parks Operations and Forestry
Kealy Dedman, General Manager, Engineering Service
Joe de Koning, Manager, Design and Construction, Engineering Services
Todd Salter, General Manager, Planning and Building Services
Melissa Aldunate, Manager, Policy Planning and Urban Design
Katherine Hughes, Associate Solicitor, Legal, Realty and Risk Services
Darrell Mast, Associate Solicitor, Legal, Realty and Risk Services
Leanne Warren, Accessibility Services
Raquel Gurr, Financial Analyst

Report Author

Jyoti Pathak, Park Planner

Approved By

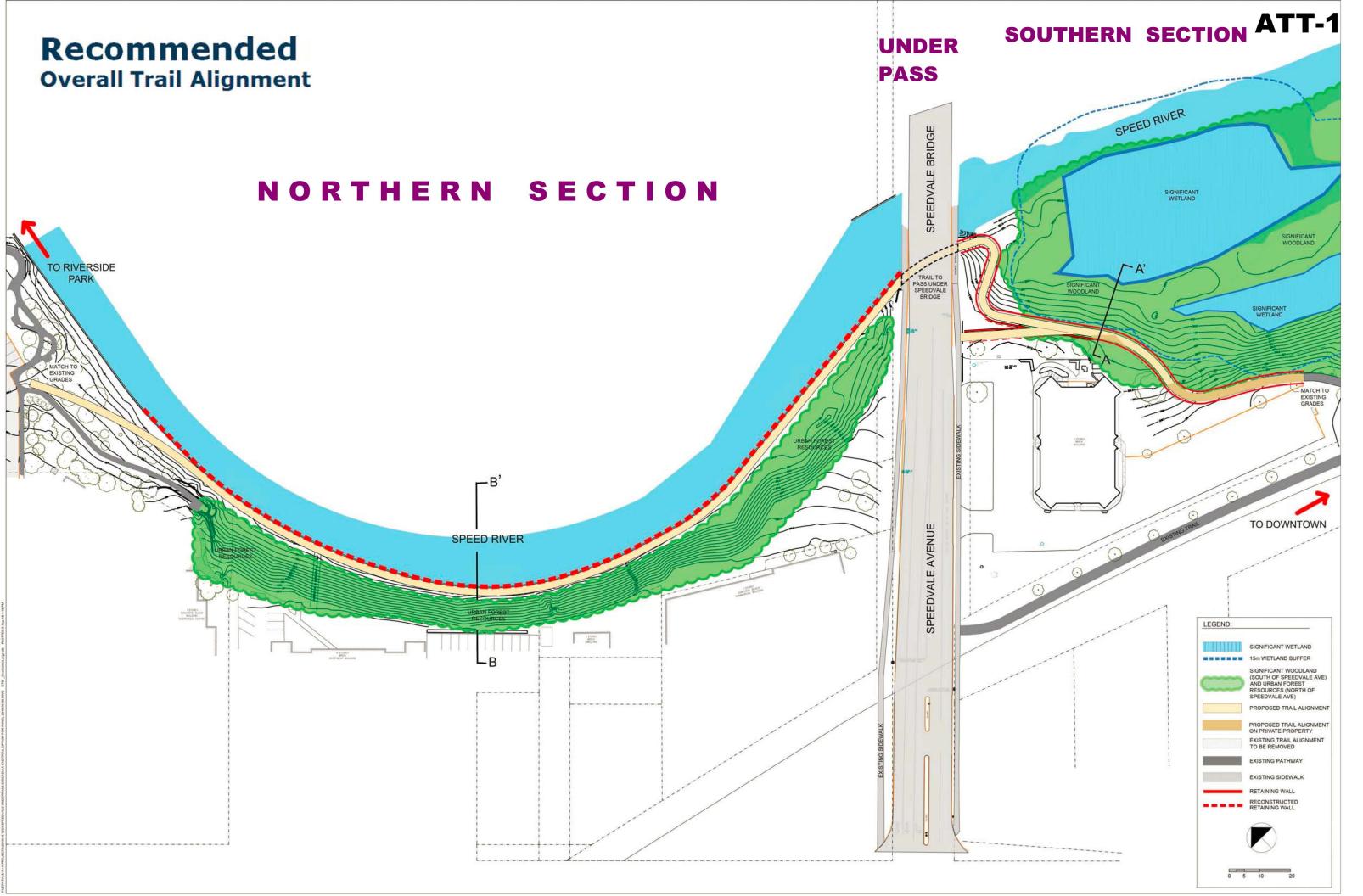
Heather Flaherty
General Manager
Parks and Recreation
519-822-1260 ext. 2664
heather.flaherty@guelph.ca

Gelo Clack

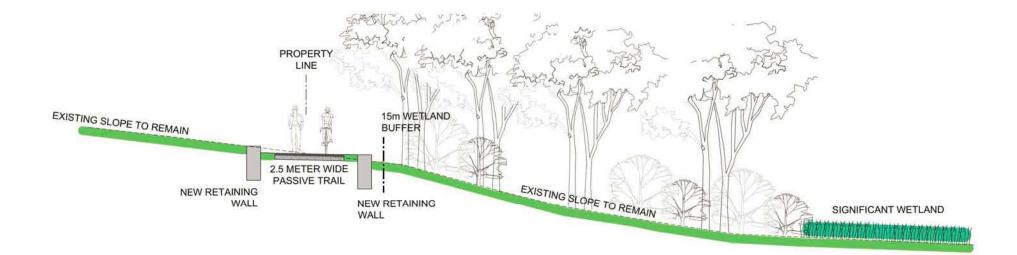
Recommended By

Colleen Clack Deputy CAO Public Services

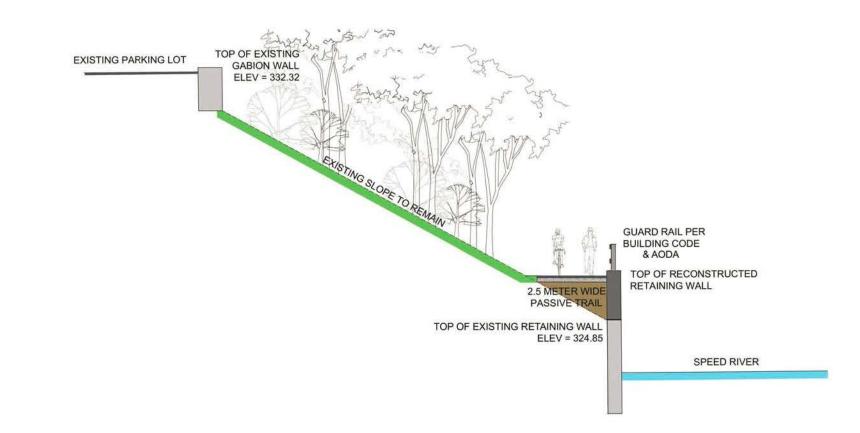
519-822-1260 ext. 2588 colleen.clack@guelph.ca



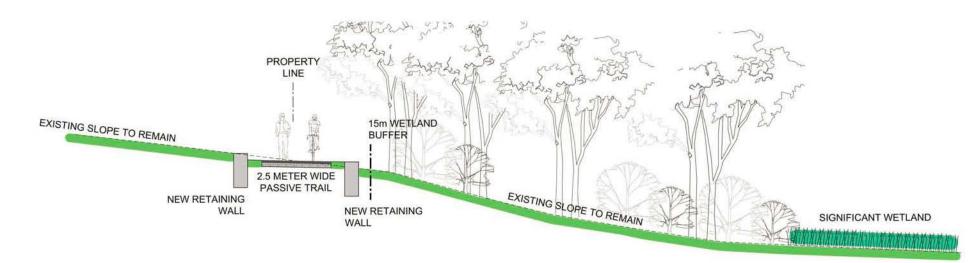
Typical Trail
Cross Section A-A'
South of Speedvale

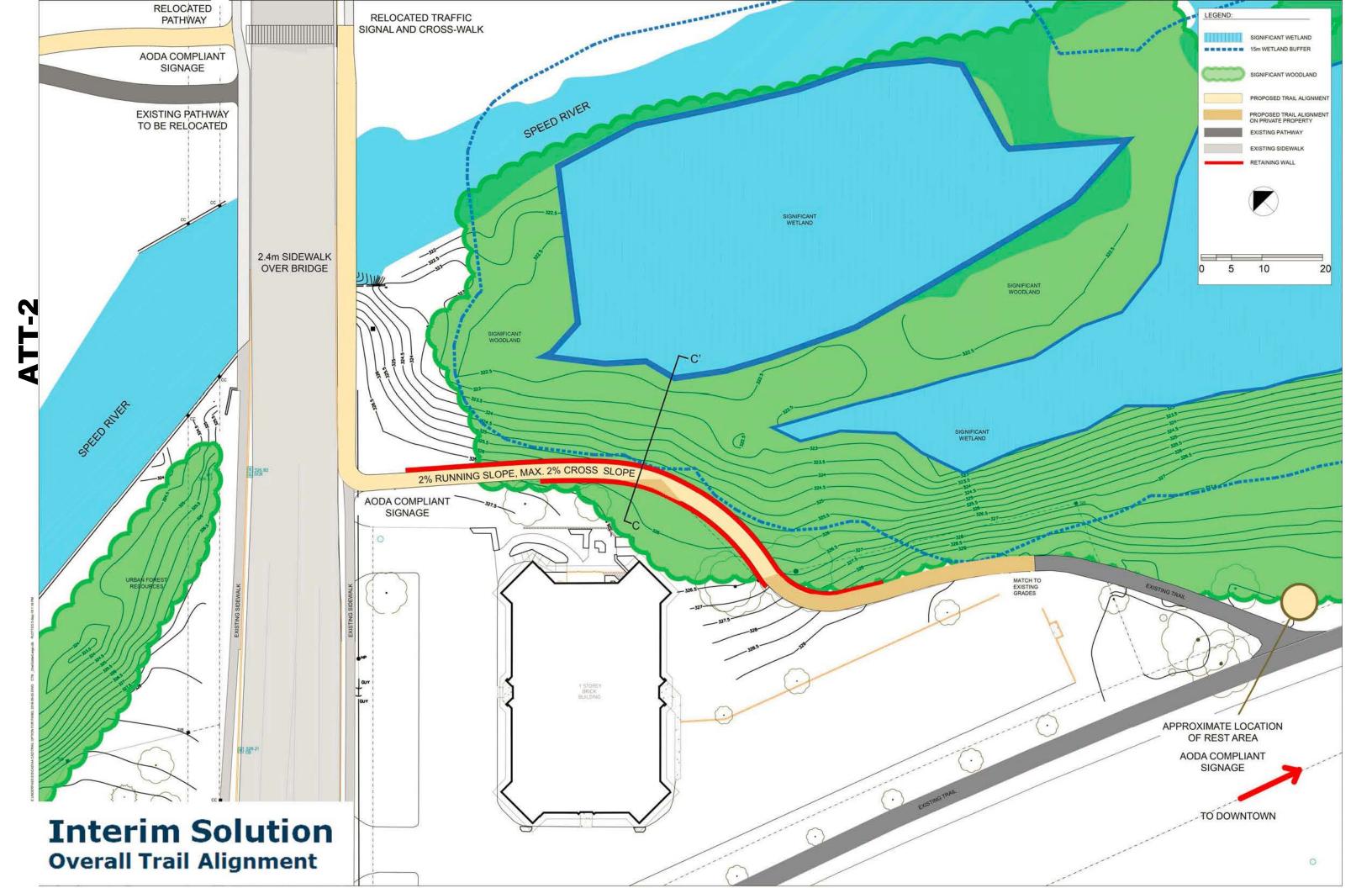


Typical Trail Cross Section B-B' North of Speedvale



Typical Trail
Cross Section C-C'
Interim Solution
South of Speedvale





ORDER OF MAGNITUDE COST ESTIMATES



Speedvale Avenue Underpass Trail

ITEM No.	DESCRIPTION	ESTIMATED QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL AMOUNT
2	RECOMMENDED SOLUTION - NEW RETAINING WALL BUILT IN PLACE O	F EXISTING			
2.1	Mobilization, Bonding, Insurance, Demobilization	1	L.S.	\$400,000.00	\$400,000.00
2.2	Terrestrial Temporary Erosion and Sediment Control, Tree Protection	600	lm	\$80.00	\$48,000.00
2.3	Aquatic Temporary Erosion and Sediment Control/Isolation	1	L.S.	\$250,000.00	\$250,000.00
2.4	Slope Shoring for Excavation	250	m	\$2,000.00	\$500,000.00
2.5	Vegetation Removal	1	L.S.	\$25,000.00	\$25,000.00
2.6	Excavation and Soil Disposal	6000	m3	\$25.00	\$150,000.00
2.7	Remove and Dispose Existing Wall	1	L.S.	\$100,000.00	\$100,000.00
2.8	Supply and Install New Concrete Retaining Walls South of Speedvale	1	L.S.	\$200,000.00	\$200,000.00
2.9	Supply and Install New Concrete Retaining Wall North of Speedvale	1	L.S.	\$1,500,000.00	\$1,500,000.00
2.10	2.5m Wide Asphalt Pathway	1250	m2	\$100.00	\$125,000.00
2.11	Install Trail-side Rest Areas, Including Seating and Signage	3	ea	\$25,000.00	\$75,000.00
2.12	Guards on Retaining Walls/Edge of Path	500	lm	\$200.00	\$100,000.00
2.13	Significant Woodland Edge Mangaement/Biodiversity Offsetting	1	L.S.	\$250,000.00	\$250,000.00
2.14	Fine Grading and Restore Sod	1	L.S.	\$25,000.00	\$25,000.00
2.15	Aquatic Habitat Restoration	1	L.S.	\$250,000.00	\$250,000.00

SUBTOTAL COST	\$3,998,000.00
Contingency (15%)	\$599,700.00
Consulting Services (EA, Permits, Detailed Design, Testing, Construction Administration) (12%)	\$479,760.00
Project Management Services - City of Guelph (8%)	\$319,840.00
TOTAL COST	\$5,397,300.00

ORDER OF MAGNITUDE COST ESTIMATES

ATT-4

Rev 1

Speedvale Avenue Underpass Trail

ITEM No.	DESCRIPTION	ESTIMATED QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL AMOUNT
4	INTERIM SOLUTION				
4.1	Mobilization, Bonding, Insurance, Demobilization	1	L.S.	\$100,000.00	\$100,000.00
4.2	Temporary Erosion and Sediment Control, Tree Protection	200	lm	\$80.00	\$16,000.00
4.3	Excavation and Soil Disposal	600	m3	\$25.00	\$15,000.00
4.4	Relocate Traffic Signal	1	L.S.	\$80,000.00	\$80,000.00
4.5	Supply and Install New Concrete Retaining Walls	120	m3	\$1,000.00	\$120,000.00
4.6	2.5m Wide Asphalt Path	450	m2	\$100.00	\$45,000.00
4.7	Trail-side Rest Areas, Including Seating and Signage	1	ea	\$25,000.00	\$25,000.00
4.8	Guards on Retaining Walls/Edge of Path	120	lm	\$200.00	\$24,000.00
4.9	Significant Woodland Edge Mangaement/Biodiversity Offsetting	1	L.S.	\$75,000.00	\$75,000.00
4.10	Fine Grading and Restore Sod	250	m2	\$25.00	\$6,250.00

SUBTOTAL COST	\$506,250.00
Contingency (15%)	\$75 <i>,</i> 937.50
Consulting Services (Revised EIS, Permits, Detailed Design, Testing, Construction Administration) (12%)	\$60,750.00
Project Management Services - City of Guelph (8%)	\$40,500.00
TOTAL COST	\$683,437.50

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson,

Gordon, Hofland, MacKinnon, Piper, Salisbury and Wettstein (12)

Voting Against: (0)

Carried

Committee of the Whole Consent Reports

The following items were extracted:

COW-CS-2017.18 Shared Cost Allocation Basis – Wellington-Dufferin-Guelph Public Health

Balance of Committee of the Whole Consent Items

2. Moved by Councillor Piper Seconded by Councillor Downer

That the balance of the, 2017 Committee of the Whole Consent Report as identified below, be adopted:

COW-CS-2017.19 Changes to the Vacant Unit Tax Rebate Program

Recommendation:

- 1. That the vacant unit tax rebate program be eliminated effective January 1, 2018.
- 2. That a reduction of \$470,000 be shown in the 2018 operating budget.

COW-PS-2017.13 Street Tree Ownership and Maintenance

Recommendation:

That the current street tree ownership and maintenance practices provided by Parks Operations and Forestry, as described in ATT-1 of the report titled Street Tree Ownership and Maintenance, dated November 6, 2017, be approved.

COW-PS-2017.14 Bicycle Skills Facility

Recommendation:

- 1. That staff be directed to engage the community, and plan and design a bicycle skills facility that will be owned and operated by the City of Guelph.
- 2. That Council endorse the staff recommendation that the Eastview Community Park be the preferred location for the bicycle skills facility.
- 3. That staff be directed to report to Council prior to the 2019 budget process.

COW-PS-2017.15 Speedvale Avenue Bridge Underpass

Recommendation:

1. That staff be directed to report back to Council in 2018 on alternative trail design options within the identified study area on the west side of the

river. Alternative trail design options will have no minimum design criteria and will comply with the Official Plan, Zoning By-law and provincial legislation.

2. That staff consider future capital budget requirements for a possible alternative trail under Speedvale Avenue as part of the 2019 Capital budget process.

COW-AUD-2017.10 Internal Audit Work Plan 2018-2020

Recommendation:

That the report CAO-A-1708, "Internal Audit Work Plan 2018-2020" dated November 6, 2017 be approved.

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson,

Gordon, Hofland, MacKinnon, Piper, Salisbury and Wettstein (12)

Voting Against: (0)

Carried

COW-CS-2017.20R Fall 2017 Public Appointments to Various Advisory Boards and Committees

3. Moved by Councillor Hofland Seconded by Councillor Gordon

Recommendation:

- 1. That Joanne O'Halloran be reappointed to the Accessibility Advisory Committee for a term ending November, 2018.
- 2. That Lynn Jeaurond, Donna McMurdo and Deborah Stienstra be appointed to the Accessibility Advisory Committee for a term ending November, 2018.
- 4. That Alastair McCluskey be reappointed to the Downtown Advisory Committee for a term ending November, 2018.
- 5. That Robert Routledge be appointed to the Downtown Advisory Committee for a term ending November, 2018.
- 6. That Adam Miller be reappointed to the Environmental Advisory Committee for a term ending November, 2018.
- 7. That Jayne Osborn be reappointed to the Guelph Museums Advisory Committee for a term ending November, 2018.
- 8. That Brian Skerrett be appointed to Heritage Guelph for a term ending November, 2018.
- 9. That Julia Grady be appointed to the Public Art Advisory Committee for a term ending November, 2018.
- 10. That Alex Grosse be appointed to the River Systems Advisory Committee for a term ending November, 2018.

Staff Report



To City Council

Service Area Public Services

Date Monday, December 17, 2018

Subject Cannabis Retail Storefronts – Municipal Impacts

Report Number PS-2018-38

Recommendation

 That staff be directed to create a City bylaw mirroring the Smoke Free Ontario Act allowing for enforcement of tobacco and cannabis consumption by the City's Bylaw Compliance Officers, Guelph Police Service or other designated individuals.

- 2. That staff be directed to conduct further public engagement on the need to further strengthen regulations pertaining to smoking within the City of Guelph.
- 3. That staff be directed to inform the Alcohol and Gaming Commission of Ontario that retail cannabis storefronts are permitted to operate within the City of Guelph and that the Delegation of Authority Bylaw (2013)-19529, be amended to authorize staff to provide comments to the Alcohol and Gaming Commission of Ontario, on behalf of the City Council, with respect to any store licence application that does not meet the public interest of the City of Guelph.

Executive Summary

Purpose of Report

Provide information to Council regarding cannabis within the City of Guelph including options for Council's consideration with respect to cannabis retail stores and consumption bylaws.

To seek Council direction on creating a bylaw to allow Bylaw Compliance Officers, Guelph Police Service and other designated individuals to enforce consumption of cannabis and tobacco.

To seek Council direction on conducting further public engagement on smoking restrictions within the City of Guelph.

To seek delegated authority to have licensing staff provide comments to the Alcohol Gaming Commission of Ontario on cannabis storefront applications.

Key Findings

Recreational cannabis was legalized on October 17, 2018. On April 1, 2019, the province intends to allow private retail cannabis stores to operate. There will not be government operated cannabis storefronts in Ontario.

The province is responsible for licensing and regulating privately owned cannabis retail stores. Ontario municipalities have until January 22, 2019 to pass a resolution prohibiting retail cannabis storefronts within their boundaries (opting out). Municipalities that do not opt out of retail cannabis storefronts are automatically considered to have opted in. Municipalities that opt out will receive a smaller portion of funding from the province, regardless of when they decide to opt in.

Municipalities do not have the authority to pass bylaws pertaining to the licensing or specialized zoning of cannabis retail stores. The government has regulated the Alcohol Gaming Commission of Ontario to approve retail storefront business licenses similar to the issuance of liquor licenses.

Municipalities that opt in will have the ability to provide comments to the Alcohol Gaming Commission of Ontario on licensing retail store applications within 15 days of public notice regarding the requested location of a cannabis retail store.

Municipalities will have the authority to pass bylaws further restricting the consumption of cannabis and tobacco, in addition to The Smoke Free Ontario Act. The existing framework to purchase medical cannabis has not been affected.

Financial Implications

The Province will split \$30 million over the next two years between municipalities. The first \$15 million will be shared among all municipalities, based on the number of households. Guelph will receive the first funding allotment in the amount of \$141,661 in January 2019 for the first year.

In 2019, municipalities that opt out will only receive a second payment of \$5,000 each. Municipalities that permit retail stores will receive a share of the remaining funds. The second installment with these remaining funds is targeted to be distributed in March 2019, but the amount has not yet been communicated.

If the provincial excise duty revenues on recreational cannabis exceeds \$100 million, municipalities that permit retail cannabis stores will receive a share of 50 per cent of the surplus. The province will also set aside a contingency fund in the amount of \$10 million to assist municipalities that permit retail stores. The province has not yet announced how these funds would be accessed or how they may be distributed.

Costs for various departments and agencies to respond to cannabis issues are unknown at this time. To provide better direction and field support for Bylaw operations, \$40,000 of available cannabis funding will be utilized to upgrade two existing bylaw positions to facilitate cannabis enforcement. The remaining funds received will be allocated to departments and agencies once costing becomes known due to the restrictions and potential reporting requirements of the grant.

The province has very clear direction that this funding must be for the sole purpose of paying for implementation costs directly related to the legalization of cannabis and have outlined specific permitted costs. At this time, the province has indicated that there may be a reporting requirement on the use of these funds and that municipalities should be ready to provide supporting documents in a timely manner.

The costs incurred to date for conducting the telephone survey (\$6,500) was funded through the approved 2018 Operations Department budget.

Report

On October 17, 2018, the federal Cannabis Act legalized recreational cannabis. This Act established the legislative framework for cannabis in Canada and set rules for the production, distribution, sale and possession of cannabis. This Act allowed provinces and territories to set or amend rules for cannabis, including the legal minimum age, how recreational cannabis could be sold, where cannabis could be consumed and setting limits on possession and growing. The ability and the means to purchase medical cannabis is not affected.

The Ontario Cannabis Act further set the framework for cannabis in Ontario including setting the legal minimum age to purchase, possess, consume and/or grow recreational cannabis to 19 years of age. The Act also confirmed that Ontario residents have the ability to grow cannabis plants under certain conditions to a maximum of four plants per residence.

The Act provided authority to Police services, but also allowed the Attorney General to designate other persons to enforce the Act. This broadens the scope of enforcement beyond Police, allowing flexibility for municipalities to chose an enforcement approach that best suits the community's needs.

In addition, the Cannabis Statute Law Amendment Act was passed by the Ontario legislature. This Act introduced the model for retail cannabis stores within Ontario, and included amendments to the Smoke Free Ontario Act setting new regulations on the consumption of tobacco and both medical and recreational cannabis.

Cannabis Retail Storefronts

In Ontario, recreational cannabis can currently be purchased online through the provincially operated online store. All previously announced government operated retail store fronts, including the one identified for Stone Road West in Guelph, will not proceed. However, as of April 1, 2019, the operation of privately-owned cannabis retail stores will be permitted within municipalities that allow their operation. These stores along with their operators and managers will be licensed and regulated by the Alcohol and Gaming Commission of Ontario (AGCO). While there will be no caps on the number of licences issued by the AGCO in each municipality, the Cannabis License Act (O.Reg. 468/18) has established limits on ownership concentration (a maximum of 75 stores per operator). In addition, rules such as hours of operation (9 am – 11 pm, seven days a week), and distance buffers of 150 metres between retail stores and schools are regulated by the AGCO.

Municipalities do not have the ability to control cannabis retail stores through business licensing or specialized zoning. However, each municipality has been given the opportunity to opt out of cannabis retail stores within its boundaries. Municipalities have until January 22, 2019 to pass a resolution to opt out. If a municipality does not opt out, the province automatically considers them as having opted in. Municipalities that opt out of cannabis retail stores by January 22, 2019 may pass a subsequent resolution opting in on a later date.

Should a municipality opt in to privately-owned cannabis retail stores, there will be the opportunity to provide comments to the AGCO on retailers that apply for a license. Specifically, upon receipt of an application for a storefront licence, residents and municipalities will have 15 days to provide written comments to the AGCO. While the AGCO is not bound to the comments received, they will consider these comments before making a final decision to issue a licence.

Should Guelph permit cannabis retail stores, given the short time frame to provide comments, staff are recommending that Council pre-approve a list of criteria (ATT-1) reflecting the City's public interest and delegate the authority (ATT-2) to comment on cannabis retail store applications to City staff.

Enforcement: Places of Use

The Smoke Free Ontario Act regulates the smoking of tobacco, recreational and medical cannabis. Under this Act, cannabis can be used in:

- Private residences (not including residences that are also workplaces such as retirement homes)
- Many outdoor public places, such as sidewalks and parks
- Designated guest rooms in hotels, motels, and inns
- Under certain conditions, residential vehicles and boats that have permanent sleeping accommodations and cooking facilities and that are parked or anchored
- Scientific research and testing facilities

Controlled areas within:

- Long-term care homes
- Certain retirement homes
- Residential hospices
- Provincially-funded supportive housing
- Designated psychiatric or veterans' facilities

Under this Act, cannabis cannot be used in:

- Indoor common areas
- Enclosed public places and enclosed workplaces
- Non-designated guest rooms in hotels, motels, and inns

- Schools, on school grounds and public areas within 20 metres of these grounds
- Children's playgrounds and public areas within 20 metres of playgrounds
- Child care centres, or where an early years program is provided
- Where home childcare is provided, even if children aren't present
- Within nine metres from the entrance or exit of hospitals and other health facilities
- Outdoor grounds of hospitals and psychiatric facilities
- Non-controlled areas in long-term care homes, certain retirement homes, provincially-funded supportive housing, designated psychiatric or veterans' facilities, and residential hospices
- In publicly owned sports fields (not including golf courses), nearby spectator areas and public areas within 20 metres of these areas.
- In a vehicle or boat being driven or is at risk of being put into motion (in addition to smoking/vaping, eating cannabis is also prohibited in a boat or vehicle under the same conditions)
- In restaurants and on bar patios and public areas within nine metres of a patio
- On outdoor grounds of specified Ontario government office buildings
- In reserved seating areas at outdoor sports and entertainment locations
- Grounds of community recreational facilities and public areas within 20 metres of those grounds
- In sheltered outdoor areas with a roof and more than two walls which the public or employees frequent, or are invited to (e.g. a bus shelter)

Municipalities do have the ability to pass bylaws that can further restrict the smoking and vaping of cannabis and tobacco. Additional restrictions on smoking and vaping may also exist in lease agreements, and the policies of employers and property owners.

Prior to the passing of the Cannabis Statue Law Amendment Act on October 17, 2018, the regulations regarding place of use were under the Ontario Cannabis Act. Under this Act, a plan was developed that would have sought a designation to allow Bylaw Compliance Officers to enforce the smoking prohibition locations throughout the city.

As of October 17, the regulations regarding consumption were amended and moved from the Ontario Cannabis Act to the Smoke Free Ontario Act 2017. While Police have the ability to enforce regulations regarding the consumption of cannabis within vehicles, the only agency authorized under the Smoke Free Ontario Act to enforce places of use is Public Health staff.

City staff did reach out to the Ontario Ministry of Health (MOH) to seek designation for Bylaw staff. Unfortunately, due to the short time frame, the MOH was not prepared to review this request at that time. MOH did indicate they may be able to review this request in six to twelve months, but recommended that should the City of Guelph wish to have Bylaw staff or others designated to enforce smoking regulations, that they create a bylaw that mirrors the Smoke Free Ontario Act.

Section 11 and section 115 of the Municipal Act allows Council to create such a bylaw.

The enforcement of the Smoke Free Ontario Act is performed by the Wellington Dufferin Guelph Public Health, which operates regular business hours. Given the fact that City of Guelph Bylaw staff operate 24 hours a day, 365 days a year and are able to respond in a timely manner, staff are recommending that Bylaw staff take the lead in enforcing the bylaws related to smoking of cannabis and tobacco. As such, staff recommends that Council provide direction to create a bylaw that mirrors the Smoke Free Ontario Act and provides authority for Bylaw Compliance Officers, Guelph Police Service and Wellington Dufferin Guelph Public Health staff to enforce as a cohesive team.

It should be noted, as an interim process to respond to calls, Bylaw staff have been addressing concerns regarding the smoking of cannabis and tobacco on City owned and school properties through authorities under the Trespass to Property Act. It is recommended that staff continue to engage the community to determine if additional controls on smoking are warranted.

Enforcement: General Regulations

Responsibility for the enforcement of the federal and provincial acts regarding cannabis falls to local Police and the AGCO. AGCO will be responsible for licensing and ensuring licensed businesses operate within the regulations. Police will be responsible for the enforcement of cannabis allowances and impaired driving.

Enforcement of illegal sales will default to local Police; however, under certain conditions the Ontario Cannabis Act does allow for the designation of others such as Bylaw Compliance Officers to enforce illegal sales as a means to alleviate some of the pressures on Police services.

Over the past year, City staff have been in communication with the Ministry of the Attorney General's office on this matter and are prepared, with support from Guelph Police Service to seek a designation under the Ontario Cannabis Act for the City's Bylaw staff. Once designated, Bylaw staff will be able to assist with the enforcement of illegal dispensaries and sales.

With residents being legally permitted to grow four plants per residence, it is anticipated that the City's Bylaw Division will see an increase in the number of property standards calls related to home operations. City staff anticipate calls to increase on issues such as mold.

There have been some discussions with Guelph Police Service regarding the policing of the plants in private residences. Although this enforcement falls to the Police, we continue to explore options to offset the number of Police investigations while still maintaining safety for Bylaw Compliance Officers.

Given the complexity of the issues and the expected increase in calls, it becomes important to provide better field support for Bylaw staff and customer service to our residents. Consideration will be given to upgrade two existing Bylaw positions to lead officers.

Cannabis Working Group

Throughout the legalization process, City staff have maintained communication with the Ministry of the Attorney General, the Ontario Ministry of Finance and the Ontario Ministry of Health. To help guide these conversations and to create a framework for cannabis within Guelph, staff formed a working group. The Cannabis Working Group consists of community partners including the Guelph Police Service, Wellington Dufferin Guelph Public Health, Wellington Guelph Drug Strategy, University of Guelph, Upper Grand District School Board, and Wellington Catholic District School Board. In addition, the group has a number of City representatives, including staff from Guelph Fire, Guelph Wellington Paramedic Services, Zoning, Community Investment, Intergovernmental Relations, Development Planning, Finance, Court Services, Corporate Communications, Strategy Innovation, Parks and Recreation, and Operations.

In addition to providing general input, all group members on behalf of their agencies and departments were provided the opportunity to provide input on cannabis retail stores and consumption bylaws within the city of Guelph. While responses received from these agencies and departments have been attached (ATT-3), below is a brief overview of the working group comments:

- Increased access may result in increased consumption and increased harms
- Potential increased access by youth
- Sufficient access to a legal supply of cannabis may reduce the risks of an black market
- Product concerns related to the black market
- Need to better understand social and financial impact of legalization
- Normalization of cannabis use is of great concern
- Balance is needed when considering access to legal cannabis
- Public Health will need to be a significant resource to schools and the community
- Financial and economic gains should be considered in light of the potential social and health costs to the community
- Financial impacts of opting out will be far reaching within the City departments
- Cannabis is already the fourth most costly substance in Canada in terms of social and health impacts
- Findings from legalization in other locations have shown increases in cannabis use, cannabis-related emergency department visits, and motor vehicle collision fatalities
- Increased costs to support Police and Bylaw enforcement
- Options to legally purchase medicinal and recreation cannabis will still be available if the City opts out

- Controlling cannabis retail with zoning and municipal bylaws is critical
- Municipalities do not have the authority to control the placement or number of cannabis retail outlets in their communities
- Unknown how much influence municipalities will have over AGCO decisions on store locations and density
- City should wait for information on controls/impacts before opting in
- Set minimum distances from schools, parks, recreation areas, sensitive areas, LCBO, and tobacco stores
- Restrict clustering
- Set limits on the number of storefronts
- Set store hours to restrict late night or early morning sales

Public Engagement

Staff have kept the public informed through the City's website that provided questions and answers on cannabis, resources of credible agencies and information on the working group's efforts.

To seek public input on the decision to opt in or out, two surveys (telephone and online) were conducted to understand the community's feelings toward cannabis retail storefronts. The ability to participate in the online survey was not restricted to Guelph residents and staff are aware that a number of residents in neighbouring communities and others wishing to open businesses in Guelph did participate in the survey. Therefore, noting the online survey would be broad and not statistically valid, staff also contracted an independent survey company to conduct 600 telephone surveys specifically with Guelph residents.

Both of the surveys asked residents how they felt about cannabis stores, concerns or benefits they see with cannabis stores in Guelph, and if they thought additional restrictions on cannabis consumption beyond the Smoke Free Ontario Act should be pursued. A full summary of the results of the phone survey and the online survey have been attached (ATT-4), but below is an overview:

Sixty-five per cent of the people from the telephone survey supported or strongly supported having cannabis retail stores in Guelph. We asked residents to rate their concern with proximities of cannabis to certain areas of the city that were raised by the Cannabis Working Group. Their order of concern was:

- registered daycare centres
- playgrounds
- vouth facilities
- addiction clinics

When asked of benefits if cannabis retail stores were allowed to operate within Guelph, the comments included:

- more jobs
- safer than the black market
- diminish illegal sales
- ensuring the age restriction is enforced

The survey asked residents if they believed the City should have its own regulations in addition to the Smoke Free Ontario Act, and 64 per cent of phone survey responses were in favour of expanding regulations. Only 27 per cent of those participating in the online survey responded the same. In addition to the survey results, comments received by email and social media from the public (ATT-5, ATT-6) are attached.

Staff have attached maps to demonstrate the impact of a 150 metre buffer from elementary and secondary schools, along with 150 metre buffers from addiction clinics, registered daycares, youth facilities and recreation centres (ATT-7).

Staff Summary and Options for Council with Respect to Cannabis Storefronts

Community partners have strongly voiced concern about access to cannabis and the overall impacts to the community. While cannabis is legal, there are health risks related to its consumption. If Council opts out, Council can opt in at a later date.

The City of Guelph has no ability to regulate cannabis stores. While the AGCO has indicated they would consider any concerns from municipalities, they are not bound to follow them. Cannabis will continue to be available to Guelph residents through the online retail store regardless of Council's decision.

The majority of residents surveyed on the phone and online do want retail storefronts, with some indicating they would like the opportunity to purchase a safe product through these storefronts rather than an unknown product through illegal means. Residents indicated that they would like the option to pay cash at a retail store. Reasons include privacy, inability to access credit cards and socio-economic accessibility.

Should Council not permit cannabis retail stores, illegal dispensaries may open to fill the void and meet public demands. Resources for Police, Bylaw, Fire, Paramedics along with the Health Unit to respond to cannabis-related calls will be required regardless of Council's decision. At this time, staff do not know if the sale of edible cannabis products will be prohibited in municipalities that opt out of retail storefronts. The funding impacts tied to Guelph's decision to opt out or in to cannabis retail stores may be substantial.

If Council decides it wants to opt out of cannabis retail stores, it must pass a resolution. Although staff recognize the concerns of our community partners, staff are recommending that cannabis retail storefronts be permitted to operate in the City of Guelph; further, that staff be authorized to provide comments to the AGCO on any cannabis retail store licence application that does not meet Guelph's public interest. Should Council permit cannabis retail stores to operate but not pass the delegation of authority to staff, we would not be able to provide comments (ATT-3) to the AGCO on proposed storefront locations, and any direction to provide comments would have to come to Council and may not meet the 15-day time limit.

However, should Council wish, a motion may be passed to inform the Alcohol Gaming Commission of Ontario that the City of Guelph has opted out of the retail storefront program and will not support cannabis retail storefronts to operate within the city's boundaries. Should Council wish to proceed with opting out, the following recommendation should be considered by Council:

That Council direct Staff to advise the Alcohol and Gaming Commission of Ontario that the City of Guelph opts-out of the cannabis retail stores.

Financial Implications

The Province will split \$30 million over the next two years between municipalities. The first \$15 million will be shared among all municipalities and based on the number of households. Guelph will receive the first funding allotment in the amount of \$141,661 in January 2019 for the first year.

In 2019, municipalities that opt out will only receive a second payment of \$5,000 each. Municipalities that permit retail stores will receive a share of the remaining funds. The second installment with these remaining funds is targeted to be distributed in March 2019, but the amount has not yet been communicated.

If the provincial excise duty revenues on recreational cannabis exceeds \$100 million, municipalities that permit retail cannabis stores will receive a share of 50 per cent of the surplus. The province will also set aside a contingency fund in the amount of \$10 million to assist municipalities that permit retail stores. The province has not yet announced how these funds would be accessed or how they may be distributed.

Costs for various departments and agencies to respond to cannabis issues are unknown at this time. To provide better direction and field support for Bylaw operations, \$40,000 of available cannabis funding will be utilized to upgrade two existing Bylaw positions to facilitate cannabis enforcement. The remaining funds received will be allocated to departments and agencies once costing becomes known due to the restrictions and potential reporting requirements of the grant.

The province has very clear direction that this funding must be for the sole purpose of paying for implementation costs directly related to the legalization of cannabis and have outlined specific permitted costs. At this time, the province has indicated that there may be a reporting requirement on the use of these funds, and that municipalities should be ready to provide supporting documents in a timely manner.

The costs incurred to date for conducting the telephone survey (\$6,500) was funded through the approved 2018 Operations Department budget.

Consultations

Ministry of the Attorney General's Office Ontario Ministry of Finance Ontario Ministry of Health Guelph Police Service Guelph Fire Guelph Wellington Paramedic Services Wellington Dufferin Guelph Public Health Building Department (Zoning) Community Investment Intergovernmental Relations **Development Planning** Finance Court Services **Corporate Communications** Strategy Innovation Parks and Recreation University of Guelph **Upper Grand District School Board** Wellington Catholic District School Board Wellington Guelph Drug Strategy

Corporate Administrative Plan

Overarching Goals

Service Excellence

Service Area Operational Work Plans

Our Services - Municipal services that make lives better Our People- Building a great community together Our Resources - A solid foundation for a growing city

Attachments

- ATT-1 Listed concerns for applications to AGCO
- ATT-2 Delegated authority to respond to cannabis storefront applications
- ATT-3 Comments from members of the Cannabis Working Group
- ATT-4 Survey results
- ATT-5 Comments emailed from public
- ATT-6 City of Guelph Facebook comments
- ATT-7 Maps of 150 metre buffer zones

Departmental Approval

Tara Baker, General Manager Finance/City Treasurer

Report Author

David Wiedrick, Manager- Bylaw Compliance, Security and Licensing

Dong booking

Approved By

Doug Godfrey General Manager Operations Department 519-822-1260 ext. 2520 Doug.Godfrey@guelph.ca Gelo Clack

Recommended By

Colleen Clack
Deputy CAO
Public Services
519-822-1260 ext. 2588
colleen.clack@guelph.ca

List of Comments

150M PROXIMITY

- o Addiction Centres
 - o (Homewood Health)
- o Recreation Centres
 - o Guelph Youth Music
 - o YMCA
 - o VRRC
 - o West End Rec Centre
 - o St Andrews House
 - o Wyndham House
 - o Hope House
- o Playgrounds
- o Registered Daycare

Schedule "LL" By-law Number (2013)-19529 [added by By-law (2018) – XXXXX]

DELEGATION OF AUTHORITY

Authority to Communicate with Alcohol Gaming Commission of Ontario pertaining to cannabis retail store locations.

Power to be Delegated

Reasons in Support of Delegation

o Contributes to the efficient management of the City of Guelph. o Provides comprehensive customer service to Applicants. o Meets the need to respond to issues in a timely fashion. o Maintains accountability through

conditions, limitations and reporting requirements.

o Minor in nature.

o Supports the City's Corporate

Strategic Plan.

Delegate(s)

The following staff or their successors thereof:

o Chief Administrative Officer (CAO) o Deputy Chief Administrative Officer (DCAO)-Public Services o General Manager, i/c Operations,

o Manager, Bylaw Compliance, Security and Licensing

o A person who is appointed by the CAO or selected from time to time by the General Manager Operations,

to act in their stead.

Council to Retain Power Conditions and Limitations Review or Appeal Reporting Requirements Not Applicable

Annual information report to Council on cannabis retail store applications.

From: Timothy Yawney <timothy.yawney@wellingtoncdsb.ca>

Sent: October-30-18 8:05 PM **To:** Raven Rise; Doug Godfrey

Subject: FW: Cannabis working group presentation and deadline for next steps

Follow Up Flag: Follow up Flag Status: Follow up

Categories: Cannabis

Good evening Raven and Doug,

Here is some feedback from Wellington Catholic from our Director of Education Tamara Nugent.

Thank you.

Tim Yawney | Assistant Superintendent of Education

Wellington Catholic District School Board 75 Woolwich St. | Guelph ON | N1H 6N6 | 519-821-4600



Subject: RE: Cannabis working group presentation and deadline for next steps

Should the City of Guelph consider opting out of private retail sales and why?

- If the City of Guelph does opt out, its residents will still find ways to legally purchase and consume. There may be an advantage of letting other communities "go first" and learning from their implementation process.
- People who require medical marijuana, who possess the required medical documentation, will still be able to access it by purchasing directly from a licensed producer and having it sent directly to them via Canada Post courier.
- Concerns remain regarding planning and zoning, public health education, police enforcement, including the impact on budgets, training, road safety and illegal dispensaries.
- Health education of our young people is essential for understanding the effects of cannabis use and the risks, both short and long term. The normalization of its use of great concern. Public Health will need to be a significant resource to schools and the community in this regard.
- If the City of Guelph was to permit retail cannabis sales, what "public interest" considerations would you like to communicate to the AGCO. I.e. buffer distances to clinics, hospitals, etc.
 - Controlling cannabis retail with zoning and municipal bylaws to restrict where stores can operate is critical. Buffer zones for schools, parks and recreation areas, need to be significantly far away from retail outlets, i.e. not within walking distance and ideally not on public transit lines.

From: Jennifer Passy < Jennifer.Passy@ugdsb.on.ca>

Sent: October-31-18 12:36 PM

To: Raven Rise; Doug Godfrey; David Wiedrick

Cc: Gary Slater; Jenny Marino; Heather Imm; Martha Rogers; Linda Busuttil; Heather Loney

Subject: RE: Cannabis working group presentation and deadline for next steps

Follow Up Flag: Follow up Flag Status: Completed

Categories: Cannabis

Thank you for the opportunity to provide input to the City as you prepare a community engagement survey and staff report to Council with respect to offer the following questions and comments as staff on behalf of the Upper Grand District School Board.

- Do you have concerns that children and youth under 19 years of age will be able buy cannabis under the private retail model?
- Do you have concerns that licensed cannabis retail stores may be located close to elementary schools?
- Do you have concerns that licensed cannabis retail stores may be located close to high schools?
- How far away from a school site should licensed cannabis retail stores be located? 0-150m, 151-250m, 251m-500m
- Do you have concerns about consumption of recreational cannabis on City property adjacent to schools (i.e. parks)?
- Do you support the City adopting a by-law restricting consumption of recreational cannabis on City property adjacent to schools (i.e. parks)?
- Do you have concerns about consumption of recreational cannabis in the yards, balconies or common outdoor space of residential dwellings next to school sites?

Regarding opt-in vs. opt-out, we respect the concern raised by both Guelph Police Services and Wellington Dufferin Guelph Public Health around increased access and therefore increased consumption. We share concerns that potential increased access by youth in our communities may result in more addiction, mental health, and discipline issues in our schools. However, we also share the concern about quality issues since under aged users are reliant on black market access to cannabis. At this time, we encourage that the City opt-out of retail distribution until there is a clearer understanding of the social and financial impacts of legalization and retail distribution.

As shared at our meeting on October 29th, the UGDSB has examined separation distances from existing LCBO and Beer Store locations throughout Wellington, Dufferin, Guelph. The average separation between school parcels and parcels of land containing where retail beer or liquor sales exist (including in grocery stores) throughout the district is approximately 445m. In Guelph the average separation distance is 376m.

We would also like to raise a matter for clarification; if a municipality does not opt-in as of January 22, 2019, are they forever excluded from a portion of the federal excise duty on recreational cannabis as outlined on Page 6 of the October

29th PowerPoint slide deck? Or is the situation such that if they do opt-in at a later date, they are eligible for their portion of these funds?

Jennifer Passy, BES, MCIP, RPP Manager of Planning

Upper Grand District School Board 500 Victoria Road North Guelph, ON N1E 6K2 Tel. (519) 822-4420 ext. 820 Fax. (519) 822-2134 Cell. (519) 766-3418 jennifer.passy@ugdsb.on.ca



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CANNABIS IS NO ORDINARY COMMODITY:

A public health approach for municipalities on cannabis retail outlets

November 7, 2018



Introduction

The newly enacted Cannabis License Act, 2018 sets the Alcohol and Gaming Commission of Ontario (AGCO) as the regulator of cannabis retail outlets. For municipalities that have not opted out of having private cannabis retail outlets in their communities by January 22, 2019, the location of outlets will be determined by the AGCO with consideration given to comments provided by municipalities.¹

Regulating the availability of cannabis is important in order to reduce the negative impacts of cannabis use in Wellington County, Dufferin County and the City of Guelph.² Research regarding alcohol and tobacco has shown that increased availability of a substance results in increased consumption, which can lead to significant health and social harms and costs.^{3,4} While accessibility of legal cannabis is important for addressing the illegal market, this needs to be balanced with an evidence-informed approach that protects public health and safety.

A Public Health perspective on cannabis retail outlet options

Municipalities have the authority to opt-in or opt-out of cannabis retail stores by January 22nd, 2019.

The decision to opt-out can be reversed, but any decision to opt-in is final.1

Considerations regarding each of these potential decisions are presented below:

1. Opt-out and re-consider once more information is available:

Municipalities that choose to initially opt-out can monitor the situation and choose to opt-in later.

Opting out will allow municipalities to make a decision about cannabis retail knowing more about the provincial regulations surrounding retail. Evidence will also be available about the impacts and potential costs of cannabis retail from other Ontario municipalities that have already opted in and from other jurisdictions across Canada.

Information on store operating parameters, distance buffers (e.g. to sensitive locations such as schools), and the degree of input municipalities will have over store locations and density has not yet been released.

Also, the impact of cannabis legalization and its various retail models on community health and safety is not yet known.

However, opting out would mean not receiving a share of the initial funding available from the province for municipalities that opt in. Municipal governments that permit cannabis retail stores will receive a population-based share of \$40 million in additional funding from the province.¹

Cannabis retail stores would also create local business opportunities. These financial and economic gains should not be considered in isolation of the social and health costs that municipalities may incur due to increased access to cannabis retail.

2. Opt-in by the January 22 deadline:

Municipalities that opt-in to cannabis retail stores will be unable to opt-out later if they are dissatisfied with cannabis retail in their communities.

If Guelph chooses to opt-in, Wellington-Dufferin-Guelph Public Health would encourage the City to advocate for the following considerations where opportunities for input exist. (It should be noted that currently there are no provincial policies that assure that the City of Guelph would have input into determining the locations or numbers of retail stores in the City.)

Below is a list of considerations to help guide a decision to opt-in or opt-out of cannabis retail stores:

ISSUE	CONSIDERATION	
High retail outlet density can contribute to increased consumption and harms. ^{5,6,7,8}	Reduce cannabis retail outlet density through minimum distance requirements between cannabis retail outlets and limits on the overall number of outlets.9 Example: The City of Calgary has enacted a 300m separation distance between cannabis stores.10	
Retail outlet proximity to youth-serving facilities can normalize and increase substance use. ^{4,11,12}	Prevent the role-modeling of cannabis use and reduce youth access through minimum distance requirements from youth-serving facilities such as schools, child care centres, and community centres. ^{2,12} Example: The State of Washington has enacted a 1000ft (300m) separation distance requirement between cannabis retail stores and youth-serving facilities. ¹³	
Combined use of cannabis and other substances increases the risk of harms such as impaired driving. ²	Discourage combined use of cannabis and other substances by prohibiting co-location and enacting minimum distance requirements between cannabis and alcohol or tobacco retail outlets. ^{2,9} Example: KFL&A Public Health recommend a 200m separation distance between cannabis retail outlets and alcohol or tobacco retail outlets. ¹⁴	
Retail outlet proximity to other sensitive areas may negatively influence vulnerable residents. ^{8,9}	Protect vulnerable residents by limiting the clustering of cannabis retail outlets in low socioeconomic neighborhoods and enacting minimum distance requirements from other sensitive areas. ^{1,9} Example: The City of Vancouver has restricted medical cannabis retail outlets to commercial zones instead of residential ones. ¹⁵	
Longer retail hours of sale significantly increases consumption and related harms. ^{5,16}	Reduce cannabis consumption and harms by limiting late night and early morning retail hours. ^{5,16} Example: The Centre for Addiction and Mental Health recommends that cannabis retail hours reflect those established by the LCBO. ¹⁶	

Adapted with the permission of The Regional Municipality of Halton¹⁷

WDG Public Health's Recommendation to the City of Guelph

Since the role of municipalities regarding store locations and the impacts of cannabis retail availability are not yet well-understood, Public Health's recommendation is to wait until more information is available before making a permanent decision to opt-in.

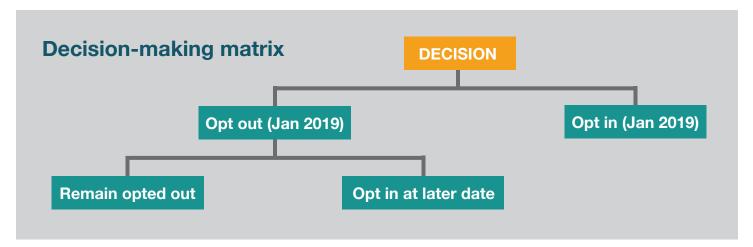


Figure 2: Decision-making matrix

Like alcohol and tobacco, cannabis can cause harm:

Cannabis use can affect learning and memory, lead to addiction, mental health problems, respiratory issues, and cause harm if used during pregnancy. Impairment from cannabis can also lead to injuries and fatalities, such as motor vehicle accidents.^{18,19}

Increasing access to a substance can increase consumption and harm:

Increasing availability of a substance can make it more socially acceptable to use and can make people think it's less harmful to use. Increasing availability makes it easier for a person to obtain a substance by reducing its total cost (e.g. time and travel) to obtain. This can increase impulse purchases by experimental users, occasional users, and users who are trying to quit.²⁰ When a substance is easier to obtain, people are more likely to use it more. It can be expected that an increase in cannabis use would result in increased social and health harms. For example, increased alcohol availability is associated with higher levels of violence, assault, public disturbances, alcohol-related crashes and fatalities.⁵

American jurisdictions that have legalized cannabis have expressed concern with the density of retail sales outlets and the close proximity of some outlets to schools. This occurred in Denver, Colorado²¹ where legalized non-medical cannabis became legal in 2012 and began licensing retail outlets in 2014.²² As of June 2017, there were 491 retail cannabis stores in the state of Colorado, which exceeded the number of Starbucks (392) and McDonald's (208). 65% of local jurisdictions in Colorado have banned medical and recreational cannabis businesses.²²

Ontario municipalities will have limited control over cannabis retail locations:

The Cannabis License Act does not permit municipalities to use licensing or land use by-laws to

control the placement or number of cannabis retail outlets in their communities. It is still unknown how much influence municipalities will have over AGCO decisions on store locations and density.¹

Financial opportunities should be considered with potential health and social costs in mind:

Municipal governments that permit cannabis retail stores will receive a population-based share of \$40 million in additional funding from the province. Cannabis retail stores would also create local business opportunities.

These financial and economic gains should be considered in light of the potential social and health costs to the community.

In 2014, before legalization, cannabis was already the fourth most costly substance in Canada in terms of social and health impacts. Costs associated with cannabis include: healthcare, lost productivity, criminal justice and other direct costs to society, totaling at least \$2.8 billion.²³

Early findings from legalization in Colorado and Washington states have shown increases in cannabis use among young adults and adults, cannabis-related emergency department visits and hospitalizations, and cannabis-related motor vehicle collision fatalities.²⁴

Municipalities may also incur increased costs to support police and by-law enforcement to protect areas where smoking is not permitted and to respond to nuisance complaints. While the impact of retail stores on these outcomes has not yet been established, research supports the finding that increased availability of a substance is generally associated with increased consumption and harms.

Conclusion

Balance is needed when considering access to legal cannabis:

Ensuring access to a regulated and legal supply of cannabis is important, especially since the latest Canadian data indicates that 15% of Canadians have used cannabis in the past year.²⁵

A public health approach to cannabis legalization strives to minimize the health and social harms from substances, and recognizes that the greatest harms occur at the extremes of prohibition and commercialization for profit (Figure 2).

Legalization without strict regulations, such as restrictions on retail density and locations, may increase cannabis-related harms.²

While it is important to provide sufficient access to a regulated legal supply of cannabis to avoid the risks of an illicit market, too much access may increase consumption and associated harms.

In April, communities across Ontario will continue to have access to a legal source of cannabis through the online Ontario Cannabis Store. Since the impacts of different retail models across Canada are not yet known, it is important to consider a precautionary approach with stricter regulations to try and minimize health and social problems.²

As such, Public Health recommends waiting until further information is available on municipal controls and the impacts of cannabis retail on other municipalities before making a permanent decision to opt-in.

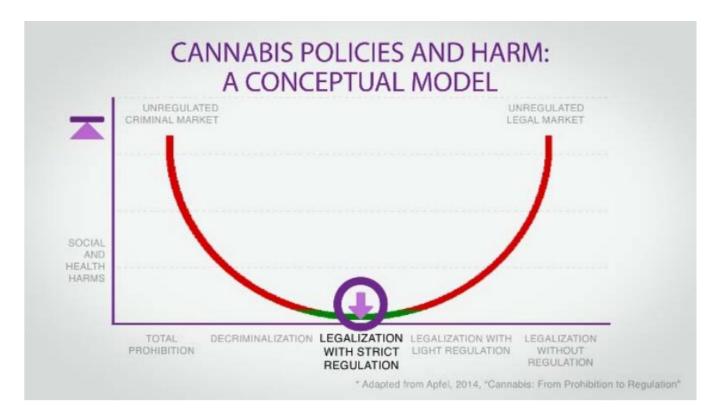


Figure 2: Reproduced with permission from Centre for Addiction and Mental Health: Cannabis Policy Framework. Adapted from Alice Rap: Cannabis – From Prohibition to Regulation.²⁶

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Orangeville

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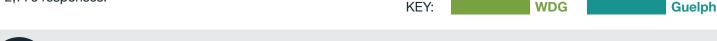


Cannabis Survey Results in Wellington-Dufferin-Guelph (WDG)

Guelph Highlights

Anonymous and voluntary online survey | Residents of Wellington County, Dufferin County and the City of Guelph | Ages 16+ | June 7, 2018 - July 8, 2018

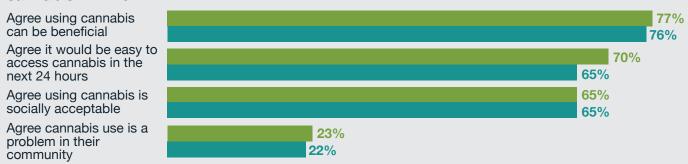
A total of 4,073 respondents completed the survey. After removing participants who lived outside of WDG, participants who were under age 16 and participants who had missing data on age, education and gender, the final data set consisted of 2,776 responses.





Attitudes about cannabis in WDG

Many respondents feel there are benefits to using cannabis, that accessing cannabis is relatively easy and that cannabis use is not a problem in the community.





Knowledge about cannabis in WDG

Many respondents are unaware of some of the potential health effects and risks of using cannabis. In general, people who use cannabis, males and people who are younger, tend to perceive fewer health risks.

Agree using cannabis before driving increases your risk of a motor vehicle collision

83%

Agree using cannabis while pregnant can cause harm to the fetus/child

Agree using cannabis daily or almost daily can cause problems with memory, learning and decision-making

57%

Agree using cannabis may result in dependence or addiction



Edibles

The majority (61%) of people who are interested in consuming edibles for medical or non-medical purposes once legal will most likely obtain edible products from an approved sale location.

Will most likely obtain from an unapproved sale location 10% 10%

Will most likely prepare edibles at home

21% 18%

are aware of the delayed onset of edible effects. This poses the risk of consuming more, which can lead to negative reactions like paranoia and anxiety.



Non-medical cannabis use

Top 3 sources of cannabis:

26% Dealer or storefront dispensary | 25% Family or friend | 16% Shared around a group of friends. Guelph is comparable.

Of those who have **not** used non-medical cannabis in the past year, most do not intend to try once legal: 55% | 57% 71% of those who have ever used non-medical cannabis report their first time using was before age 19. Most common age of initiation was 16 for both WDG and Guelph.

Of those who have used non-medical cannabis in the past year:

Use cannabis daily

Has driven a motor vehicle within two hours of using cannabis

58%

54%

Are at a moderate risk for negative

health and social outcomes

25%





24%

Survey limitations: These findings are not representative of all residents of WDG as convenience sampling was used. Results were weighed for age, gender and education, to make the sample more representative of the WDG population, but not for cannabis use. This survey was overrepresented by people who have used cannabis in the past 12 months. Self-reported data is subject to recall and response bias, especially with cannabis being an illegal substance at the time of data collection.

CANNABIS IS NO ORDINARY COMMODITY: Public health considerations for municipalities on cannabis retail outlets

November 27, 2018



Introduction

The newly enacted Cannabis License Act, 2018 sets the Alcohol and Gaming Commission of Ontario (AGCO) as the regulator of cannabis retail outlets. For municipalities that have not opted out of having private cannabis retail outlets in their communities by January 22, 2019, the licensing and location of outlets will be determined by the AGCO with consideration given to comments provided by municipalities.¹

Regulating the availability of cannabis is important in order to reduce the negative impacts of cannabis use in Wellington County, Dufferin County and the City of Guelph.² Research regarding alcohol and tobacco has shown that increased availability of a substance results in increased consumption, which can lead to significant health and social harms and costs.^{3,4} While accessibility of legal cannabis is important for addressing the illegal market, this needs to be balanced with an evidence-informed approach that protects public health and safety.

A Public Health perspective on cannabis retail outlet options

Municipalities have the authority to opt-out of cannabis retail stores by January 22nd, 2019. To opt-out, municipal councils must provide a notice of resolution to the AGCO.¹

The decision to opt-out can be reversed, but any decision to opt-in is final.¹

Considerations regarding each of these potential decisions are presented below:

1. Opt-out by the January 22nd deadline and re-consider once more information is available:

Municipalities that choose to initially opt-out can monitor the situation and choose to opt-in later.

Ontario's regulations for cannabis retail stores provide minimal restrictions on cannabis store locations, and do not provide any assurance to municipalities that they will have any control over the placement or number of retail outlets.

Opting out would disqualify a municipality from receiving a share of the two years of funding available from the province to support municipalities with cannabis retail. However, the economic gain from those funds should not be considered in isolation of the social and health costs that communities may incur due to increased access to cannabis retail (e.g. policing costs, by-law enforcement costs, emergency response costs, etc.).

The impact of cannabis legalization and its various retail models on community health and safety is not yet known. Opting out will allow municipalities to make a decision about cannabis retail after knowing more about the impacts of Ontario's private retail model on communities that choose to opt-in across Ontario.

2. Opt-in:

Municipalities that opt-in to cannabis retail stores will be unable to opt-out later if they are dissatisfied with cannabis retail in their communities.

If the municipality chooses to opt-in, Wellington-Dufferin-Guelph Public Health would encourage the municipality to advocate to the AGCO for the following considerations for store placement and hours in their community, where opportunities for input exist. This would likely have to be done on a license by license basis, which could become onerous depending on the number of cannabis store applications submitted in that municipality. (It should be noted that currently there are no provincial policies that assure that municipalities would have input into determining the locations or numbers of retail stores in their communities.)

Table 1: Issues and considerations for influencing the physical availability of cannabis outlets

ISSUE	CONSIDERATION	
High retail outlet density	Reduce cannabis retail outlet density through minimum distance	
can contribute to	requirements between cannabis retail outlets and limits on the overall	
increased consumption	number of outlets.9	
and harms. ^{5,6,7,8}	Example: The City of Calgary has enacted a 300m separation distance between	
	cannabis stores. ¹⁰	
Retail outlet proximity to	Prevent the role-modeling of cannabis use and reduce youth access	
youth-serving facilities	through minimum distance requirements from youth-serving facilities	
can normalize and	such as schools, child care centres, and community centres. ^{1,12}	
increase substance	Example: The State of Washington has enacted a 1000ft (300m) separation	
use. ^{3,11,12}	distance requirement between cannabis retail stores and youth-serving	
	facilities. ¹³	
Combined use of	Discourage combined use of cannabis and other substances by	
cannabis and other	prohibiting co-location and enacting minimum distance requirements	
substances increases the	between cannabis and alcohol or tobacco retail outlets. ^{1,9}	
risk of harms such as	Example: KFL&A Public Health recommend a 200m separation distance between	
impaired driving. ¹	cannabis retail outlets and alcohol or tobacco retail outlets. ¹⁴	
Retail outlet proximity to	Protect vulnerable residents by limiting the clustering of cannabis retail	
other sensitive areas may	outlets in low socioeconomic neighborhoods and enacting minimum	
negatively influence	distance requirements from other sensitive areas. ^{4,9}	
vulnerable residents. ^{8,9}	Example: The City of Vancouver has restricted medical cannabis retail outlets to	
	commercial zones instead of residential ones. ¹⁵	
Longer retail hours of sale	Reduce cannabis consumption and harms by limiting late night and early	
significantly increases	morning retail hours. ^{5,16}	
consumption and related	Example: The Centre for Addiction and Mental Health recommends that cannabis	
harms. ^{5,16}	retail hours reflect those established by the LCBO. ¹⁶	

Adapted with the permission of The Regional Municipality of $Halton^{17}$

WDG Public Health's Recommendation to the City of Guelph

Since the role of municipalities regarding store locations and the impacts of cannabis retail availability are not yet well-understood, Public Health's recommendation is to wait until more information is available before making a permanent decision to opt-in.

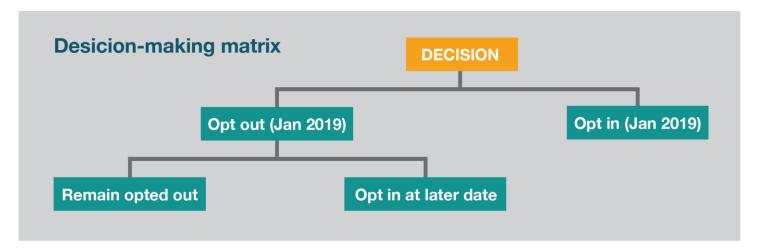


Figure 1: Decision-making matrix

Rationale for a Public Health Approach to Cannabis Retail

Like alcohol and tobacco, cannabis can cause harm:

Cannabis use can affect learning and memory, lead to addiction, mental health problems, respiratory issues, and cause harm if used during pregnancy. Impairment from cannabis can also lead to injuries and fatalities, such as motor vehicle accidents.^{18,19}

Increasing access to a substance can increase consumption and harm:

Research shows that increasing availability of a substance increases consumption and related harms (see Table 1). Increasing availability of a substance can make it more socially acceptable to use and can make people think it's less harmful to use. Increasing availability makes it easier for a person to obtain a substance by reducing its total cost (e.g. time and travel) to obtain. This can increase impulse purchases by experimental users, occasional users, and users who are trying to quit.²⁰ When a substance is easier to obtain, people are more likely to use it more. It can be expected that an increase in cannabis use would result in increased social and health harms. For example, increased alcohol availability is associated with higher levels of violence, assault, public disturbances, alcohol-related motor vehicle collisions and fatalities.⁵

Other jurisdictions that have legalized cannabis have seen a proliferation of retail stores

American jurisdictions that have legalized cannabis have expressed concern with the density of retail sales outlets and the close proximity of some outlets to schools, particularly in Denver, Colorado.²¹ Colorado legalized non-medical cannabis in 2012 and began licensing retail outlets in 2014.²² As of

June 2017, there were 491 retail cannabis stores in the state of Colorado, which exceeded the number of Starbucks (392) and McDonald's (208). 65% of local jurisdictions in Colorado have banned medical and recreational cannabis businesses.²²

Provincial regulations for cannabis retail stores provide limited municipal power and public health protection:

The newly released Ontario Regulations made under the *Cannabis License Act, 2018*, have set out requirements regarding retail store licensing and operations.²³ The regulations establish a minimum distance of 150 metres between cannabis retail stores and schools, and have set the store hours of operation between 9:00am to 11:00pm.

These regulations do not contain required separation distances from other sensitive areas (such as recreation centres, universities, addiction treatment facilities, hospitals, etc.), and no required separation distances from other cannabis stores. Municipalities were also not granted the power to create their own by-laws to control density and separation distances. This may lead to a clustering of cannabis stores in certain neighborhoods. Research from alcohol, tobacco, and cannabis has shown that lower-income neighborhoods tend to have a higher density of outlets.^{3,24,25,26}

It is still unknown how much influence municipalities will have over AGCO decisions on store locations and density.¹

Balance is needed when considering access to legal cannabis:

Ensuring access to a regulated and legal supply of cannabis is important, especially since the latest Canadian data indicates that 15% of Canadians have used cannabis in the past year.²⁷

A public health approach to cannabis legalization strives to minimize the health and social harms from substances and recognizes that the greatest harms occur at the extremes of prohibition and commercialization for profit (Figure 2). Legalization without strict regulations, such as restrictions on retail density and locations, may increase cannabis-related harms.²

While it is important to provide sufficient access to a regulated legal supply of cannabis to avoid the risks of an illicit market, too much access may increase consumption and associated harms.

In April, communities across Ontario will continue to have access to a legal source of cannabis through the online Ontario Cannabis Store (although it should be noted that some vulnerable groups, such as those without an address or credit card, may have limited access). Since the impacts of different retail models across Canada are not yet known, it is important to consider a precautionary approach with stricter regulations to try and minimize health and social problems.²

Financial opportunities should be considered with potential health and social costs in mind:

Municipal governments that permit cannabis retail stores will receive a population-based share of \$40 million in funding from the province for two years, and potentially additional funding from taxes.¹ Cannabis retail stores would also create local business opportunities, however municipalities would not be permitted to license cannabis retail stores.

These financial and economic gains should be considered in light of the potential social and health costs to the community.

In 2014, before legalization, cannabis was already the fourth most costly substance in Canada in terms of social and health impacts. Costs associated with cannabis include: healthcare, lost productivity, criminal justice and other direct costs to society, totaling at least \$2.8 billion.²⁸

Early findings from legalization in Colorado and Washington states have shown increases in cannabis use among young adults and adults, cannabis-related emergency department visits and hospitalizations, and cannabis-related motor vehicle collision fatalities.²⁹

Municipalities may also incur increased costs to support police and by-law enforcement to protect areas where smoking is not permitted and to respond to nuisance complaints. While the impact of retail stores on these outcomes has not yet been established, research supports the finding that increased availability of a substance is generally associated with increased consumption and harms.

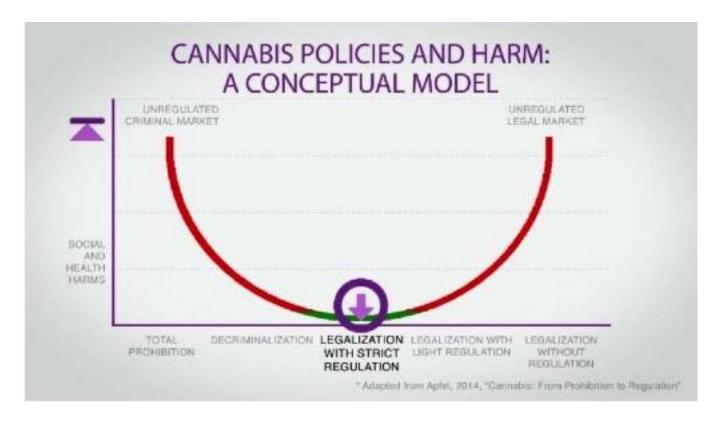


Figure 2: Reproduced with permission from Centre for Addiction and Mental Health: Cannabis Policy Framework. Adapted from Alice Rap: Cannabis – From Prohibition to Regulation.³⁰

Conclusion

Increased access to substances, increases consumption and related harms. Ontario's regulations for cannabis retail stores provide minimal restrictions on cannabis store locations, and minimal power for municipalities to set their own regulations. It is not yet known how much influence municipalities will be have over AGCO decisions on store locations and density. Since the decision to opt-in is final, and the impact of Ontario's private retail model on communities is not yet known, WDGPH recommends monitoring the impacts in other communities before choosing to opt in.

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INTERNAL **MEMO**



DATE:

December 5, 2018

TO

DCAO Colleen Clack GM Doug Godfrey

FROM

Jennifer Smith -Manager

DIVISION

Corporate Community Strategic Initiatives,

DEPARTMENT Strategy Innovation Intergovernmental Services

SUBJECT

Public Engagement

Please find below an update with respect to the surveys that were conducted

Public engagement

To gain some understanding of public opinion regarding cannabis retail, staff commissioned Oracle Poll to conduct a telephone survey. A total of 600 interviews were completed, with 100 surveys conducted in each of the six wards. The margin of error for the total N=600 sample is $\pm 4.0\%$ at 95% confidence.

The survey was open for those aged 19 and older to complete and demographic characteristics were monitored to ensure it reflected the community.

The survey was conducted by phone using computer assisted techniques of telephone interviewing (CATI) and random number selection (RDD) and included both landline and cellular telephone numbers.

The surveys were conducted between 8 November, 2018 and 14 November, 2018.

The survey was designed to gain an understanding of:

- Support or opposition to cannabis retail stores operating in the City of Guelph
- Preferred purchase method
- Locational concerns
- Perceived potential benefits of cannabis stores
- Within the context of the Smoke Free Ontario Act, the perceived need for further restrictions of tobacco and cannabis usage
- Whether the City should receive funding to help with issues related to retail

The full results report can be seen in appendix attachment 4. Some summary insights are as follows:

- 65 per cent of respondents' support having retail cannabis stores in the city.
- Younger residents tend to be more in favour compared to those older
- 45 percent of respondents prefer retail store over online purchase
- Residents do have concerns over their potential locations. The highest concern is having retail shops in the proximity to where children and youth are present, including daycares, playgrounds and youth facilities
- Other concerns related to addiction treatment centres and proximity to postsecondary schools, parks, libraries and high density residential areas

- There was lesser concern regarding locations not serviced by transit and existing LCBO's
- When asked about potential benefits of having cannabis retailers operating in the city almost four in ten could not or did not see any benefits
- Those that did see benefits cited black market sales, an additional source of revenue and economic spinoffs
- More than six in ten want to see tighter regulations above provincial standards on where cannabis and tobacco can be consumed
- Three quarters would support or like to see provincial money in the community to offset issue related to retail

In addition, Staff have kept the public informed of the progress of cannabis policy through the City's website that provided questions and answers on cannabis, resources of credible agencies and information on the working group's efforts.

In addition to the telephone survey, members of the public could also answer questions via the City's website. This option provides opportunity for anyone to provide comments on the matter of cannabis retail. There are a number of limitations of this approach in that it is not a statistically representative sample and the results should be viewed and interpreted with this in mind. Over 5000 people responded to the on-line survey and headline results are attached in the attached appendix. These results were more pronounced in favour of retail sales within the City.

If you have any questions, please contact me.

Yours truly,

Name

Jennifer Smith

Title

Manager

Corporate Community Strategic Initiatives, Strategy Innovation Intergovernmental Services



Cannabis Retail Store Survey Report



November 2018

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Methodology & Logistics

Background & Overview:

The following represents the findings from a November 2018 public opinion telephone survey of City of Guelph residents (19 years of age or older) conducted by Oraclepoll Research Limited for The City of Guelph. The purpose of the research was to gather opinions from residents on issues related to allowing cannabis retail stores in the community.

Study Sample:

A total of N=600 interviews were completed, with N=100 surveys conducted in each of the six (6) Wards. The survey screened to ensure respondents were 19 years of age or older. Gender and age samples were also monitored to ensure they reflected the demographic characteristics of the community.

Survey Method:

All surveys were conducted by telephone using live operators at the Oraclepoll call center facility. A total of 20% of all interviews were monitored and the management of Oraclepoll Research Limited supervised 100%.

The survey was conducted using computer-assisted techniques of telephone interviewing (CATI) and random number selection (RDD). A dual sample frame random database was used that was inclusive of landline and cellular telephone numbers.

Logistics:

Surveys were conducted by telephone at the Oraclepoll call center using person to person live operators from the days of November 8th and November 14th, 2018.

Initial calls were made between the hours of 6:00 p.m. and 9:00 p.m. Subsequent callbacks of no-answers and busy numbers were made on a (staggered) daily rotating basis up to 5 times (from 10:00 a.m. to 9:00 p.m.) until contact was made. In addition, telephone interview appointments were attempted with those respondents unable to complete the survey at the time of contact. If no contact was made at a number after the fifth attempt, the number was discarded and a new one supplanted it.

Confidence:

The margin of error for the total N=600 sample is $\pm 4.0\%$ at 95% confidence.

Preamble

After being screened to ensure they were residents of the City of Guelph, 19 years of age or older, all N=600 respondents were read the following introductory statement. The preamble set the context for the questions to be asked by providing background information about the legalization of cannabis and the provincial guidelines for retail stores in Ontario. This also included what options municipalities have along with what funding they will receive.

"Before we begin, I am going to read a short introduction about the issue. As of October 17^{th,} 2018, Cannabis is legal to produce, sell, distribute, possess and consume."

"In Ontario, cannabis can now be purchased online, but there are no government-operated stores. Next year on April 1st, 2019, the Province of Ontario will allow privately-owned stores to operate within municipalities that allow it."

"While Municipalities will have the opportunity to permit or prohibit the operation of cannabis retail stores within their boundaries, the Government will be responsible to license and to set controls for these stores through the Alcohol Gaming Commission of Ontario. There will be no caps on the number of licenses allowed in each municipality, however, a distance between private cannabis retail stores and schools will be established."

"Municipalities have until January 22, 2019 to decide whether or not to permit the operation of retail stores within their boundaries. Guelph City Council will make this decision on December 17, 2018."

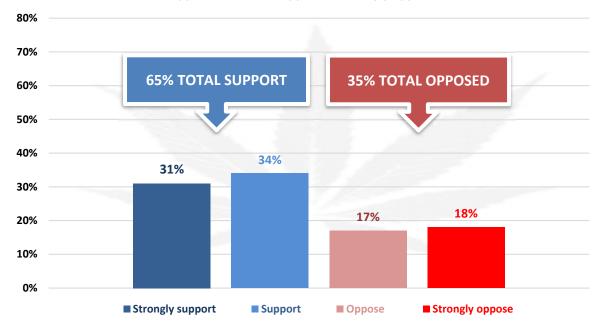
"Municipalities that permit stores to operate within their boundaries will receive a share of \$40 million of funding over the next two years for costs related to hosting storefronts. Municipalities that do not allow retail stores will not be eligible for this funding."

After the script was read, respondents were asked questions about cannabis retail stores in Guelph.

Support / Opposition to Cannabis Stores

The first question asked all N=600 respondents if they support or oppose having cannabis retail stores in the City of Guelph. A four-point rating scale was used to gauge support (support & strongly support) and opposition (opposed & strongly opposed).

Q1. "Do you support or oppose having cannabis retail stores operating in the City of Guelph? Please respond using a scale of strongly support, somewhat support, somewhat oppose or strongly oppose."

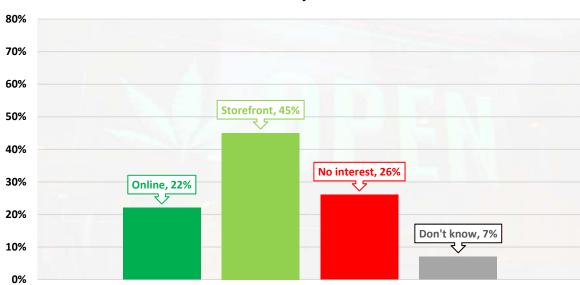


In total, 65% of residents support (34%) or strongly support (31%) having retail cannabis stores operating within the municipality. Slightly more than a third or 35% oppose (17%) or strongly oppose (18%) the presence of cannabis retail outlets in the community.

Younger residents 19-34 most support cannabis retailers at 76% (highest strongly support – 47%), followed by 35-50-year old's at 70%. Support drops to 60% among those 51-64 and less than half of seniors 65+ are in favor at 47%. More males (68%) in relation to females (62%) also support retail stores as did a higher percentage of residents of Ward 6 (70%).

Preferred Purchase Method

Next, respondents were asked about their preferred method to purchase cannabis – either online or at a retail store. This question is projective or hypothetical and was not intended to be a definitive indication of one's usage or intended usage. Results below reveal how citizens prefer the sale of legal cannabis to be distributed.



Q2. "If you were to purchase cannabis, would you prefer to purchase it online or at a storefront?"

Storefront retail was named by 45% of residents, while 22% cited online ordering. There were 26% that answered they have no interest in purchasing cannabis and 7% were unsure.

Online purchasing was most recalled by 19-34 (35%) and 35-50 (22%) year old's, but by only 14% of those 51-64 and 13% of residents 65+. Retail storefronts had the highest response from those in the 35-50 (51%) and 19-34 (49%) cohorts, followed by 51-64-year old's (42%) and then respondents 65+ (33%). Respondents most inclined to say they had no intent to purchase were 65+ at 40% and 51 to 64 at 35% (23% – 35 to 50 & 12% – 19 to 34), while do not know answers were also elevated among those 65+ (13%).

Note: Results are consistent with an Oraclepoll national syndicated survey on cannabis conducted in 2017. In that study, regardless of usage, more Canadians preferred retail outlets to online delivery methods – this because a significant number felt that distribution of the product could be better managed to ensure that sales to minors would be controlled.

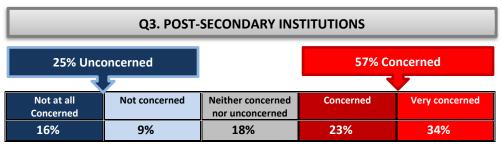
Locational Concerns

A short statement was read about the location of cannabis retailers and the role that municipalities will have in determining their site placements. Respondents were then asked to rate their level of concern with having cannabis retailers in proximity to a series of institutions, areas or facilities in the community.

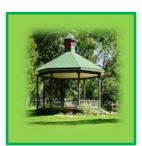
"The provincial government will determine the allowable proximity of cannabis retailers to schools. However, residents and municipalities may be allowed to have input on stores that apply for a cannabis retail licence through the Alcohol Gaming Commission of Ontario."

"Next, I am going to ask you to rate your level of concern with respect to having cannabis retail stores located in proximity to a series of locations in the community. After each location I read, please respond using a scale from one not at all concerned to five very concerned."





There are 57% concerned with having location in proximity to post-secondary institutions, with those 65+ (75%) and 55-64 (69%) being most concerned. Only 25% were unconcerned while 18% had a mid-point view.



Q4. PARKS				
23% Unc	23% Unconcerned 55% Concerned			ncerned
	7			
Not at all Concerned	Not concerned	Neither concerned nor unconcerned	Concerned	Very concerned
12%	11%	22%	25%	30%

Concern over having retailers located near parks is 55%, with only 23% having no concerns and 22% expressing a neutral opinion of neither concerned nor unconcerned. Older residents had higher concerns (66% – 65+), but results were more equally spread among younger cohorts.



Q5. PLAYGROUNDS				
14% Unc	oncerned	ned 77% Concerned		
Not at all Concerned	Not concerned	Neither concerned nor unconcerned	Concerned	Very concerned
7%	7%	9%	26%	51%

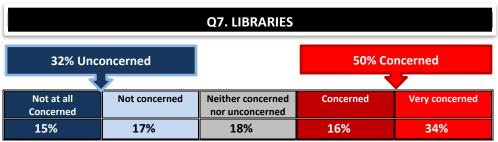
The second highest locational concern after daycares as expressed by 77% of residents was for having cannabis retail stores located near playgrounds. All cohorts expressed concern with this location.



Q6. YOUTH FACILITIES SUCH AS RECREATION CENTRES					
19% Unco	19% Unconcerned 67% Concerned				
	7				
Not at all Concerned	Not concerned	Neither concerned nor unconcerned	Concerned	Very concerned	
8%	11%	15%	19%	48%	

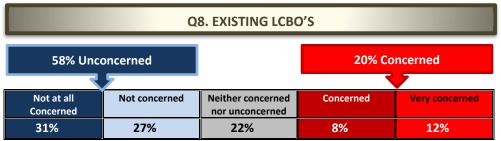
A two-thirds majority said they were concerned (19%) or very concerned (48%) with having cannabis dispensaries operating near youth facilities. It was the area of third highest concern after daycares and playgrounds.





Half of residents expressed concern over locating stores near libraries, while almost a third were unconcerned. Younger residents 18-34 were least likely to be concerned or very concerned (37%).





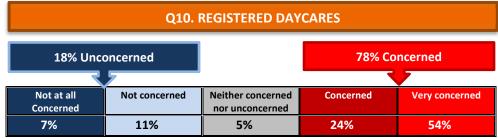
The lowest concern at 20% and highest unconcerned rating (58%) was for locating cannabis stores near LCBO outlets.



Q9. HIGH DENSITY RESIDENTIAL NEIGHBOURHOODS				
40% Unc	oncerned	45% Concerned		
Not at all	Not concerned	Neither concerned	Concerned	Very concerned
Concerned		nor unconcerned		
21%	19%	15%	19%	26%

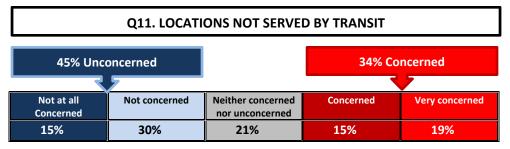
There was more of a split on locating stores near high density neighborhoods with 45% being concerned and 40% unconcerned. Those 65+ were most concerned at 63%, while an almost equal number of 19-34-year old's said they were unconcerned.





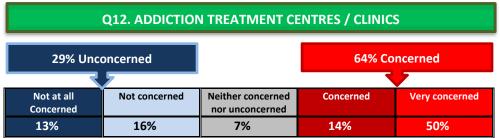
The highest rated location that was of concern for residents was for having cannabis retailers in the proximity of daycares. Almost eight in ten or 78% were concerned, compared to only 18% unconcerned.





The second lowest rated area of concern after having locations near LCBO's was for having stores in areas not served by transit at 34%. Forty-five percent were unconcerned and 21% were neither concerned nor unconcerned.





Having cannabis stores in proximity to addiction treatment clinics concerned 64% of residents – the forth highest of the ten areas rated. Slightly less than three in ten were unconcerned and 7% were neither concerned nor unconcerned.

Benefits of Retail Cannabis Stores

In an open-ended or unaided question, respondents were asked to name the benefits if retail cannabis stores were to open in the community.

Q13. "What benefits do you see if retail cannabis stores open in Guelph?"

*	None / no benefits	22%
淅	Stops illegal sales / cuts back on crime	21%
淅	Don't know	15%
淅	More revenue for the City	14%
淅	More accessible for people that use	8%
淅	Ensures quality / safety of the product	5%
淅	Economic boost / growth	4%
淅	Will be regulated like the LCBO	4%
淅	Medicinal benefits	3%
淅	New business for the City	2%
淅	I have no concerns / problems	2%
*	Taxation / money for government	1%

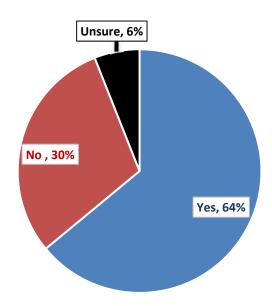
There were 37% that said there would be no benefits (22%) or did not know and could not recall one (15%). Among those with mentions, stopping the illegal black market was most named by 21%, while economic benefit citations totaled 21% including City revenues (14%), an economic boost (4%), new businesses (2%) and tax monies (1%). Providing an accessible market for users was stated by 8%, while quality assurance (5%) and regulation of the market (4%) were next most mentioned. Others said that there are medicinal benefits (3%) and that they have no problems with storefront operations.

Restrictions

The following short statement was read that provided a brief description of the Smoke Free Ontario Act which has been updated to include where cannabis and tobacco can be consumed. Respondents were then asked if they felt the City of Guelph should place further restrictions on where these products can be consumed.

"The Province of Ontario has updated the new Smoke Free Ontario Act to include areas where tobacco and cannabis cannot be consumed. This includes a nine-metre restriction to the entrance of a medical health facility and restaurant patio, a 20-metre restriction to a playground and perimeter of a sports field, school and recreation facility."

Q14. "In your opinion, should the City of Guelph further restrict where tobacco and cannabis can be consumed?"

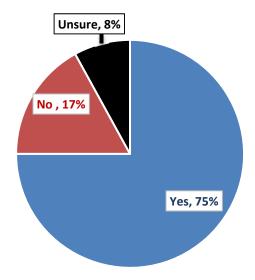


A 64% majority of residents are of the opinion that the City should further restrict where tobacco and cannabis can be consumed. Three in ten do not support this policy and 6% were undecided. Support for further restrictions was strongest among those 65+ (76%) and 54-64 (70%) but drops to 59% for respondents 35-50 and 55% for 19-34-year old's.

Provincial Funding

In a final question, respondents were asked if they felt the City should receive provincial funding to assist with any issues arising from cannabis retail stores in the community.

Q15. "In your opinion, should the City of Guelph receive funding from the province to help with issues arising from cannabis retail stores?"



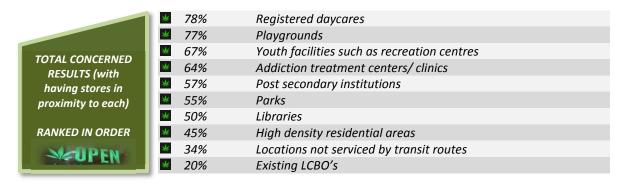
Three-quarters of those surveyed agreed that the municipality should receive provincial money to help offset issues that may result in cannabis stores in the City of Guelph.

Summary

There is a 65% majority support for having retail cannabis stores in the City, although only 31% strongly support and 34% somewhat support the measure. As with most indicators in the survey, younger residents tend be more in favor compared to those older.

On the issue of purchasing cannabis, by a more than two to one margin (45% to 22%) residents prefer retail store sales of cannabis over the online purchase method. As stated, the intent of the question was to determine a public policy approach to managing sales rather than usage or product demand.

Despite an overall willingness to accept cannabis dispensaries in the community, residents do have concerns over their potential locations. The highest concern is having these retail shops in proximity to where young children are present – including, daycares, playgrounds and youth facilities such as recreation centers. Majority concern was expressed over locating cannabis stores near addiction treatment facilities. There is moderate or mid-level concern with having them near post-secondary schools, parks and libraries, while residents appear lesser worries with having them close to high density neighborhoods. A low level of trepidation was expressed over cannabis stores being located where there is no transit service and a very low number are concerned with them being in proximity to LCBO's. Overall, older residents expressed concerns compared to younger citizens.



When asked about the benefits of having cannabis retailers operating in the City almost four in ten could not or did not see any. Those with opinions on the benefits most cited stopping black market sales, providing a source of revenue, the economic spinoffs and enabling users to have a reliable safe source of product.

A more than six in ten majority of Guelph residents also want to see tighter regulations above provincial standards on where cannabis as well as tobacco can be consumed. In addition, three-quarters would support or like to see provincial money in the community to help offset any issues related to cannabis retail outlets.



Canabis Retail Survey Results Report

Q1. Do you support or oppose having cannabis retail stores operating in the City of Guelph? Please respond using a scale of strongly support, somewhat support, somewhat oppose or strongly oppose.

	Frequency	Percent
1-Strongly support	186	31.0
2-Somewhat support	202	33.7
3-Somewhat oppose	102	17.0
4-Strongly oppose	110	18.3
Total	600	100.0

Q2. What is your preferred method of having cannabis sold to Guelph consumers?

Would it be online or through storefront businesses?

	Frequency	Percent
Online	133	22.2
Storefront	268	44.7
I have no intent of purchasing cannabis	157	26.2
Don't know	42	7.0
Total	600	100.0

Next, I am going to ask you to rate your level of concern with respect to having cannabis retail stores located in proximity to a series of locations in the community.

After each location I read, please respond using a scale from one not at all concerned to five very concerned.

Q3. Post secondary institutions

	Frequency	Percent
1-Not at all concerned	95	15.8
2-Not concerned	53	8.8
3-Neither concerned nor unconcerned (neutral)	109	18.2
4-Conerned	140	23.3
5-Very concerned	203	33.8
Total	600	100.0

Q4. Parks

	Frequency	Percent
1-Not at all concerned	73	12.2
2-Not concerned	66	11.0
Neither concerned nor unconcerned (neutral)	130	21.7
4-Conerned	153	25.5
5-Very concerned	178	29.7
Total	600	100.0

Q5. Playgrounds

	Frequency	Percent
1-Not at all concerned	42	7.0
2-Not concerned	44	7.3
Neither concerned nor unconcerned (neutral)	56	9.3
4-Conerned	154	25.7
5-Very concerned	304	50.7
Total	600	100.0

Q6. Youth facilities such as recreation centres

	Frequency	Percent
1-Not at all concerned	46	7.7
2-Not concerned	68	11.3
3-Neither concerned nor unconcerned (neutral)	88	14.7
4-Conerned	112	18.7
5-Very concerned	286	47.7
Total	600	100.0

Q7. Libraries

	Frequency	Percent
1-Not at all concerned	89	14.8
2-Not concerned	100	16.7
3-Neither concerned nor unconcerned (neutral)	108	18.0
4-Conerned	98	16.3
5-Very concerned	205	34.2
Total	600	100.0

Q8. Existing LCBO's

	Frequency	Percent
1-Not at all concerned	185	30.8
2-Not concerned	164	27.3
3-Neither concerned nor unconcerned (neutral)	131	21.8
4-Conerned	48	8.0
5-Very concerned	72	12.0
Total	600	100.0

Q9. High density residential areas

	Frequency	Percent
1-Not at all concerned	128	21.3
2-Not concerned	112	18.7
3-Neither concerned nor unconcerned (neutral)	88	14.7
4-Conerned	115	19.2
5-Very concerned	157	26.2
Total	600	100.0

Q10. Registered daycares

	Frequency	Percent
1-Not at all concerned	41	6.8
2-Not concerned	64	10.7
3-Neither concerned nor unconcerned (neutral)	27	4.5
4-Conerned	142	23.7
5-Very concerned	326	54.3
Total	600	100.0

Q11. Locations not serviced by transit routes

	Frequency	Percent
1-Not at all concerned	90	15.0
2-Not concerned	178	29.7
3-Neither concerned nor unconcerned (neutral)	126	21.0
4-Conerned	91	15.2
5-Very concerned	115	19.2
Total	600	100.0

Q12. Addiction treatment centres/ clinics

	Frequency	Percent
1-Not at all concerned	78	13.0
2-Not concerned	94	15.7
3-Neither concerned nor unconcerned (neutral)	44	7.3
4-Conerned	86	14.3
5-Very concerned	298	49.7
Total	600	100.0

Q13.What benefits do you see if retail cannabis stores open in Guelph?

	Frequency	Percent
None / no benefits	134	22.3
Stops illegal sales / cuts back on crime	124	20.7
Don't know	90	15.0
More revenue for the City	84	14.0
More accessible for people that use	50	8.3
Ensures quality / safety of the product	27	4.5
Economic boost / growth	23	3.8
Will be regulated like the LCBO	21	3.5
Medicinal benefits	19	3.2
New business for the City	12	2.0
I have no concerns / problems	9	1.5
Taxation / money for government	7	1.2
Total	600	100.0

Q14. In your opinion, should the City of Guelph further restrict where tobacco and cannabis can be consumed?

	Frequency	Percent
Yes	382	63.7
No	183	30.5
Don't know	35	5.8
Total	600	100.0

Q15.In your opinion, should the City of Guelph receive funding from the province to help with issues arising from Cannabis retail stores?

	Frequency	Percent
Yes	451	75.2
No	99	16.5
Don't know	50	8.3
Total	600	100.0

The final question is about yourself and is important for reporting and analysis. Once again, I would like to assure you that all personal information will remain confidential and will be used for statistical purposes only.

D1. Which of the following age groups may I place you in?

	Frequency	Percent
19-34	174	29.0
35-50	159	26.5
51-64	153	25.5
65 or older	114	19.0
Total	600	100.0

D2. Gender

	Frequency	Percent
Male	292	48.7
Female	308	51.3
Total	600	100.0

Cannabis Retail Survey

Survey Results

J1 rueciare	that I am 19 years	s of age or older ((Mandatory)		5,10 100	1
0%		50%	100%	COUNT		PERCENT
Yes				5,095		100%
No				6		0%
SE 3				******************************		************************
	upport or oppose (Mandatory)	having cannabis	retail stores operat	ing in the City of	5,09 100	6
	0%		39%	78%	COUNT	PERCENT
Strongly support					3,945	77%
Strongly oppose					516	10%
Somewhat support					460	9%
Somewhat oppose					142	3%
uestion If you we	ere to purchase ca	nnabis would vo	u prefer to purchas	e online or through	Answ	
it you we	ere to purchase ca nt businesses? (Mo	indatory)	u prefer to purchas	e online or through	Answ 5,09	ers Ski 6 0% <1
3 storefron			u prefer to purchas 37%	e online or through	Answ 5,09 100 74% COUNT	ers Ski 6 0% <1
3 storefront	nt businesses? (Mc	indatory)		e online or through	Answ 5,09 100 74% COUNT 3,728	ers Ski 166 19% <1 PERCENT 73%
3 storefront Storefront	nt businesses? (Mc	indatory)		e online or through	Answ 5,09 100 74% COUNT 3,728 864	PERCENT 73% 17%
3 storefron Storefront Thave no intention of buyin	nt businesses? (Mc	indatory)		e online or through	Answ 5,09 100 74% COUNT 3,728	ers Ski 166 19% <1 PERCENT 73%
Storefront Thave no intention of buyir Online	nt businesses? (Mc	indatory)		e online or through	74% COUNT 3,728 864 288	PERCENT 73% 17% 6%
Storefront Thave no intention of buying Online Don't know/ not sure	nt businesses? (Mo	oncern with respe	37%		74% COUNT 3,728 864 288	PERCENT 73% 17% 6% 4% 4% 29 28
Storefront Thave no intention of buying Online Don't know/ not sure	nt businesses? (Mo	oncern with respe	37%		74% COUNT 3,728 864 288 216	PERCENT 73% 17% 6% 4% 4% 29 28
Storefront Storefront I have no intention of buying Online Don't know/ not sure Usestion Please rollocated in Post secondary	nt businesses? (Mo	oncern with respe	ect to having canna the community.	bis retail stores	74% COUNT 3,728 864 288 216 Answ 5,07	PERCENT 73% 17% 6% 4% 4% PON'T KNOW /
Storefront Thave no intention of buying Online Don't know/ not sure	nt businesses? (Mo	oncern with respe	ect to having cannot the community. NEITHER CONCERNED NOR UNCONCERN	bis retail stores	74% COUNT 3,728 864 288 216 Answ 5,07 100	PERCENT 73% 17% 6% 4% Pers Sk 29 20% DON'T KNOW/ NOT SURE

	NOT AT ALL CONCERNED	NOT CONCERNED	NEITHER CONCERNED NOR UNCONCERN	CONCERNED	VERY CONCERNED	DON'T KNOW / NOT SURE
Youth facilities such as recreation centres	1,594	674	803	918	988	25
Libraries	2,391	867	736	359	617	19
Existing LCBO's	3,344	717	401	156	310	48
High density residential areas	2,711	867	555	247	577	27
Registered daycares	1,804	695	720	730	970	69
Locations not serviced by transit routes	2,209	645	713	550	707	154
Addiction treatment centers/ clinics	1,519	534	667	778	1,017	176

)5	What benefits do you see if retail cannabis stores open in Guelph? (Mandatory)						Skips 6 <1%
	<u>&</u> 210,981,679	Get rid of the illegal market	Today, 5:26AM				
	210,960,113	Medical Cannabis has to mo	any taxes bringing prices up so this wo	ould help many people.		Yesterdo	зу, 8:04РМ
	210,945,671	None				Yesterdo	иу, 4:20РМ
	210,939,674	None				Yesterde	ау, 3:04РМ
	210,933,750	No benefits.				Yesterde	ау, 1:59РМ
	210,933,153	None				Yesterd	ау, 1:52РМ
uestion	In your opinion, should the City of Guelph further restrict where tobacco and cannabis can be consumed?						Skip 12 <1%
		0%	31.5%	63%	COUNT	PERC	CENT
No					3,174	6	52%
es					1,304		26%
	ow.				308		6%
Don't kno							

https://app.crowdsignal.com/share/s968367be6b5a6058f6867bd6476eafb7964848863

In your opinion, should the City of Guelph receive funding from the province to help

with issues arising from Cannabis retail stores?

Question

07

Skips

38

1%

Answers

99%

5,063

	0%	25%	50%	COUNT	PERCENT
Yes				2,482	49%
Don't know				1,430	28%
No				1,151	23%
					Cl.
What is y	our age category?	25%	50%		91 10
)8 What is y	our age category?	25%	50%	5,09	10
		25%	50%	5,09 10	91 10 0% <1%
)8 What is y		25%	50%	5,09 10 count 2,509	91 10 0% <1% PERCENT 49%
What is y		25%	50%	5,09 2,509 1,511	91 10 0% <1% PERCENT 49% 30%

Cannabis Retail Store Engagement

METHODOLOGY AND RESULTS

Methodology

RANDOM TELEPHONE SURVEY

Oracle poll completed a live interview telephone survey

Nov 8th - 11th

CATI software includes land lines and cellular

Study sample of 600 (95% confidence)

SELF SELECTION ONLINE SURVEY

Online survey available for residents to complete voluntarily

Survey was open Nov 8th – 18th

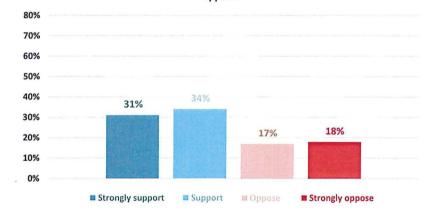
Promoted through a media release, city news (paper) ads and through social media

Completed by 5066 respondents

Results

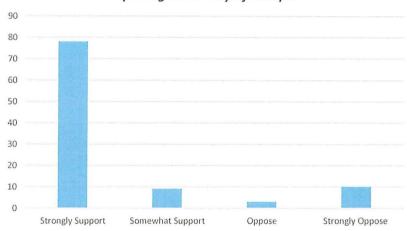
TELEPHONE SURVEY

Q1. "Do you support or oppose having cannabis retail stores operating in the City of Guelph? Please respond using a scale of strongly support, somewhat support, somewhat oppose or strongly oppose."



ONLINE SURVEY

Q 1. Do you support having cannabis retail stores opening in the City of Guelph?



Results – Proximity, restrictions and funding

TELEPHONE

High concern with retail located near daycares, play grounds, youth facilities and treatment centres.

Low concern with Transit routes and LCBO locations

64% felt the City **should** further restrict where tobacco and cannabis could be smoked

75% thought the City should receive funding from the provincial government

ONLINE

Moderate concern with retail located near addiction treatment centres, youth facilities, playgrounds and daycares.

Low concern with LCBO locations, libraries and residential areas.

63% felt the City **should not** further restrict where tobacco and cannabis are smoked

49% felt the City should receive funding from the government

Benefits

What benefits do you see if retail cannabis stores open in Guelph?

TELEPHONE

No benefit

Stops illegal sales/ cuts back on crime

Economic benefit for the City – tax revenue, jobs, keeping money local

Ensuring safety of product

More accessible for those that use it (medicinal use was mentioned often)

No idea

Regulation

ONLINE

Restricting something legal is restricting a persons rights and freedoms

Will reduce underground sales and sales to underage buyers/ discourage black market

Economic benefits including increased business tax base, jobs and keeping money in Guelph

Better education about the product/ buying safe and appropriate product

People will be less likely to drive high

Privacy

No honofit

From: -----

Sent: November-19-18 10:11 AM

To: Doug Godfrey < Doug.Godfrey@guelph.ca >

Subject: Cannabis Opinion

Good morning Sir, I apologize for bothering you with this, but could you please forward this email to the appropriate department. I was trying to give my opinion about Guelph opting-out of cannabis, but I could not find the proper contact information online. Your contact info is the only one I found near the cannabis voting page.

I would like Guelph to opt-our of cannabis because I believe nothing good comes out of drugs. I have cusins and uncles who have consumed cannabis and nowadays they have lots of health and mental issues, such as schizophrenia. We need to educate people and campaign against the use of cannabis, just like we do for cigarette. Just because alchohol and cigarettes are bad and legal, does not justify making cannabis more accessible.

Please note that I fully support the use of cannabis for regulated and prescribed medicinal reasons (this excludes self-medication).

Thank you, have a good day.

From:
Sent: November-21-18 12:42 PM
To:
Subject: Marijuana - OPT OUT
Importance: High

....

In light of the recent changes surrounding the legalization of marijuana on October 17, 2018, there has been a great deal of speculation as to how this will impact our communities.

As a concerned, private citizen, I have conducted extensive research and prepared the attached paper providing a closer look at the impact marijuana will have on our communities. The topics addressed include forfeiting rights as a municipality, the black market, impaired driving, emergency services, marijuana edibles, health, second-hand smoke, workplace safety, by-laws and policies, economical impact, environmental, real estate, insurance, entries to the U.S., and pardoning of criminals.

Despite federal and provincial governments hoisting marijuana legalization upon us with blatant disregard to facts and lack of research, municipalities have the power to OPT OUT of hosting retail marijuana outlets before January 22, 2019.

Thank you for taking the time to read about the impact marijuana will have on our communities.

Kindest Regards,				
Belwood. Centre Wellington				

IMPACT OF MARIJUANA

by -----

November 21, 2018

There are countless reasons why municipalities must **OPT OUT** permanently from allowing private marijuana retailers and producers from entering our communities. By-laws must be immediately established and enforced to protect citizens from the resulting impact of marijuana.

If municipalities don't opt out, they are automatically opted in, forfeiting all rights regarding licensing, and the number and location of retail outlets. The municipalities' hands will be tied: "... any existing by-law passed by a municipality to regulate cannabis retail location is deemed to be of no effect." (Section 42(3), Bill 36 Cannabis Statute Law Amendment Act, 2018).

"Municipal governments will be the first to witness and respond to the impacts of cannabis legalization in our communities." (Association of Municipalities—AMO)

Despite federal and provincial governments hoisting marijuana legalization upon us with blatant disregard to facts and lack of research, municipalities have the power to say NO before January 22, 2019, priding themselves in protecting their thriving communities.

No amount of **money** can justify the negative ramifications of marijuana legalization. It does not account for the undertaking of building the framework to support legalization: public health and safety, workplace safety, policing, emergency services, and education.

Some think organized crime and dealers will be curtailed when marijuana sales become legal. This is not true. One of the most important drivers of **black market** sales is the price gap between legal and illegal products. Since the gap is large (up to 50%), black markets will flourish. Is one to believe drug dealers will suddenly develop a conscience because marijuana is legal? Will pushers decide to engage in a new, unscrupulous profession abandoning one that has been lucrative? Certainly not. They will continue to illegally export to other countries. They will push harder to their current clients and underage **children**.

Buyers will stay with who and what they trust. There is no incentive to switch to a private retailer. In a small community, where people know one another, patrons don't want the **stigma** of being seen by their employer or others entering or exiting marijuana stores.

Since the THC content in black market supply is two to four times stronger, one would have to buy the equivalent amount at a greater cost legally to achieve the high they are accustomed to.

With the legal amount of 30 grams yielding approximately **100 joints** and four plants yielding approximately **3000 joints** every three months, and the ability to stock-pile, concerns over increased drug usage, addiction, and dealing will increase.

Explosions caused by using **flammable solvents** in the refining process to obtain oil from home-grown marijuana plants, culminate in demolished houses, serious injury, and **death**. This puts our community and **firefighters** at further risk.

Municipalities can "specify that the use of residential premises for the growing of [cannabis plants] is prohibited" (Federation of Canadian Municipalities https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf (p.22)

We must consider the safety and protection of everyone, particularly **children**, in environments where marijuana is produced and consumed in various ways, be it smoked, vaped, or as edibles.

Making marijuana legal gives false perception to adolescents of the drug's harmful effects. Allowing smoking normalizes that it is safe and acceptable.

A great deal of time and money is being spent on economic development, beautification, and revitalization of our communities, only to be undone by loitering and crime which will further escalate since marijuana stores will stay open until 11:00 p.m., when other businesses will be closed.

Envision walking down the street and in parking lots, through clouds of second-hand smoke on your way to your favourite restaurant, store, park, or arena.

There is only **one** person in all of Wellington-Dufferin-Guelph Public Health to enforce tobacco laws, now being compounded by adding cannabis. That is **one person for a population of 300,000**. How can this possibly be done effectively?

Municipalities can implement by-laws declaring a smoke-free environment, prohibiting use of tobacco and marijuana in any form.

Municipalities can also ban edibles.

Drinking and driving and distracted driving continue to cause **death**. The problem will be further compounded with **drug impaired driving** and the consumption of **both alcohol and drugs** in combination. A ten-year trend shows **one in four** teens who died in motor vehicle accidents tested positive for cannabis. This impacts the safety of all citizens and puts a tremendous amount of pressure on our **police** forces.

This paper provides a closer look at the impacts of forfeiting rights as a municipality, the black market, impaired driving, emergency services, marijuana edibles, health, second-hand smoke, workplace safety, bylaws and policies, economical impact, environmental, real estate, insurance, entries to the U.S., and pardoning of criminals.

Colorado is used as a model since this state was the first to legalize marijuana for recreational use in 2014. There, the black market is booming. Crime is on the rise. Hospital visits are increasing. Now, its governor won't rule out recriminalizing it.

The following excerpts contain factual and statistical information and can be cross-referenced with accompanying links prefacing summaries.

FORFEITING RIGHTS AS A MUNICIPALITY

https://www.amo.on.ca/AMO-PDFs/Cannabis/What-s-New-with-Bill-36.aspx

If you opt in, you forfeit all rights as a municipality regarding the number and location of retail outlets.

- "Restrictions on Municipal By-law Making Authority: Section 42(1) of the Act denies municipal governments the authority to pass a business licensing by-law respecting the sale of cannabis or the governance of retail stores. Section 42(2) of the Act denies municipal governments the authority to pass a by-law under the Planning Act that has the effect of distinguishing where cannabis can or cannot be sold. Under section 42(3), any existing by-law passed by a municipality to regulate cannabis retail location is deemed to be of no effect."
- licenses will be granted by the Alcohol and Gaming Commission of Ontario (AGCO) **NOT** municipalities
- There is no cap on how many stores will be allowed to open in Ontario. In addition, a **single** company will be able to open up to a maximum of **75 stores**. This raises concerns about large corporations setting up shops on every corner.
- Will marijuana retailers be liable for selling to someone who uses the substance, gets in a vehicle, and kills someone? Will municipalities be negligent in allowing this to happen? Do you want this on your conscience?

https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-36#Sched247

Bill 36 of the Cannabis Act outlines that once a retail store is allowed to operate, the decision cannot be reversed.

Lifting of prohibition

- 41(3) A municipality that has prohibited cannabis retail stores under subsection (1) may, by resolution, lift the prohibition and permit cannabis retail stores to be located in the municipality. Lifted prohibition may not be restored
 - 41(4) A resolution passed for the purposes of subsection (3) is final and may not be reversed.

BLACK MARKET

www.cbc.ca/news/world/colorado-marijuana-black-market-1.4647198

Colorado: When recreational marijuana went on sale in 2014, the government's goal was to regulate and tax a drug that was already widely used and to squeeze out dealers and traffickers in the process. But, law enforcement authorities in the state say legalization has done the exact opposite.

- The black market is booming, despite more than 500 recreational marijuana dispensaries in the state.
- It's being driven by criminal organizations that grow marijuana in Colorado and smuggle their crop into states where it is still illegal and can be sold for a much greater profit.
- The black market hasn't gone away within the state, either, because some marijuana users are deterred by the higher dispensary prices and are loyal to their long-time dealers.
- Paul Roach, supervisor for Drug Enforcement Administration (DEA)
 - Drug trafficking organizations move there—disguised as legitimate operations
 - Will exploit Canadian laws to increase profit

- Anonymous drug dealer says legalization hasn't had a big impact on his business because he caters to
 clients who don't want to be seen going into a dispensary. His clientele also includes a number of truck
 drivers, who are prohibited from using marijuana under federal transportation laws.
- Users continue to support black market because they've built trust, and the drugs are cheaper.

www.theglobeandmail.com/news/national/ontario-vows-to-give-municipalities-40-million-for-marijuana-law-enforcement/article38260217/

• The elimination of illicit markets won't happen. Dispensaries will still have limits requiring proof of age, set price, potency constraints, and the stigma of being seen at these retailers in a small community. These restrictions are deterrents ensuring others will continue to turn to the streets.

www.cbc.ca/news/canada/british-columbia/legal-marijuana-in-colorado-brought-spike-in-black-market-1.4587048

- In Denver, DEA public information officer Randy Ladd said people sometimes peddle pot right outside legal dispensaries and they'll undercut prices in legitimate stores and skirt taxes.
- Ladd has a warning for Canadians who think legalizing cannabis will snuff out the illegal market and the crime that goes with it, even if all the jurisdictions in Canada legalize the drug at the same time.
- Ladd: "There are people who come to Colorado, and they'll come to Canada if they can they'll come from the United States and they'll come from around the world to **rob people at gunpoint** for their marijuana. **They'll kill people**," he said. "I can tell you, there's a very dark side to it."

www.teenchallenge.ca/get-help/canadian-drug-crisis

- Canadian Security Intelligence Service (CSIS) estimates there are roughly 950 organized criminal groups active in Canada. About 80% derive revenues from illegal drug sales. *Edmonton Journal, April 4, 2009*
- 23% of Ontario students report that they were offered, sold, or given a drug at school in the last year. That's about 219,000 students. (*Legalization will not prevent this from occurring*).

IMPAIRED DRIVING

https://www150.statcan.gc.ca/n1/pub/85-002-x/2016001/article/14679-eng.htm

- Impaired driving still remains one of the most frequent criminal offences and is among the leading criminal causes of death in Canada.
- In 2015, drug-impaired driving doubled since 2009, when data became available.
- Drug-impaired driving is on the rise (<u>Allen 2016</u>).
- At least 1 out of 6 persons accused in an impaired driving court case in 2014/2015 had been previously
 accused in another impaired driving case during the preceding 10 years.

EMERGENCY SERVICES

FIRE

https://www.cbc.ca/news/canada/nova-scotia/hrm-fire-anticipates-increased-risks-from-home-grown-marijuana-1.4704155

Home cultivation has brought increased risks of fires from people growing and smoking pot at home

- Someone takes a home and tries to build a modified greenhouse in a bedroom or room that's not built for that
- Increased risk comes from:
 - compressed carbon dioxide tanks that are used to increase yields
 - high-watt light bulbs that may melt nearby wiring
 - explosions from butane used to extract THC from marijuana
 - wiring issues caused by the theft of electricity to power high-watt lights

https://cafc.ca/page/cannabis

The Canadian Association of Fire Chiefs is concerned the federal government is overlooking the following implications:

 explosion conditions, fumigation, automation sprinkler systems, automatic emergency power systems, hazardous materials, exhaust, fumes, carbon dioxide emission, flammable and combustible liquid extraction systems, inspection, and education

POLICE

https://www.wellingtonadvertiser.com/comments/index.cfm?articleID=41719

Inspector Scott Lawson, Wellington County O.P.P Detachment Commander states:

- "You just have to know that cannabis will impair you. There's tons of medical evidence to back that up."
- "When you combine [cannabis and alcohol] and you get behind the wheel of your boat, of your motorcycle, of your vehicle, you're going to be impaired."
- "How would we know what 30 grams is because they're not going to give us all a little scale. We don't want to open those packages ... we're not handling product"
- "If organized crime is currently what's supplying cannabis to Canada ... they [could] find ways to get into
 the legal market and start distributing legal cannabis in an illegal way and using the profits to fund what
 they fund."
- "With taxes added to the sale of marijuana, there's a chance people will continue to buy illegal cannabis anyway."
- "If you have young kids in your home or youth in your home and you've got four plants growing and curious kids ... they kind of get it. The next thing you know, they're cutting a bit of bud off it and trying to figure it out and they saw mom and dad rolling it. We won't have any control over that. We won't see that; we won't know that until paramedics get called because the kid's gone down or is struggling."

PARAMEDICS

Paramedics are already victims of abuse, assault, and violence. Will this escalate with increased marijuana use?

https://www.theglobeandmail.com/cannabis/article-with-cannabis-legalization-looming-doctors-foresee-uptick-in/

- "Paramedics have seen more marijuana-related calls and are concerned about impaired driving causing collisions, as well as children who accidentally consume cannabis edibles. (Randy Mellow, President of Paramedic Chiefs of Canada).
- It makes it challenging for paramedics to distinguish the cause of the emergency

https://www.cbc.ca/news/health/cannabis-overdose-legalization-edibles-public-education-1.4800118

- Data from the Canadian Institute for Health Information (CIHI) shows that over the past three years the number of emergency room visits because of cannabis overdoses in Ontario has almost tripled from 449 in 2013-14, to nearly 1,500 in 2017-18.
- Symptoms of cannabis overdose (THC poisoning) include elevated heart rate and blood pressure, anxiety, vomiting and in some cases psychosis, possibly necessitating hospitalization.

MARIJUANA EDIBLES

Edibles, including food and beverages, will be introduced in 2019.

Food and beverage companies are forming alliances with cannabis producers. This is dangerous.

www.nejm.org/doi/full/10.1056/NEJMp1500043

- Implications of edibles:
 - **psychoactive** effects delayed up to 4 hours, but can last more than 8 hours, extending the duration of impaired judgment and coordination that can lead to unsafe driving and accidental injuries
 - higher rates of calls (70%) to **poison**-control centres for unintentional marijuana exposure [edibles] in **children under 9 years of age**
 - increased **hospital** visits
 - cause death
- Increase in potency: THC more than 20%; levels in hashish reach up to 90%

HEALTH

www.urmc.rochester.edu/encyclopedia/content.aspx?ContentTypeID=1&ContentID=3051

the rational part of the brain is not fully developed until the age of 25

https://www.cps.ca/en/documents/position/cannabis-children-and-youth

- Structural changes of the brain on MRI have been documented in youth who use cannabis regularly indicating damage by THC.
- The THC content of marijuana available today is two to four times higher than from typical products used 40 years ago (20), a factor likely to magnify impact on the adolescent brain.
- increased neural activity, which means the brain is working harder to perform tasks

www.ncbi.nlm.nih.gov/pmc/articles/PMC3930618/

- marijuana use affects brain development and functioning
- causes deficit in attention and memory
- leads to risky behaviours, including increased marijuana use, aggressive and delinquent behaviour

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4827335/

long-term marijuana use leads to addiction and increases when used in the teen years or daily

- 2.7 million people aged 12 and older met criteria for dependence
- Cessation is difficult and leads to relapse due to irritability, sleeping difficulties, dysphoria, craving, and anxiety

https://www.drugabuse.gov/publications/research-reports/marijuana/what-are-marijuanas-effects-lung-health

- Marijuana smoke contains carcinogenic combustion products, including about 50% more benzoprene and 75% more benzanthracene (and more phenols, vinyl chlorides, nitrosamines, reactive oxygen species) than cigarette smoke.
- Because of how it is typically smoked (deeper inhale, held for longer), marijuana smoking leads to four times the deposition of tar compared to cigarette smoking.

https://www.drugabuse.gov/publications/research-reports/marijuana/there-link-between-marijuana-use-psychiatric-disorders

 marijuana use increases risk for psychiatric disorders, including psychosis (schizophrenia), depression, anxiety, and substance use disorders

https://www.drugabuse.gov/publications/research-reports/marijuana/how-does-marijuana-use-affect-school-work-social-life

- marijuana's negative effects on attention, memory, and learning can last for days or weeks after the acute effects of the drug wear off
- someone who smokes marijuana daily functions at a reduced intellectual level most or all of the time
- students who smoke marijuana have poorer educational outcomes than their non-smoking peers, are significantly less likely to finish high school or obtain a degree
- have a much higher chance of developing dependence, using other drugs, and attempting suicide
- heavy marijuana use linked to lower income, greater welfare dependence, unemployment, criminal behavior, and lower life satisfaction

SECOND-HAND SMOKE

www.drugabuse.gov/publications/research-reports/marijuana/what-are-effects-secondhand-exposure-to-marijuana-smoke

 The National Institute on Drug Abuse reports the effects of second-hand smoke as being psychoactive, registering in the blood and urine, and affecting the lungs. Concerns raised about vulnerable populations include children and asthmatics.

https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf (p.32)

The understanding that tobacco consumption can be harmful to respiratory health and contribute to
cancers, and that second-hand smoke can have similar negative health impacts, has qualified as healthrelated reasons for municipal restrictions on tobacco consumption. Local governments are likely to be
able to draw on a similar approach for cannabis consumption where authorized. (The Federation of
Canadian Municipalities)

WORKPLACE SAFETY

Consideration must be given to workplace safety, operation of machinery, detection, disciplinary action, decreased work performance, attendance, and loss of productivity.

https://www.drugabuse.gov/publications/research-reports/marijuana/how-does-marijuana-use-affect-school-work-social-life

Increased risk for injury or accidents in the workplace: One study among postal workers found that
employees who tested positive for marijuana on a pre-employment urine drug test had 55% more
industrial accidents, 85% more injuries, and 75% greater absenteeism compared with those who tested
negative for marijuana use.

BY-LAWS AND POLICIES

https://www.cbc.ca/news/canada/kitchener-waterloo/university-of-guelph-cannabis-policy-1.4791679

 University of Guelph—not allowed to smoke marijuana or tobacco anywhere on campus, including residences; no sales or deliveries are permitted

https://www.orangeville.com/news-story/8996509-up-in-smoke-shelburne-council-says-no-to-recreational-cannabis-use-in-public-spaces-/

- Shelburne council voted in favour of a new by-law based on rules recently adopted in Markham forbidding the smoking or vaping of recreational cannabis in public spaces.
- That means no lighting up or vaping of recreational cannabis anywhere that is accessible to the public
 including parks, trails, parking lots, town facilities, sidewalks, roads, shopping malls and other retail,
 commercial and business establishments.
- Markham (pop. 330,000), Richmond Hill (pop. 200,000), and King Township (pop. 25,000) have all opted out of allowing marijuana stores in their communities.
- Our municipalities have the power to do the same.

ECONOMICAL IMPACT

www.cbc.ca/news/business/cannabis-weed-pot-canada-1.4598560

- Economist and policy analyst Rosalie Wyonch, from the Canadian C.D. Howe Institute, says, "The clear economic logic is that so long as there is demand beyond what the legal industry can supply when new legislation takes effect this year, a market supplied by criminals will continue to exist."
- In the Canadian case, the C.D. Howe investigation indicates that immediately after recreational sales are permitted, illegal suppliers will continue to control about half the market, wiping out roughly \$420 million in potential excise tax revenue that would otherwise be collected.

http://research.cibcwm.com/economic_public/download/eijan16.pdf (p.8)

 Avery Shenfeld, CIBC economist, states, "The bottom line is that federal/provincial governments might reap as much as \$5 billion from legalization, but only if all the underground sales are effectively curtailed. That's on the order of 0.25% of GDP, no barnburner." <u>www.theglobeandmail.com/news/national/ontario-vows-to-give-municipalities-40-million-for-marijuana-law-enforcement/article38260217/</u>

- \$40 million over 2 years shared amongst 444 municipalities in Ontario. This will not be divided equally among municipalities. A minimum of \$10,000 will be given only if opting in.
- The federal government's share of the duties is capped at \$100 million with only half to be shared with provinces and territories. This could also lessen. In fact, in December, 2017, it was 75%, now it is down to 50%. This is provided on a **per household** basis, which would not equate to much based on the 2016 census of approximately 10,800 households in Centre Wellington, 4,600 in Wellington North, 4,500 in Guelph-Eramosa, 4,000 in Erin, 3,200 in Minto, 3,100 in Mapleton, and 2,700 in Puslinch. The City of Guelph is 52,000.

https://www.amo.on.ca/AMO-Content/Policy-Updates/2018/AMORecommendationsBill36OntarioCannabisStatuteLawA

 The Association of Municipalities Ontario (AMO) remains concerned that the costs related to legalization, from closing illegal dispensaries to road enforcement and other use, will exceed the funds the province receives from the federal government, of which \$40 million to be shared with municipal governments.

ENVIRONMENTAL

https://www.mccarthy.ca/en/insights/blogs/canadian-era-perspectives/spotlight-cannabis-part-2-taking-closer-look-environmental-costs-cannabis-cultivation?utm source=Mondaq&utm medium=syndication&utm campaign=inter-article-link

- The primary environmental issues arising from the production of cannabis on a commercial scale include contaminated sites management, water use, effluent and waste management, odours and air quality, energy use and greenhouse gas (GHG) emissions.
- a cannabis plant needs 22 litres of water a day
- impacts on local watersheds as a result of the diversion of water for cannabis production
- generate effluent containing growth nutrients and pesticides, which could have potentially adverse environmental impacts on local ecosystems
- cannabis production generates a significant waste stream
- a significant amount of which is being disposed in landfills rather than being composted, which takes months and a considerable amount of space
- the growth of cannabis plants emits terpenes, which are a type of volatile organic compound (VOC) known for their strong odour
- The cultivation of cannabis is an energy intensive activity, particularly for the indoor production of
 cannabis which requires high-intensity lighting, air conditioners, and dehumidifiers to regulate humidity
 and temperature. The Northwest Power and Conservation Council has calculated that it takes
 approximately 5,000 kWh to produce one kilogram of cannabis product this is the same amount of
 energy an average Canadian household would use in 4 months.

https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf (p.14)

 As a type of intensive agriculture, cannabis production needs a supply of: water for irrigation, electricity for lighting, and energy for heating.

- Cannabis production has some special impacts in relation to odour emissions and a need for heightened security that can be associated with high-value crops.
- risks of outdoor cultivation to children and domestic pets

REAL ESTATE

https://www.zoocasa.com/blog/cannabis-report-2018/

- In a survey released on October 16, 2018, most Canadians feel that smoking cannabis inside their homes is generally a bad idea.
- 64% of those who indicated they were homeowners felt doing so would harm its resale value, an increase from the 39% who indicated as such in Zoocasa's previous Housing Trends Report.
- Over half of homeowners 57% felt that growing even the legal amount of cannabis (up to four plants under the Cannabis Act), would have a negative impact on a home's value.
- This stigma extends to prospective home buyers, too: A total of 52% respondents say they'd be less likely to consider specific houses for sale if they knew even a legal amount of cannabis had been grown in them.
- 42% agree that dispensaries will reduce values of homes in a neighbourhood compared with liquor stores (11%)
- 48% of respondents stated the presence of a dispensary nearby would reduce their desire to purchase a specific property
- 88% of landlords want to ban smoking in their rental units

INSURANCE

https://www.bnnbloomberg.ca/home-auto-insurance-costs-could-rise-after-marijuana-legalized-experts-1.1146073

- Canadians could face rising home and car insurance costs once recreational marijuana is legalized as insurers eye increased risks stemming from a potential increase in people consuming cannabis, according to industry experts.
- "A recent Statistics Canada survey revealed that about one in seven cannabis users with a driver's licence
 report driving within two hours of using it. This is an alarming statistic and this road safety risk and
 uncertainty around it will most likely be reflected in some level of increased auto insurance rates." (Hazel
 Tan, Intact Financial)
- "Ontario Automobile Policy excludes coverage for accidental loss or damage caused by drivers under the influence of intoxicating substances. If accidents as a result of cannabis use increase, insurance companies' loss-ratios will increase, and that will ultimately increase individual drivers' premiums." (Alyssa Furtado, CEO of Ratehub.ca)
- Tan also said the insurer would be introducing some **coverage limits** in their home insurance policies to "reflect the risk" once cannabis is legalized.
- "The biggest risks for insurers from people growing cannabis at home are **damages** to a property due to **fire and theft**, even if they're not growing pot at the scale of a grow-op," Furtado said.
- "Cannabis growers often modify the heating and electrical systems on their property, which can increase
 risks for fire and electrocution. Fumes can build up inside the home's ventilation system and cause
 mould or fungus to develop," Furtado said.

ENTRY TO U.S.

https://www.ctvnews.ca/canada/why-investing-in-pot-could-pose-problems-at-the-u-s-border-1.4011813

- Problems at the border could impact thousands of Canadian investors who have put an estimated \$25
 to \$30 billion into Canada's biggest pot production companies—in theory making them financiers of a
 drug illegal under U.S. federal laws.
- Canadian businesspeople have been denied entry and even banned from investing in U.S. companies.
- includes a business man working for a company making equipment to harvest marijuana who was banned for life

CRIMINALS PARDONED

https://www.cbc.ca/news/politics/tasker-pot-pardons-limitations-1.4866610

https://www.ctvnews.ca/politics/bill-to-pardon-past-pot-convictions-coming-before-the-end-of-2018-1.4137578

- Those with criminal records for possession of marijuana will be pardoned and possibly have records expunged.
- Will they ask for compensation for having been incarcerated, costing taxpayers more money?
- A previous criminal record does not necessarily prohibit someone from obtaining a licence to run a legal cannabis store.

CONCLUSION

Many issues surrounding the legalization of cannabis are counterintuitive, defying common sense.

Municipalities have the power and social responsibility to enact by-laws to protect the health and safety of our citizens. Do the right thing. Be proactive. Protect and prevent erosion of our communities.

Declare a smoke-free environment in public spaces, prohibiting use of tobacco and marijuana in any form. Implement by-laws prohibiting the growing of cannabis anywhere. Ban edibles.

Do not forfeit your rights. Stop private marijuana retailers and producers from entering our communities.

Please OPT OUT before January 22, 2019.

From: -----

Sent: November-11-18 4:42 PM

To: Mayors Office <Mayor@guelph.ca>

Subject: Cannabis Retail Stores

Dear Mr. Guthrie,

I thought this would be a good time to drop you a line. I have heard rumors and rumblings that Guelph may not get a retail cannabis store because council may choose to opt out. I think this is a gross miscalculation of the market place in Guelph. I firmly believe that the city would support several brick and mortar retailers. It also stands to reason that if people in the city don't have a place to go to make legal purchases that this will empower the black market within the city.

Thanks for listening,	

Cannabis social media metrics



Facebook

A total of six Facebook posts were done to promote the online survey.

Metric type	Total	
Comments	41	
Reach	22,548	
Engagements	3,755	
Shares	86	
Interactions	41	

The following are constructive comments from the community around cannabis retail stores. This does not include comments or questions received about the survey.

Facebook comments

This shouldn't even be a debate. You can't opt out of your citizens being legally allowed to consume cannabis in your city so why would you opt out of making it convenient for your citizens to purchase it and the jobs, elimination of the black market and other benefits that local retail stores provide? Are you going to shut down the LCBO, Bee Store, Sleeman, local breweries and distilleries too, since alcohol is arguably more dangerous than cannabis? Quit with the false "Reefer Madness" narrative. A large portion of the city's citizens has already been safely consuming illegally purchased cannabis for many years.

No, no retail stores for cannabis. It is bad enough that it has been legalized. Now we can smell the pungent odour on every corner...I live in a high-rise apartment and now I am getting it in my apartment. I am so not happy. And nothing that can be done: it is legal. Never mind my rights to a smoke free, clean environment.

Honestly people have been having it delivered to there door in Guelph for well over two years by underground services so having a store wouldn't really matter. I'm all for having a few in Guelph just don't let it over run the downtown core like we saw in Hamilton. Put one in old Quebec street mall, one somewhere near the stone road mall and I think that'd be perfect, maybe even another in the north end but that's it. Make sure you got parking though cause in this town, you're gonna be busy.

Another comment about proximity to child spaces....I found it awkward to discuss a few things with my kids, one of them being the "haunted house" beside the Hanlon that the school bus drove by. Scary things do happen in that place but opened the door to tough conversations at a young age. Another of note, the impotence warning on tobacco products made for an entertaining day for my pals as they watched me explain the image and meaning to my 6 year old. It was only when the Values, Influences and Peers program began at school that we were uncomfortable at all regarding weed. With police pressuring children to "rat out" parents, it was delicate and frightening time. Lastly, the LCBO stores

are highly visible and do not pose a problem so I fail to see any reason why proximity to schools or daycares would be an issue for a dispensary.

Much prefer it to the fiasco Doug Ford created! Use LCBO as the model not tobacco and you will do better

To be honest I really don't care as long as the laws are being followed. What I do fear is a rise in armed robberies not just for cash but also for the products so location is key.

I did they survey. I feel like it was way too short. It didn't ask anything about how many there should be. It's one of the things I am most worried about. I do think we should have them but the numbers should absolutely be limited.

Yes!! Privately run stores with the ability to sell organic locally grown and produced cannabis products.

Please not in the Stone Road area. There should be some discretion on the location and not so close to 4+ schools. Why do we even need privately owned? It's really not necessary.

I want there to be private stores, so that there can be varying hours of operation between stores, based on ownership. I also like retail settings, where owners can create a vibe and not have all stores offer the same look, and the same products, as the government will. Private owned stores can bring in a better range based on their customers asks/needs and the staff could potentially provide more knowledge. However, going back to the hours, it would be nice to have those vary, as some owners may feel they need to stay open until 11pm on a Friday (as example) where they may see a demand at that time of night. Private-owned stores can make their own hours. Government run stores will all be the same, with the same blank walls, and same brands, etc. Boring. Currently, vs. the online sales market, I'd like to the freedom of being able to purchase cannabis when I know I want it... i.e. a Saturday evening when I am entertaining and have no cannabis at home, I can go to the store and purchase some that night for consumption. This is how a majority of folks purchase their alcohol and groceries for entertaining; that evening, right before, as prep. If I can only order online and am not prepared, and/or my delivery comes a day later than expected, there are no backup options.

There are so many flaws in the way that the government has handled this... Let's not add opting out to the list. This is an opportunity to create jobs! We should be encouraging the independent farmers and retailers.

It's better to have stores where people can go in and talk to someone about strains or educate and help them properly. Instead of the crap webpage the government threw together.

Guelph needs one or more. I've filled out the survey and have done an online order via the government and was unhappy. A retail store would be so much more beneficial for product knowledge and fresher product.

I say go for it brings jobs to our city and the staff will be able to educate people in regards to there product, rather then click some buttons online and it get delivered whenever the post office gets to it due to there rotating strike. How about we focus on important issues like addiction to hard drugs that is causing all these overdoes. People are dying and all the city wants to do is focus on whether we have a store or not or how wide your neighbours driveway is. Give your head a shake and get your priorities in check, wasting resources on to have a store or not have a store

Not all users would be irresponsible. Since not all doctors will prescribe it, people who use it medically buy it through the recreational venues. Your lack of trust in people is sad. Hopefully someone trusts you.

You should mark, put up signs in the areas where it is allowed to be smoked, but please have a separate area for tobacco smoking

I don't see a need for any and don't think we should have any. Cannabis for recreational use is no better or healthier than cigarettes (which already cause health issues, legal issues, and litter issues). And it will cause just as many problems as drinking. Sure if done responsibly it won't be much of a problem, but since when can people be trusted to be responsible.

I sincerely hope that the city will take into more consideration the opinions of those who do not support recreational cannabis over those who do, as we all know many of those who smoke/do drugs do not stop to consider the impact they have on those around them (and if you believe otherwise you're lying to yourself)

Twitter

A total of six tweets on Twitter were done to promote the online survey.

Metric type	Total
Comments	6
Impressions	11,653
Engagements	300
Retweets	16
Likes	8

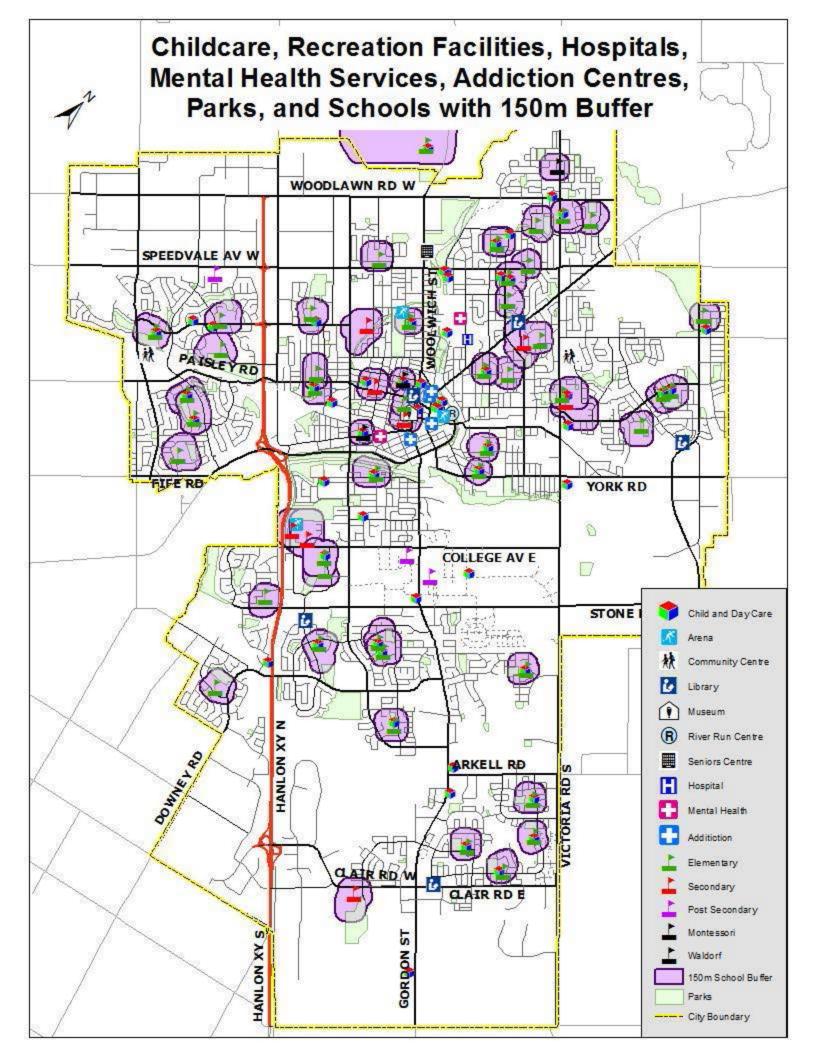
The following are constructive comments from the community around cannabis retail stores. This does not include comments or questions received about the survey.

Twitter comments

I appreciate that you are conducting this survey, but there are no controls at all in place (or questions) to determine whether it is Guelph residents responding to it.

Thank you for the survey

I honestly don't think [the survey] was up long enough. I want to have my say...whatever. I'm a yes.



Considerations for Cannabis Retail Stores

December, 2018

Dr. Nicola Mercer, Medical Officer of Health and CEO Wellington-Dufferin-Guelph Public Health

Cannabis survey results - Guelph

- Cannabis is popular, but also seen as a problem in the community
- Education is needed on health impacts and risks
- Growing number of users
- Public Health is working to addressing these issues through talkingaboutweed.ca

Health Effects of Cannabis Use

Harm to learning, attention, and memory

Risk of acute psychosis and chronic psychosis (e.g., schizophrenia)

Addiction

Bronchitis, cough, lung infections (smoking)

Low birth weight

Increased risk of injury and death from motor vehicle crashes

Chronic pain
Chemotherapy-induced nausea,
Muscle spasticity

More research needed for other benefits

Cannabis use patterns in WDG

Frequency of use for those who have used cannabis for non-medical reasons in the past 12 months (WDGPH Survey)



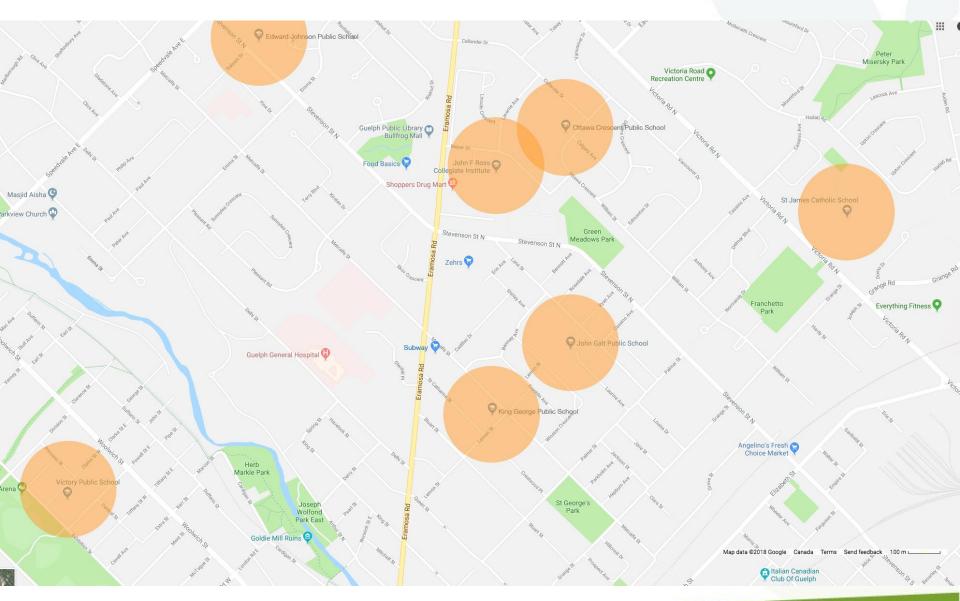
Access and control

- Regulations for cannabis stores include:
 - Limited distance between stores and schools (150m)
 - No distance restrictions between cannabis stores or other sensitive areas (e.g., universities, treatment facilities, hospitals)
 - Long hours of operation (14 hours per day)
- No clarity on municipalities controlling the number or location of stores

Increased access = increased use

- High outlet density can lead to increased consumption and harms.
- Retail outlets close to youth serving facilities (playgrounds, rec centres, sports fields) can normalize and increase substance use.
- Lower income neighborhoods tend to have a higher density of alcohol, tobacco and cannabis outlets.

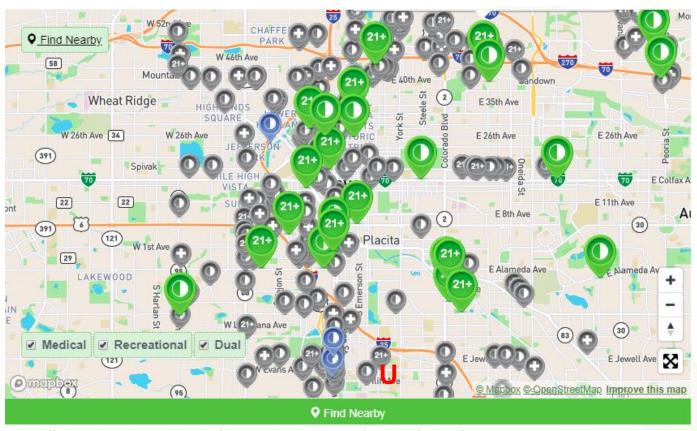
School buffer zones



Proliferation of stores in Colorado

 Colorado has expressed concern with the density of cannabis retail stores in local jurisdictions that have opted-in.

Map of medical and non-medical cannabis stores in Denver, Colorado¹⁷



https://www.coloradopotguide.com/where-to-buy-marijuana/colorado/denver/

Cannabis is no ordinary commodity

- Using cannabis has health impacts particularly for those under 25 and those who use regularly
- Sold through a business model (need to sell more product to grow business)
 - Create new users (youth are most vulnerable)
 - Increase amount being used by current users (those prone to addiction are most vulnerable)

Potential benefits vs. potential costs

Potential benefits	Potential costs
Increased funding from province (\$40 million over two years) to municipalities For municipal governments allowing stores, additional funding will be distributed on a per household basis 18	 Colorado and Washington have had increases in cannabis-related: emergency department visits hospitalizations poison control calls car crash fatalities.¹⁹
Local business opportunities	Increased harm to vulnerable population groups

Public Health's Perspective

- Guelph should opt-out of retail stores and monitor the impact in other communities before a permanent decision is made.
 - Increased access equals increases consumption and associated harms
 - The retail model encourages new users to increase use
 - For a very small amount of money you are creating a permanent change in Guelph
 - More funding only if Ontario receives \$100 million in the next two years from federal government – the Association of Municipalities of Ontario doubts provincial or municipal costs will be covered
 - You can't reverse the decision to opt-in

Public Health's Promise

- WDG Public Health is:
 - Staying informed on the latest research
 - Tracking the local impacts of cannabis legalization
 - Sharing information with community stakeholders and the public
 - Visit talkingaboutweed.ca

Thank you

CANNABIS IS NO ORDINARY COMMODITY: Public health considerations for municipalities on cannabis retail outlets

November 27, 2018



Introduction

The newly enacted Cannabis License Act, 2018 sets the Alcohol and Gaming Commission of Ontario (AGCO) as the regulator of cannabis retail outlets. For municipalities that have not opted out of having private cannabis retail outlets in their communities by January 22, 2019, the licensing and location of outlets will be determined by the AGCO with consideration given to comments provided by municipalities.¹

Regulating the availability of cannabis is important in order to reduce the negative impacts of cannabis use in Wellington County, Dufferin County and the City of Guelph.² Research regarding alcohol and tobacco has shown that increased availability of a substance results in increased consumption, which can lead to significant health and social harms and costs.^{3,4} While accessibility of legal cannabis is important for addressing the illegal market, this needs to be balanced with an evidence-informed approach that protects public health and safety.

A Public Health perspective on cannabis retail outlet options

Municipalities have the authority to opt-out of cannabis retail stores by January 22nd, 2019. To opt-out, municipal councils must provide a notice of resolution to the AGCO.¹

The decision to opt-out can be reversed, but any decision to opt-in is final.¹

Considerations regarding each of these potential decisions are presented below:

1. Opt-out by the January 22nd deadline and re-consider once more information is available:

Municipalities that choose to initially opt-out can monitor the situation and choose to opt-in later.

Ontario's regulations for cannabis retail stores provide minimal restrictions on cannabis store locations, and do not provide any assurance to municipalities that they will have any control over the placement or number of retail outlets.

Opting out would disqualify a municipality from receiving a share of the two years of funding available from the province to support municipalities with cannabis retail. However, the economic gain from those funds should not be considered in isolation of the social and health costs that communities may incur due to increased access to cannabis retail (e.g. policing costs, by-law enforcement costs, emergency response costs, etc.).

The impact of cannabis legalization and its various retail models on community health and safety is not yet known. Opting out will allow municipalities to make a decision about cannabis retail after knowing more about the impacts of Ontario's private retail model on communities that choose to opt-in across Ontario.

2. Opt-in:

Municipalities that opt-in to cannabis retail stores will be unable to opt-out later if they are dissatisfied with cannabis retail in their communities.

If the municipality chooses to opt-in, Wellington-Dufferin-Guelph Public Health would encourage the municipality to advocate to the AGCO for the following considerations for store placement and hours in their community, where opportunities for input exist. This would likely have to be done on a license by license basis, which could become onerous depending on the number of cannabis store applications submitted in that municipality. (It should be noted that currently there are no provincial policies that assure that municipalities would have input into determining the locations or numbers of retail stores in their communities.)

Table 1: Issues and considerations for influencing the physical availability of cannabis outlets

ISSUE	CONSIDERATION
High retail outlet density	Reduce cannabis retail outlet density through minimum distance
can contribute to	requirements between cannabis retail outlets and limits on the overall
increased consumption	number of outlets. ⁹
and harms. ^{5,6,7,8}	Example: The City of Calgary has enacted a 300m separation distance between
	cannabis stores. ¹⁰
Retail outlet proximity to	Prevent the role-modeling of cannabis use and reduce youth access
youth-serving facilities	through minimum distance requirements from youth-serving facilities
can normalize and	such as schools, child care centres, and community centres. ^{1,12}
increase substance	Example: The State of Washington has enacted a 1000ft (300m) separation
use. ^{3,11,12}	distance requirement between cannabis retail stores and youth-serving
	facilities. ¹³
Combined use of	Discourage combined use of cannabis and other substances by
cannabis and other	prohibiting co-location and enacting minimum distance requirements
substances increases the	between cannabis and alcohol or tobacco retail outlets. ^{1,9}
risk of harms such as	Example: KFL&A Public Health recommend a 200m separation distance between
impaired driving. ¹	cannabis retail outlets and alcohol or tobacco retail outlets. ¹⁴
Retail outlet proximity to	Protect vulnerable residents by limiting the clustering of cannabis retail
other sensitive areas may	outlets in low socioeconomic neighborhoods and enacting minimum
negatively influence	distance requirements from other sensitive areas. ^{4,9}
vulnerable residents. ^{8,9}	Example: The City of Vancouver has restricted medical cannabis retail outlets to
	commercial zones instead of residential ones. ¹⁵
Longer retail hours of sale	Reduce cannabis consumption and harms by limiting late night and early
significantly increases	morning retail hours. ^{5,16}
consumption and related	Example: The Centre for Addiction and Mental Health recommends that cannabis
harms. ^{5,16}	retail hours reflect those established by the LCBO. ¹⁶

Adapted with the permission of The Regional Municipality of $Halton^{17}$

WDG Public Health's Recommendation to the City of Guelph

Since the role of municipalities regarding store locations and the impacts of cannabis retail availability are not yet well-understood, Public Health's recommendation is to wait until more information is available before making a permanent decision to opt-in.

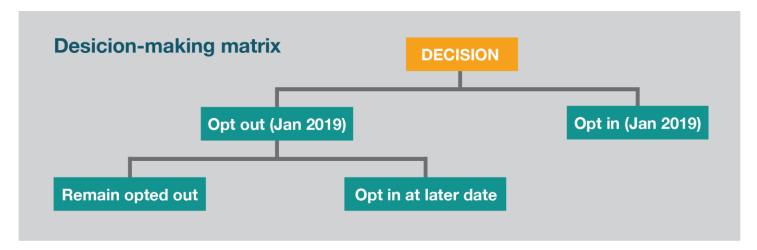


Figure 1: Decision-making matrix

Rationale for a Public Health Approach to Cannabis Retail

Like alcohol and tobacco, cannabis can cause harm:

Cannabis use can affect learning and memory, lead to addiction, mental health problems, respiratory issues, and cause harm if used during pregnancy. Impairment from cannabis can also lead to injuries and fatalities, such as motor vehicle accidents.^{18,19}

Increasing access to a substance can increase consumption and harm:

Research shows that increasing availability of a substance increases consumption and related harms (see Table 1). Increasing availability of a substance can make it more socially acceptable to use and can make people think it's less harmful to use. Increasing availability makes it easier for a person to obtain a substance by reducing its total cost (e.g. time and travel) to obtain. This can increase impulse purchases by experimental users, occasional users, and users who are trying to quit.²⁰ When a substance is easier to obtain, people are more likely to use it more. It can be expected that an increase in cannabis use would result in increased social and health harms. For example, increased alcohol availability is associated with higher levels of violence, assault, public disturbances, alcohol-related motor vehicle collisions and fatalities.⁵

Other jurisdictions that have legalized cannabis have seen a proliferation of retail stores

American jurisdictions that have legalized cannabis have expressed concern with the density of retail sales outlets and the close proximity of some outlets to schools, particularly in Denver, Colorado.²¹ Colorado legalized non-medical cannabis in 2012 and began licensing retail outlets in 2014.²² As of

June 2017, there were 491 retail cannabis stores in the state of Colorado, which exceeded the number of Starbucks (392) and McDonald's (208). 65% of local jurisdictions in Colorado have banned medical and recreational cannabis businesses.²²

Provincial regulations for cannabis retail stores provide limited municipal power and public health protection:

The newly released Ontario Regulations made under the *Cannabis License Act, 2018*, have set out requirements regarding retail store licensing and operations.²³ The regulations establish a minimum distance of 150 metres between cannabis retail stores and schools, and have set the store hours of operation between 9:00am to 11:00pm.

These regulations do not contain required separation distances from other sensitive areas (such as recreation centres, universities, addiction treatment facilities, hospitals, etc.), and no required separation distances from other cannabis stores. Municipalities were also not granted the power to create their own by-laws to control density and separation distances. This may lead to a clustering of cannabis stores in certain neighborhoods. Research from alcohol, tobacco, and cannabis has shown that lower-income neighborhoods tend to have a higher density of outlets.^{3,24,25,26}

It is still unknown how much influence municipalities will have over AGCO decisions on store locations and density.¹

Balance is needed when considering access to legal cannabis:

Ensuring access to a regulated and legal supply of cannabis is important, especially since the latest Canadian data indicates that 15% of Canadians have used cannabis in the past year.²⁷

A public health approach to cannabis legalization strives to minimize the health and social harms from substances and recognizes that the greatest harms occur at the extremes of prohibition and commercialization for profit (Figure 2). Legalization without strict regulations, such as restrictions on retail density and locations, may increase cannabis-related harms.²

While it is important to provide sufficient access to a regulated legal supply of cannabis to avoid the risks of an illicit market, too much access may increase consumption and associated harms.

In April, communities across Ontario will continue to have access to a legal source of cannabis through the online Ontario Cannabis Store (although it should be noted that some vulnerable groups, such as those without an address or credit card, may have limited access). Since the impacts of different retail models across Canada are not yet known, it is important to consider a precautionary approach with stricter regulations to try and minimize health and social problems.²

Financial opportunities should be considered with potential health and social costs in mind:

Municipal governments that permit cannabis retail stores will receive a population-based share of \$40 million in funding from the province for two years, and potentially additional funding from taxes.¹ Cannabis retail stores would also create local business opportunities, however municipalities would not be permitted to license cannabis retail stores.

These financial and economic gains should be considered in light of the potential social and health costs to the community.

In 2014, before legalization, cannabis was already the fourth most costly substance in Canada in terms of social and health impacts. Costs associated with cannabis include: healthcare, lost productivity, criminal justice and other direct costs to society, totaling at least \$2.8 billion.²⁸

Early findings from legalization in Colorado and Washington states have shown increases in cannabis use among young adults and adults, cannabis-related emergency department visits and hospitalizations, and cannabis-related motor vehicle collision fatalities.²⁹

Municipalities may also incur increased costs to support police and by-law enforcement to protect areas where smoking is not permitted and to respond to nuisance complaints. While the impact of retail stores on these outcomes has not yet been established, research supports the finding that increased availability of a substance is generally associated with increased consumption and harms.

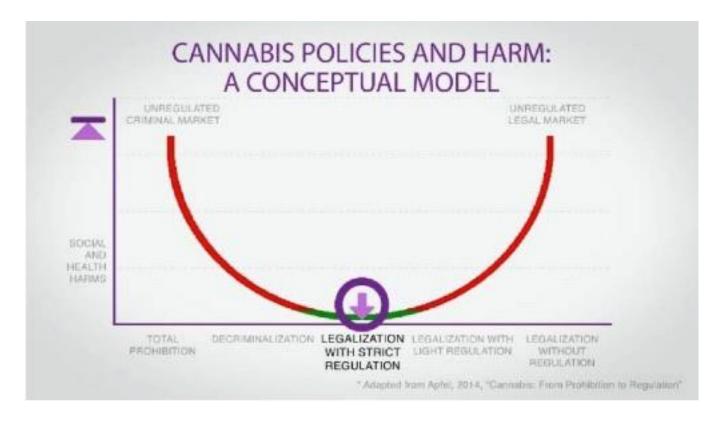


Figure 2: Reproduced with permission from Centre for Addiction and Mental Health: Cannabis Policy Framework. Adapted from Alice Rap: Cannabis – From Prohibition to Regulation.³⁰

Conclusion

Increased access to substances, increases consumption and related harms. Ontario's regulations for cannabis retail stores provide minimal restrictions on cannabis store locations, and minimal power for municipalities to set their own regulations. It is not yet known how much influence municipalities will be have over AGCO decisions on store locations and density. Since the decision to opt-in is final, and the impact of Ontario's private retail model on communities is not yet known, WDGPH recommends monitoring the impacts in other communities before choosing to opt in.

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Fergus

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Guelph

160 Chancellors Way

Orangeville

180 Broadway

Shelburne

167 Centre Street (Mel Lloyd Centre)

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Cannabis Survey Results

Wellington-Dufferin-Guelph (WDG) - Guelph Highlights

While cannabis legalization is generally popular there is significant public concern and a lack of understanding of its health impacts and risks.



65% agree

It would be easy to access cannabis in the next 24 hours



76% agreeUsing cannabis
can be beneficial

Attitudes towards cannabis

SAS

65% agreeUsing cannabis is socially acceptable

22% agree Cannabis use is a problem in their community



9% disagree 24% don't know

Using cannabis while pregnant can cause harm to the



Cannabis knowledge

29% disagree 10% don't know

Using cannabis daily or almost daily can cause problems with memory, learning and decision-making

12% disagree 2% don't know



Using cannabis before driving increases your risk of a motor vehicle collision

43% disagree 6% don't know

Using cannabis may result in dependence or addiction



Of those who have used non-medical cannabis in the past year:



21% use cannabis daily



19% have driven a motor vehicle within two hours of using cannabis

Non-medical cannabis useage

Of those who have not used non-medical cannabis in the past year:

37% are moderately to very likely to try cannabis once legal.





In light of the recent changes surrounding the legalization of marijuana on October 17, 2018, there has been a great deal of speculation as to how this will impact our communities.

As a concerned, private citizen, I have conducted extensive research and prepared the attached paper providing a closer look at the impact marijuana will have on our communities. The topics addressed include forfeiting rights as a municipality, the black market, impaired driving, emergency services, marijuana edibles, health, second-hand smoke, workplace safety, by-laws and policies, economical impact, environmental, real estate, insurance, entries to the U.S., and pardoning of criminals.

Despite federal and provincial governments hoisting marijuana legalization upon us with blatant disregard to facts and lack of research, municipalities have the power to OPT OUT of hosting retail marijuana outlets before January 22, 2019.

Thank you for taking the time to read about the impact marijuana will have on our communities.

Kindest Regards,

Silvana Sangiuliano

IMPACT OF MARIJUANA

by Silvana Sangiuliano

November 21, 2018

There are countless reasons why municipalities must **OPT OUT** permanently from allowing private marijuana retailers and producers from entering our communities. By-laws must be immediately established and enforced to protect citizens from the resulting impact of marijuana.

If municipalities don't opt out, they are automatically opted in, forfeiting all rights regarding licensing, and the number and location of retail outlets. The municipalities' hands will be tied: "... any existing by-law passed by a municipality to regulate cannabis retail location is deemed to be of no effect." (Section 42(3), Bill 36 Cannabis Statute Law Amendment Act, 2018).

"Municipal governments will be the first to witness and respond to the impacts of cannabis legalization in our communities." (Association of Municipalities—AMO)

Despite federal and provincial governments hoisting marijuana legalization upon us with blatant disregard to facts and lack of research, municipalities have the power to say NO before January 22, 2019, priding themselves in protecting their thriving communities.

No amount of **money** can justify the negative ramifications of marijuana legalization. It does not account for the undertaking of building the framework to support legalization: public health and safety, workplace safety, policing, emergency services, and education.

Some think organized crime and dealers will be curtailed when marijuana sales become legal. This is not true. One of the most important drivers of **black market** sales is the price gap between legal and illegal products. Since the gap is large (up to 50%), black markets will flourish. Is one to believe drug dealers will suddenly develop a conscience because marijuana is legal? Will pushers decide to engage in a new, unscrupulous profession abandoning one that has been lucrative? Certainly not. They will continue to illegally export to other countries. They will push harder to their current clients and underage **children**.

Buyers will stay with who and what they trust. There is no incentive to switch to a private retailer. In a small community, where people know one another, patrons don't want the **stigma** of being seen by their employer or others entering or exiting marijuana stores.

Since the THC content in black market supply is two to four times stronger, one would have to buy the equivalent amount at a greater cost legally to achieve the high they are accustomed to.

With the legal amount of 30 grams yielding approximately **100 joints** and four plants yielding approximately **3000 joints** every three months, and the ability to stock-pile, concerns over increased drug usage, addiction, and dealing will increase.

Explosions caused by using **flammable solvents** in the refining process to obtain oil from home-grown marijuana plants, culminate in demolished houses, serious injury, and **death**. This puts our community and **firefighters** at further risk.

Municipalities can "specify that the use of residential premises for the growing of [cannabis plants] is prohibited" (Federation of Canadian Municipalities https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf (p.22)

We must consider the safety and protection of everyone, particularly **children**, in environments where marijuana is produced and consumed in various ways, be it smoked, vaped, or as edibles.

Making marijuana legal gives false perception to adolescents of the drug's harmful effects. Allowing smoking normalizes that it is safe and acceptable.

A great deal of time and money is being spent on economic development, beautification, and revitalization of our communities, only to be undone by loitering and crime which will further escalate since marijuana stores will stay open until 11:00 p.m., when other businesses will be closed.

Envision walking down the street and in parking lots, through clouds of second-hand smoke on your way to your favourite restaurant, store, park, or arena.

There is only **one** person in all of Wellington-Dufferin-Guelph Public Health to enforce tobacco laws, now being compounded by adding cannabis. That is **one person for a population of 300,000**. How can this possibly be done effectively?

Municipalities can implement by-laws declaring a smoke-free environment, prohibiting use of tobacco and marijuana in any form.

Municipalities can also ban edibles.

Drinking and driving and distracted driving continue to cause **death**. The problem will be further compounded with **drug impaired driving** and the consumption of **both alcohol and drugs** in combination. A ten-year trend shows **one in four** teens who died in motor vehicle accidents tested positive for cannabis. This impacts the safety of all citizens and puts a tremendous amount of pressure on our **police** forces.

This paper provides a closer look at the impacts of forfeiting rights as a municipality, the black market, impaired driving, emergency services, marijuana edibles, health, second-hand smoke, workplace safety, bylaws and policies, economical impact, environmental, real estate, insurance, entries to the U.S., and pardoning of criminals.

Colorado is used as a model since this state was the first to legalize marijuana for recreational use in 2014. There, the black market is booming. Crime is on the rise. Hospital visits are increasing. Now, its governor won't rule out recriminalizing it.

The following excerpts contain factual and statistical information and can be cross-referenced with accompanying links prefacing summaries.

FORFEITING RIGHTS AS A MUNICIPALITY

https://www.amo.on.ca/AMO-PDFs/Cannabis/What-s-New-with-Bill-36.aspx

If you opt in, you forfeit all rights as a municipality regarding the number and location of retail outlets.

- "Restrictions on Municipal By-law Making Authority: Section 42(1) of the Act denies municipal governments the authority to pass a business licensing by-law respecting the sale of cannabis or the governance of retail stores. Section 42(2) of the Act denies municipal governments the authority to pass a by-law under the Planning Act that has the effect of distinguishing where cannabis can or cannot be sold. Under section 42(3), any existing by-law passed by a municipality to regulate cannabis retail location is deemed to be of no effect."
- licenses will be granted by the Alcohol and Gaming Commission of Ontario (AGCO) NOT municipalities
- There is no cap on how many stores will be allowed to open in Ontario. In addition, a **single** company will be able to open up to a maximum of **75 stores**. This raises concerns about large corporations setting up shops on every corner.
- Will marijuana retailers be liable for selling to someone who uses the substance, gets in a vehicle, and kills someone? Will municipalities be negligent in allowing this to happen? Do you want this on your conscience?

https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-36#Sched247

Bill 36 of the Cannabis Act outlines that once a retail store is allowed to operate, the decision cannot be reversed.

Lifting of prohibition

- 41(3) A municipality that has prohibited cannabis retail stores under subsection (1) may, by resolution, lift the prohibition and permit cannabis retail stores to be located in the municipality.
 Lifted prohibition may not be restored
 - 41(4) A resolution passed for the purposes of subsection (3) is final and may not be reversed.

BLACK MARKET

www.cbc.ca/news/world/colorado-marijuana-black-market-1.4647198

Colorado: When recreational marijuana went on sale in 2014, the government's goal was to regulate and tax a drug that was already widely used and to squeeze out dealers and traffickers in the process. But, law enforcement authorities in the state say legalization has done the exact opposite.

- The black market is booming, despite more than 500 recreational marijuana dispensaries in the state.
- It's being driven by criminal organizations that grow marijuana in Colorado and smuggle their crop into states where it is still illegal and can be sold for a much greater profit.
- The black market hasn't gone away within the state, either, because some marijuana users are deterred by the higher dispensary prices and are loyal to their long-time dealers.
- Paul Roach, supervisor for Drug Enforcement Administration (DEA)
 - Drug trafficking organizations move there—disguised as legitimate operations
 - Will exploit Canadian laws to increase profit

- Anonymous drug dealer says legalization hasn't had a big impact on his business because he caters to
 clients who don't want to be seen going into a dispensary. His clientele also includes a number of truck
 drivers, who are prohibited from using marijuana under federal transportation laws.
- Users continue to support black market because they've built trust, and the drugs are cheaper.

www.theglobeandmail.com/news/national/ontario-vows-to-give-municipalities-40-million-for-marijuana-law-enforcement/article38260217/

• The elimination of illicit markets won't happen. Dispensaries will still have limits requiring proof of age, set price, potency constraints, and the stigma of being seen at these retailers in a small community. These restrictions are deterrents ensuring others will continue to turn to the streets.

 $\underline{www.cbc.ca/news/canada/british-columbia/legal-marijuana-in-colorado-brought-spike-in-black-market-\underline{1.4587048}$

- In Denver, DEA public information officer Randy Ladd said people sometimes peddle pot right outside legal dispensaries and they'll undercut prices in legitimate stores and skirt taxes.
- Ladd has a warning for Canadians who think legalizing cannabis will snuff out the illegal market and the crime that goes with it, even if all the jurisdictions in Canada legalize the drug at the same time.
- Ladd: "There are people who come to Colorado, and they'll come to Canada if they can they'll come from the United States and they'll come from around the world to **rob people at gunpoint** for their marijuana. **They'll kill people**," he said. "I can tell you, there's a very dark side to it."

www.teenchallenge.ca/get-help/canadian-drug-crisis

- Canadian Security Intelligence Service (CSIS) estimates there are roughly 950 organized criminal groups active in Canada. About 80% derive revenues from illegal drug sales. *Edmonton Journal, April 4, 2009*
- 23% of Ontario students report that they were offered, sold, or given a drug at school in the last year. That's about 219,000 students. (*Legalization will not prevent this from occurring*).

IMPAIRED DRIVING

https://www150.statcan.gc.ca/n1/pub/85-002-x/2016001/article/14679-eng.htm

- Impaired driving still remains one of the most frequent criminal offences and is among the leading criminal causes of death in Canada.
- In 2015, drug-impaired driving doubled since 2009, when data became available.
- Drug-impaired driving is on the rise (Allen 2016).
- At least 1 out of 6 persons accused in an impaired driving court case in 2014/2015 had been previously accused in another impaired driving case during the preceding 10 years.

EMERGENCY SERVICES

FIRE

https://www.cbc.ca/news/canada/nova-scotia/hrm-fire-anticipates-increased-risks-from-home-grown-marijuana-1.4704155

Home cultivation has brought increased risks of fires from people growing and smoking pot at home

- Someone takes a home and tries to build a modified greenhouse in a bedroom or room that's not built for that
- Increased risk comes from:
 - compressed carbon dioxide tanks that are used to increase yields
 - high-watt light bulbs that may melt nearby wiring
 - explosions from butane used to extract THC from marijuana
 - wiring issues caused by the theft of electricity to power high-watt lights

https://cafc.ca/page/cannabis

The Canadian Association of Fire Chiefs is concerned the federal government is overlooking the following implications:

 explosion conditions, fumigation, automation sprinkler systems, automatic emergency power systems, hazardous materials, exhaust, fumes, carbon dioxide emission, flammable and combustible liquid extraction systems, inspection, and education

POLICE

https://www.wellingtonadvertiser.com/comments/index.cfm?articleID=41719

Inspector Scott Lawson, Wellington County O.P.P Detachment Commander states:

- "You just have to know that cannabis will impair you. There's tons of medical evidence to back that up."
- "When you combine [cannabis and alcohol] and you get behind the wheel of your boat, of your motorcycle, of your vehicle, you're going to be impaired."
- "How would we know what 30 grams is because they're not going to give us all a little scale. We don't want to open those packages ... we're not handling product"
- "If organized crime is currently what's supplying cannabis to Canada ... they [could] find ways to get into the legal market and start distributing legal cannabis in an illegal way and using the profits to fund what they fund."
- "With taxes added to the sale of marijuana, there's a chance people will continue to buy illegal cannabis anyway."
- "If you have young kids in your home or youth in your home and you've got four plants growing and curious kids ... they kind of get it. The next thing you know, they're cutting a bit of bud off it and trying to figure it out and they saw mom and dad rolling it. We won't have any control over that. We won't see that; we won't know that until paramedics get called because the kid's gone down or is struggling."

PARAMEDICS

Paramedics are already victims of abuse, assault, and violence. Will this escalate with increased marijuana use?

https://www.theglobeandmail.com/cannabis/article-with-cannabis-legalization-looming-doctors-foresee-uptick-in/

- "Paramedics have seen more marijuana-related calls and are concerned about impaired driving causing collisions, as well as children who accidentally consume cannabis edibles. (Randy Mellow, President of Paramedic Chiefs of Canada).
- It makes it challenging for paramedics to distinguish the cause of the emergency

https://www.cbc.ca/news/health/cannabis-overdose-legalization-edibles-public-education-1.4800118

- Data from the Canadian Institute for Health Information (CIHI) shows that over the past three years the number of emergency room visits because of cannabis overdoses in Ontario has almost tripled — from 449 in 2013-14, to nearly 1,500 in 2017-18.
- Symptoms of cannabis overdose (THC poisoning) include elevated heart rate and blood pressure, anxiety, vomiting and in some cases psychosis, possibly necessitating hospitalization.

MARIJUANA EDIBLES

Edibles, including food and beverages, will be introduced in 2019.

Food and beverage companies are forming alliances with cannabis producers. This is dangerous.

www.nejm.org/doi/full/10.1056/NEJMp1500043

- Implications of edibles:
 - **psychoactive** effects delayed up to 4 hours, but can last more than 8 hours, extending the duration of impaired judgment and coordination that can lead to unsafe driving and accidental injuries
 - higher rates of calls (70%) to **poison**-control centres for unintentional marijuana exposure [edibles] in **children under 9 years of age**
 - increased **hospital** visits
 - cause death
- Increase in potency: THC more than 20%; levels in hashish reach up to 90%

HEALTH

www.urmc.rochester.edu/encyclopedia/content.aspx?ContentTypeID=1&ContentID=3051

the rational part of the brain is not fully developed until the age of 25

https://www.cps.ca/en/documents/position/cannabis-children-and-youth

- Structural changes of the brain on MRI have been documented in youth who use cannabis regularly indicating damage by THC.
- The THC content of marijuana available today is two to four times higher than from typical products used 40 years ago (20), a factor likely to magnify impact on the adolescent brain.
- increased neural activity, which means the brain is working harder to perform tasks

www.ncbi.nlm.nih.gov/pmc/articles/PMC3930618/

- marijuana use affects brain development and functioning
- causes deficit in attention and memory
- leads to risky behaviours, including increased marijuana use, aggressive and delinquent behaviour

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4827335/

long-term marijuana use leads to addiction and increases when used in the teen years or daily

- 2.7 million people aged 12 and older met criteria for dependence
- Cessation is difficult and leads to relapse due to irritability, sleeping difficulties, dysphoria, craving, and anxiety

https://www.drugabuse.gov/publications/research-reports/marijuana/what-are-marijuanas-effects-lunghealth

- Marijuana smoke contains carcinogenic combustion products, including about 50% more benzoprene and 75% more benzanthracene (and more phenols, vinyl chlorides, nitrosamines, reactive oxygen species) than cigarette smoke.
- Because of how it is typically smoked (deeper inhale, held for longer), marijuana smoking leads to four times the deposition of tar compared to cigarette smoking.

https://www.drugabuse.gov/publications/research-reports/marijuana/there-link-between-marijuana-use-psychiatric-disorders

 marijuana use increases risk for psychiatric disorders, including psychosis (schizophrenia), depression, anxiety, and substance use disorders

https://www.drugabuse.gov/publications/research-reports/marijuana/how-does-marijuana-use-affect-school-work-social-life

- marijuana's negative effects on attention, memory, and learning can last for days or weeks after the acute effects of the drug wear off
- someone who smokes marijuana daily functions at a reduced intellectual level most or all of the time
- students who smoke marijuana have poorer educational outcomes than their non-smoking peers, are significantly less likely to finish high school or obtain a degree
- have a much higher chance of developing dependence, using other drugs, and attempting suicide
- heavy marijuana use linked to lower income, greater welfare dependence, unemployment, criminal behavior, and lower life satisfaction

SECOND-HAND SMOKE

www.drugabuse.gov/publications/research-reports/marijuana/what-are-effects-secondhand-exposure-to-marijuana-smoke

 The National Institute on Drug Abuse reports the effects of second-hand smoke as being psychoactive, registering in the blood and urine, and affecting the lungs. Concerns raised about vulnerable populations include children and asthmatics.

https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf (p.32)

The understanding that tobacco consumption can be harmful to respiratory health and contribute to
cancers, and that second-hand smoke can have similar negative health impacts, has qualified as healthrelated reasons for municipal restrictions on tobacco consumption. Local governments are likely to be
able to draw on a similar approach for cannabis consumption where authorized. (The Federation of
Canadian Municipalities)

WORKPLACE SAFETY

Consideration must be given to workplace safety, operation of machinery, detection, disciplinary action, decreased work performance, attendance, and loss of productivity.

https://www.drugabuse.gov/publications/research-reports/marijuana/how-does-marijuana-use-affect-school-work-social-life

Increased risk for injury or accidents in the workplace: One study among postal workers found that
employees who tested positive for marijuana on a pre-employment urine drug test had 55% more
industrial accidents, 85% more injuries, and 75% greater absenteeism compared with those who tested
negative for marijuana use.

BY-LAWS AND POLICIES

https://www.cbc.ca/news/canada/kitchener-waterloo/university-of-guelph-cannabis-policy-1.4791679

 University of Guelph—not allowed to smoke marijuana or tobacco anywhere on campus, including residences; no sales or deliveries are permitted

https://www.orangeville.com/news-story/8996509-up-in-smoke-shelburne-council-says-no-to-recreational-cannabis-use-in-public-spaces-/

- Shelburne council voted in favour of a new by-law based on rules recently adopted in Markham —
 forbidding the smoking or vaping of recreational cannabis in public spaces.
- That means no lighting up or vaping of recreational cannabis anywhere that is accessible to the public including parks, trails, parking lots, town facilities, sidewalks, roads, shopping malls and other retail, commercial and business establishments.
- Markham (pop. 330,000), Richmond Hill (pop. 200,000), and King Township (pop. 25,000) have all opted out of allowing marijuana stores in their communities.
- Our municipalities have the power to do the same.

ECONOMICAL IMPACT

www.cbc.ca/news/business/cannabis-weed-pot-canada-1.4598560

- Economist and policy analyst Rosalie Wyonch, from the Canadian C.D. Howe Institute, says, "The clear economic logic is that so long as there is demand beyond what the legal industry can supply when new legislation takes effect this year, a market supplied by criminals will continue to exist."
- In the Canadian case, the C.D. Howe investigation indicates that immediately after recreational sales are permitted, illegal suppliers will continue to control about half the market, wiping out roughly \$420 million in potential excise tax revenue that would otherwise be collected.

http://research.cibcwm.com/economic_public/download/eijan16.pdf (p.8)

 Avery Shenfeld, CIBC economist, states, "The bottom line is that federal/provincial governments might reap as much as \$5 billion from legalization, but only if all the underground sales are effectively curtailed. That's on the order of 0.25% of GDP, no barnburner." www.theglobeandmail.com/news/national/ontario-vows-to-give-municipalities-40-million-for-marijuana-law-enforcement/article38260217/

- \$40 million over 2 years shared amongst 444 municipalities in Ontario. This will not be divided equally among municipalities. A minimum of \$10,000 will be given only if opting in.
- The federal government's share of the duties is capped at \$100 million with only half to be shared with provinces and territories. This could also lessen. In fact, in December, 2017, it was 75%, now it is down to 50%. This is provided on a **per household** basis, which would not equate to much based on the 2016 census of approximately 10,800 households in Centre Wellington, 4,600 in Wellington North, 4,500 in Guelph-Eramosa, 4,000 in Erin, 3,200 in Minto, 3,100 in Mapleton, and 2,700 in Puslinch. The City of Guelph is 52,000.

https://www.amo.on.ca/AMO-Content/Policy-Updates/2018/AMORecommendationsBill36OntarioCannabisStatuteLawA

• The Association of Municipalities Ontario (AMO) remains concerned that the costs related to legalization, from closing illegal dispensaries to road enforcement and other use, will exceed the funds the province receives from the federal government, of which \$40 million to be shared with municipal governments.

ENVIRONMENTAL

https://www.mccarthy.ca/en/insights/blogs/canadian-era-perspectives/spotlight-cannabis-part-2-taking-closer-look-environmental-costs-cannabis-cultivation?utm source=Mondaq&utm medium=syndication&utm campaign=inter-article-link

- The primary environmental issues arising from the production of cannabis on a commercial scale include contaminated sites management, water use, effluent and waste management, odours and air quality, energy use and greenhouse gas (GHG) emissions.
- a cannabis plant needs 22 litres of water a day
- impacts on local watersheds as a result of the diversion of water for cannabis production
- generate effluent containing growth nutrients and pesticides, which could have potentially adverse environmental impacts on local ecosystems
- cannabis production generates a significant waste stream
- a significant amount of which is being disposed in landfills rather than being composted, which takes months and a considerable amount of space
- the growth of cannabis plants emits terpenes, which are a type of volatile organic compound (VOC) known for their strong odour
- The cultivation of cannabis is an energy intensive activity, particularly for the indoor production of
 cannabis which requires high-intensity lighting, air conditioners, and dehumidifiers to regulate humidity
 and temperature. The Northwest Power and Conservation Council has calculated that it takes
 approximately 5,000 kWh to produce one kilogram of cannabis product this is the same amount of
 energy an average Canadian household would use in 4 months.

https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf (p.14)

 As a type of intensive agriculture, cannabis production needs a supply of: water for irrigation, electricity for lighting, and energy for heating.

- Cannabis production has some special impacts in relation to odour emissions and a need for heightened security that can be associated with high-value crops.
- risks of outdoor cultivation to children and domestic pets

REAL ESTATE

https://www.zoocasa.com/blog/cannabis-report-2018/

- In a survey released on October 16, 2018, most Canadians feel that smoking cannabis inside their homes is generally a bad idea.
- 64% of those who indicated they were homeowners felt doing so would harm its resale value, an increase from the 39% who indicated as such in Zoocasa's previous Housing Trends Report.
- Over half of homeowners 57% felt that growing even the legal amount of cannabis (up to four plants under the Cannabis Act), would have a negative impact on a home's value.
- This stigma extends to prospective home buyers, too: A total of 52% respondents say they'd be less likely to consider specific houses for sale if they knew even a legal amount of cannabis had been grown in them
- 42% agree that dispensaries will reduce values of homes in a neighbourhood compared with liquor stores (11%)
- 48% of respondents stated the presence of a dispensary nearby would reduce their desire to purchase a specific property
- 88% of landlords want to ban smoking in their rental units

INSURANCE

https://www.bnnbloomberg.ca/home-auto-insurance-costs-could-rise-after-marijuana-legalized-experts-1.1146073

- Canadians could face rising home and car insurance costs once recreational marijuana is legalized as insurers eye increased risks stemming from a potential increase in people consuming cannabis, according to industry experts.
- "A recent Statistics Canada survey revealed that about one in seven cannabis users with a driver's licence
 report driving within two hours of using it. This is an alarming statistic and this road safety risk and
 uncertainty around it will most likely be reflected in some level of increased auto insurance rates." (Hazel
 Tan, Intact Financial)
- "Ontario Automobile Policy excludes coverage for accidental loss or damage caused by drivers under the influence of intoxicating substances. If accidents as a result of cannabis use increase, insurance companies' loss-ratios will increase, and that will ultimately increase individual drivers' premiums." (Alyssa Furtado, CEO of Ratehub.ca)
- Tan also said the insurer would be introducing some **coverage limits** in their home insurance policies to "reflect the risk" once cannabis is legalized.
- "The biggest risks for insurers from people growing cannabis at home are **damages** to a property due to **fire and theft**, even if they're not growing pot at the scale of a grow-op," Furtado said.
- "Cannabis growers often modify the heating and electrical systems on their property, which can increase
 risks for fire and electrocution. Fumes can build up inside the home's ventilation system and cause
 mould or fungus to develop," Furtado said.

ENTRY TO U.S.

https://www.ctvnews.ca/canada/why-investing-in-pot-could-pose-problems-at-the-u-s-border-1.4011813

- Problems at the border could impact thousands of Canadian investors who have put an estimated \$25
 to \$30 billion into Canada's biggest pot production companies—in theory making them financiers of a
 drug illegal under U.S. federal laws.
- Canadian businesspeople have been denied entry and even banned from investing in U.S. companies.
- includes a business man working for a company making equipment to harvest marijuana who was banned for life

CRIMINALS PARDONED

https://www.cbc.ca/news/politics/tasker-pot-pardons-limitations-1.4866610

https://www.ctvnews.ca/politics/bill-to-pardon-past-pot-convictions-coming-before-the-end-of-2018-1.4137578

- Those with criminal records for possession of marijuana will be pardoned and possibly have records expunged.
- Will they ask for compensation for having been incarcerated, costing taxpayers more money?
- A previous criminal record does not necessarily prohibit someone from obtaining a licence to run a legal cannabis store.

CONCLUSION

Many issues surrounding the legalization of cannabis are counterintuitive, defying common sense.

Municipalities have the power and social responsibility to enact by-laws to protect the health and safety of our citizens. Do the right thing. Be proactive. Protect and prevent erosion of our communities.

Declare a smoke-free environment in public spaces, prohibiting use of tobacco and marijuana in any form. Implement by-laws prohibiting the growing of cannabis anywhere. Ban edibles.

Do not forfeit your rights. Stop private marijuana retailers and producers from entering our communities.

Please OPT OUT before January 22, 2019.

Staff Report



To City Council

Service Area Corporate Services

Date Monday, December 17, 2018

Subject 2018 Governance Review

Report Number CS-2018-66

Recommendation

1. That the Procedural By-law, included as ATT-1 of report CS-2018-66, 2018 Governance Review, be approved.

- 2. That the Code of Conduct for Council and Local Boards, included as ATT-2 of report CS-2018-66, 2018 Governance Review, be approved.
- 3. That the Committee of the Whole Terms of Reference, included as ATT-3 of report CS-2018-66, 2018 Governance Review, be approved.
- 4. That the City Council Terms of Reference, included as ATT-4 of report CS-2018-66, 2018 Governance Review, be approved.
- 5. That Committee of the Whole Service Area Chairs sit at the seat of the head of Council when acting as Chair in accordance with report CS-2018-66 2018 Governance Review.

Executive Summary

Purpose of Report

To update the following corporate policies and documents to ensure legislative compliance and consistency with current best practices:

- Procedural By-law
- Code of Conduct for Council and Local Boards
- Committee of the Whole Terms of Reference
- City Council Terms of Reference

A more in-depth and comprehensive review of the Procedural By-law, including Council engagement, is scheduled for Q1, 2019.

To establish a public conflict of interest registry in accordance with new requirements of the Municipal Conflict of Interest Act.

To amend the Committee of the Whole agenda structure to provide for the movement of Service Area chairs into the head of Council seat.

To appoint all 13 members of Council as the Committee of Management of The Elliott Long-Term Care Residence.

Key Findings

In previous terms of Council, the City Clerk's Office has brought forward updates to various corporate procedures and policies as stand-alone reports and at various points throughout a term of Council. In order to more efficiently provide Council with relevant information regarding governance changes, as well as to reduce the administrative work required to bring forward multiple reports, updates to governance policies and procedures will now generally be brought forward as part of twice-per-term Governance Reviews. This report represents the first Governance Review report of the 2018-2022 term.

Financial Implications

None.

Report

In previous terms of Council, the City Clerk's Office has brought forward updates to various corporate procedures and policies as stand-alone reports. These updates have come at various times throughout a term of Council. As the volume of corporate governance procedures and policies has grown, and the pace of legislative change quickened, the practicality of bringing forward individual reports has diminished.

In order to better provide Council with governance-related changes and to review these changes in a more holistic and fulsome way, the City Clerk's Office has consolidated what would previously have been several reports into a twice-per-term Governance Review. This approach reduces the administrative work associated with producing multiple staff reports and provides Council with a broader review of corporate governance policies and procedures on a standardized timeline. This report represents the first Governance Review report of the 2018-2022 term.

Governance Reviews will primarily include three types of changes to governance related by-laws, policies and procedures:

- Changes resulting from on-going continuous improvement reviews;
- Changes resulting from new provincial legislation; and
- Changes resulting from Council direction.

Proposed changes which are the result of an on-going continuous improvement review conducted by the City Clerk's Office are recommended to ensure relevant best practices are reflected in the City of Guelph governance structure. Proposed changes which are the result of new legislation are recommended to Council to ensure regulatory compliance.

The following elements of the 2018 Governance Review are included as the result of on-going continuous improvement reviews:

- Proposed changes to the Procedural By-law;
- Proposed changes to the Committee of the Whole Terms of Reference; and
- Proposed changes to the City Council Terms of Reference.

The following elements of the 2018 Governance Review are included to ensure regulatory compliance:

- Proposed changes to the Code of Conduct for Council and Local Boards; and
- Public conflict of interest registry.

The following elements of the 2018 Governance Review are included as the result of previous Council direction:

• Committee of the Whole Chairing.

Policy Updates

Summary of Proposed Changes to the Procedural By-law

- Administrative updates throughout;
- Formal inclusion of staff recognitions at the beginning of Committee of the Whole meetings;
- Clarification that public presentations are for information only and that delegations are not permitted for public presentations;
- 8:00 p.m. adjournment time for Committee of the Whole Meetings with a vote to extend to 9:00 p.m.; and
- Amendment of the composition of the Committee of Management for The Elliott Long-Term Care Residence to include all 13 members of Council.

The above noted changes to the Procedural By-law are recommended for approval prior to the January Committee of the Whole meeting to ensure consistency in meeting format throughout the 2018-2022 term of Council. In order to consider more substantive changes to the Procedural By-law, an in-depth and comprehensive review, including engagement with City Council, is scheduled for the first guarter of 2019.

A red-lined version of the Procedural By-law, which notes all of the proposed changes, is included as ATT-1.

Summary of Proposed Changes to the Code of Conduct for Council and Local Boards as Required by the Municipal Act

- Provisions have been added to allow the Integrity Commissioner to investigate conflict of interest complaints in accordance with section 223.4.1 of the Municipal Act; and
- Provisions have been added to allow the Integrity Commissioner to provide advice to members of Council and Local Boards regarding the Municipal Conflict of Interest Act.

The Modernizing Ontario's Municipal Legislation Act (previously known as Bill 68) granted to the Integrity Commissioner the ability to provide advice and investigate complaints relating to compliance with the Municipal Conflict of Interest Act (MCIA). Previously, any member of Council or the public wishing to file a complaint regarding MCIA compliance had to apply to the courts. Under the revised legislation, as of March 1, 2019, complaints may be brought directly to the Integrity Commissioner. The costs associated with processing those complaints and/or conducting investigations are to be covered by the municipality.

A red-lined version of the Code of Conduct for Council and Local Board which notes all of the proposed changes is included as ATT-2.

Summary of Changes to the Committee of the Whole Terms of Reference

- Administrative changes throughout, including the removal of sections and charts which were not reflective of current practices; and
- Terms of reference for the Audit Committee portion of the Committee of the Whole have been updated to refer specifically to the Internal Audit function and associated activities.

The Committee of the Whole Terms of Reference were last comprehensively reviewed in 2016. As part of the 2020 Governance Review, City Clerk's Office staff will be completing a comprehensive review of the Terms of Reference to ensure they continue to accurately reflect the roles and responsibilities of the Committee of the Whole.

The proposed Committee of the Whole Terms of Reference are included as ATT-3.

Summary of Changes to the Council Terms of Reference

 Administrative changes throughout, including the removal of sections which were not reflective of current practices.

The City Council Terms of Reference were last comprehensively reviewed in 2016. As part of the 2020 Governance Review, City Clerk's Office staff will be completing

a comprehensive review of the Terms of Reference to ensure they continue to accurately reflect the roles and responsibilities of City Council.

The proposed City Council Terms of Reference are included as ATT-4.

Public Conflict of Interest Registry as Required by the Municipal Conflict of Interest Act

Effective March 1, 2019, Section 6.1 of the Municipal Conflict of Interest Act requires that municipalities create and maintain a public registry of all declarations of interest made by members of Council and Local Boards, and that all declarations be made in writing. Councillors and Local Board members in Guelph will be able to submit declarations of interest online, using a PDF form or through a traditional paper form. A copy of the PDF form, which is similar to the paper and online versions, is included as ATT-5.

All written declarations of interest will include the name of the member making the declaration, date and type of meeting, subject matter, general nature of the conflict and the date the conflict was declared. This information will form part of the public registry, which will be viewable and available for download on the City's accountability and transparency webpage.

Committee of the Whole Chairing

On June 25, 2018 Council passed the following resolution as part of the One-year Committee of the Whole Review:

That the issue regarding the chair structure for Committee of the Whole be referred to 2019 for consideration by the 2018-2022 members of Council.

As part of the Committee of the Whole One-year Review, staff recommended amending Committee of the Whole agendas to include a break between service area portions of the meeting. This ten-minute break would provide time for the Service Area chair to move into the seat reserved for the head of Council and give City Clerk's Office staff the opportunity to update the seating positions noted in the back end of the voting equipment. A copy of the proposed Committee of the Whole agenda template including the break is included as ATT-6. City Clerk's Office staff continue to support these changes to the system of chairing at Committee of the Whole.

If the above-noted changes are approved by Council, there are some additional procedural impacts. It is current practice at Committee of the Whole meetings to move agenda items to the top or bottom of the agenda based on whether or not they have public delegations or staff presentations attached to them. If the recommended system of chairing is approved, agenda items cannot be moved out of their respective Service Area portion of the agenda.

In addition, the call to order at Committee of the Whole meetings (which have typically been given by the Mayor) would be issued by the Service Area Chair whose Service Area is listed first on the agenda. The Mayor, however, would still issue the call to order for any Committee of the Whole meeting which has a closed component. The Mayor would also continue to act as the Chair for all closed Committee of the Whole meetings.

This change to the system of chairing, if approved, will create more stability in Committee of the Whole agendas and make it easier for the public and staff to anticipate when a particular agenda item will come forward for discussion.

Financial Implications

None.

Consultations

Executive Team Robert Swayze, Integrity Commissioner Catherine Spence, Internal Auditor

Corporate Administrative Plan

Overarching Goals

Service Excellence

Service Area Operational Work Plans

Our Services - Municipal services that make lives better

Attachments

Procedural By-law
Code of Conduct for Council and Local Boards
Committee of the Whole Terms of Reference
City Council Terms of Reference
Conflict of Interest Declaration Form
Committee of the Whole Agenda Template

Report Author

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Approved By

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1. Definitions

In this by-law,

- "Act" means the Municipal Act, 2001, c.25 as amended or replaced from time to time.
- "Acting Mayor" means the Councillor who is appointed, in alphabetical order by last name, to serve one month each, to act in the place and stead of the Mayor as required.
- "Ad Hoc Committee" means a committee created by Council with a defined ending, to report directly to Council on a specific matter.
- "Advisory Committee" means a committee created by Council, to report to the Committee of the Whole on a specific subject.
- **"By-law"** means an enactment, in a form approved by Council, passed for the purpose of giving effect to decisions 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.
- "Clerk" means the 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 Committee of the Whole, advisory committee or other committee, sub-committee or similar entity.
- **"Committee of the Whole"** means a committee comprised of all Members of Council that directly reports to Council.
- "Committee of the Whole Consent Report" means a report from Committee of the Whole outlining items approved by the committee and forwarded to Council for consideration.
- "Confirmatory By-law" means a by-law passed at the conclusion of Council meetings, confirming the actions of Council taken at that meeting and any previous meetings which did not have a confirmatory by-law, in respect of each resolution and other actions taken, so that every decision of Council at that meeting shall have the same force and effect as if each and every one of them had been the subject-matter of a separately enacted by-law.
- "Consent Agenda" means a listing of consent items being presented to Council and Committee of the Whole for its consideration.

- "Consent Item" means a report that is presented for approval without debate and with no delegation or presentation.
- **"Council"** means the City's elected representatives, 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 the Committee of the Whole, Council or an appointed official of the City and who is speaking to committee or Council.
- **"Deputy CAO"** means staff who report to the CAO and are responsible for multijurisdictional service areas.
- **"Electronic Device"** means computers, cellphones, smartphones, personal digital assistants, smartwatches, tablets, voice recorders, cameras or any other similar device.
- "Items for Discussion" means agenda material that is presented for approval which has an associated presentation or delegation(s).
- "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 of the 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 acting in place of the Mayor.
- "Meeting" means any regular or special Council or committee meeting when a quorum is present as defined in the Municipal Act.
- "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.
- "Notice of Motion" means a written notice, given by a member, advising Council that the motion described therein will be brought forward at a subsequent meeting.
- "Open Meeting" means a meeting which is open to the public.
- **"Presentation"** means information presented to Council or committee in person by an individual or group on an issue which typically does not require any action to be taken by Council or committee.
- "Quorum" means a majority of the members.

"Recording Device" means any device used for the purpose of recording whether it be analogue, digital or other means of recording, including but not limited to computers, cellphones, smartphones, tablets, voice recorders, cameras or any other similar device.

"Registered Delegate" means an individual who has submitted a request for delegation to the Clerk within the prescribed timelines to address Council or committee in relation to a matter appearing on the agenda.

"Resolution" means a motion that has been carried.

"Rules of Procedure" means the rules and procedures set out in this by-law.

"Regular Meeting" means a meeting of Council or committee held at the times and dates specified in this by-law and approved by Council or committee as part of an annual calendar.

"Special Meeting" means a separate meeting of Council or committee held at a time different than a regular meeting as approved by Council or committee and which is focused on one or more particular and specific items or subjects.

"Vice-chair" means a Member of Council appointed by Council who shall have all the power and duties of a chair in their absence; and consequently the words "Vicechair" are interchangeable with the word "chair" in all sections of this by-law.

"Workshop" means a meeting convened for the purpose of educating or training the members, for providing the members with information and/or advice, or to solicit input from the members.

2. Purpose and Principles

2.1 Purpose

- (a) Council and Committee of the Whole shall observe the Rules of Procedure contained in this by-law in all proceedings of the Council and committee. This by-law shall be used to guide the order and dispatch of business of the Council and committee and wherever possible, with the necessary modifications, for all advisory committees and ad hoc committees unless otherwise provided.
- (b) This by-law sets out processes that are open and transparent.

2.2 Principles

- (a) Each member has the right to:
 - i. One vote, subject to the declaration of pecuniary interest;
 - ii. Information to help make decisions, unless otherwise prevented by law;

- iii. An efficient meeting; and
- iv. Be treated with respect and courtesy.
- (b) No item shall be placed on an agenda with respect to a matter which is not within the jurisdiction of Council or committee. The Mayor and/or chair, in consultation with the Clerk, will determine if a matter is within the jurisdiction of Council or committee.
- (c) In the event of conflict between the provisions of this by-law and the Act, or any other legislation, the provisions of the legislation shall prevail.

2.3 Suspension of Rules

- (a) No provision of this by-law shall be suspended except by an affirmative vote of at least two-thirds of the entire Council (nine members) for each incidence of suspension of the rules.
- (b) The suspension shall only apply to the procedure(s) or rules(s) which are stated within the motion to suspend and only during the meeting in which such motion was introduced.
- (c) The following procedure(s) or rule(s) cannot be suspended:
 - i. No other business in special meetings;
 - ii. Majority of members for quorum.

3. Conduct at Meetings

3.1 Council and Committee Members

- (a) Council Members shall govern themselves according to Council's Code of Conduct and Council-Staff Relations Policy.
- (b) The Mayor or chair shall preserve order and rule on points of order and privilege.
- (c) Every member desiring to speak shall indicate so in order to be recognized by the Mayor or chair.
- (d) Every member, on being recognized, shall remain seated in his or her place and address themselves to the Mayor or chair.
- (e) A member called to order by the Mayor or chair shall immediately cease further comment and may appeal the call to order to the Council or committee. The Council or committee, if appealed to, shall decide on the case without debate and by way of a majority vote of the members present. If there is no appeal, the decision of the Mayor or chair shall be final.

- (f) No member shall, without leave of the Council or committee:
 - i. speak to an issue for more than five (5) minutes (cumulative);
 - ii. use offensive words or speak disrespectfully of the Mayor, Members of Council, committee, staff or the public;
 - iii. speak on any subject other than the subject under debate;
 - iv.speak in contempt of any decision of the Council or committee;
 - v. leave his or her seat or make any noise or disturbance while a vote is being taken or until the result is declared; or,
 - vi.disobey the rules or decisions of Council or a decision of the Mayor or chair on points of order or privilege, or upon the interpretation of the Rules of Procedure. If a member persists in such disobedience after having been called to order by the Mayor or chair, the member may be ordered by Council or committee to leave his or her seat for the meeting. In the event that a member refuses to vacate their seat, the Mayor or chair may request that the member be removed by the Clerk and/or staff as required. In case of adequate apology being made by the member they may, be way of majority vote of the members present, be permitted to take their seat.

3.2 Member Absent from Council

The office of a Member of Council becomes vacant if the member has been absent from meetings of the Council for three (3) successive months without being authorized to do so by a resolution of Council unless otherwise permitted by S. 259 (1.1) of the Act.

3.3 Electronic Devices

- (a) Each member shall place any electronic devices on an inaudible setting during any meeting, except for any closed meeting where electronic devices must be turned off as required by Section 4.6.6.
- (b) No member shall use an Electronic Device as a recording Device during any meeting.
- (c) No member shall use an Electronic Device to broadcast or otherwise publish or post audio, video or photographs of any meeting.

3.4 Hearing `ions

(a) Except for points of order or privilege, Members of Council shall not interrupt a delegate while he or she is addressing Council or committee.

- (b) Members may address a delegate only to ask questions of clarification and not to express opinions or enter into debate or discussion.
- (c) All registered delegates for any particular agenda item shall be heard before Council or committee enters into discussion or debate on that item.
- (d) After all delegations have been heard, the related item shall immediately be brought forward for the consideration of Council or committee.

3.5 Conduct of Public

- (a) Members of the public in attendance at a meeting, shall not:
 - i. address Council or committee without permission;
 - ii. bring food or beverage, with the exception of water, into the Council Chamber or meeting room unless so authorized;
 - iii. engage in any activity or behaviour or make any audible noise that could affect the Council or committee deliberations; or
 - iv. bring any signs or placards into the Council Chambers;
- (b) 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.
- (c) No person shall make detrimental comments, or speak ill of, or malign the integrity of staff, the public, Mayor, Members of Council or committee.

4. Rules and Procedures for Council and Committee Meetings

4.1 Public Notice of Meetings

- (a) The Clerk shall give public notice of all Council and committee meetings by inclusion on the City's website at least 72 hours prior to the meeting.
- (b) The Clerk may, at his or her discretion, publish notice of Council and committee meetings in a local newspaper or other local media source.
- (c) Public notice shall include:
 - i. date;
 - ii. time; and
 - iii. location of meeting.

(d) The Clerk shall give public notice of all special open and closed meetings of Council and committee by inclusion on the City's website as soon as possible after the meeting is called and no later than 48 hours prior to the meeting.

4.2 Location, Date and Time of Meetings

Committee of the Whole, regular Council and Council Planning shall meet in the Council Chambers of City Hall, 1 Carden Street, unless with adequate public notice, as required in Section 4.1, the Council selects an alternate meeting location, date, or time. In the event the regular meeting date falls on a public holiday, the Council or committee shall meet at the same hour on the next day not being a public holiday.

4.3 Consolidated Agenda

- (a) The Clerk shall prepare a Consolidated Agenda advising Council or committee of the names of registered delegates and written submissions relating to matters on the agenda.
- (b) Items or matters will not be added to the agenda after distribution to Council or committee unless directed by the Mayor or chair, CAO and/or Deputy CAO(s) and if the urgent nature of the matter requires a decision prior to the next Council or committee meeting.

4.4 Quorum and Commencement of Meetings

- (a) Unless there is a quorum present within fifteen minutes after the time appointed for the meeting of the Council or committee, the Council or committee shall stand adjourned until the next meeting date.
- (b) As soon as there is a quorum present, the Mayor or chair shall call the members to order. In the absence of the Mayor or chair, the Clerk shall call the members to order and the Council shall choose a chair from the members present and that person shall preside over the meeting or until the arrival of the Mayor or chair.

4.5 Disclosure of Pecuniary Interest

Prior to a particular matter being addressed, members shall declare any pecuniary interests they may have, and the general nature thereof, in connection with that matter pursuant to the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended. Such members shall then be precluded from participating in any way regarding the matter in question.

4.6 Closed Meetings

4.6.1 General Principles

- (a) Meetings shall be open to the public.
- (b) Notwithstanding Section 4.6.1(a), a meeting or part of a meeting may be closed to the public in accordance with Section 239 (2), (3) and (3.1) of the Act.
- (c) Council shall approve and maintain a closed meeting Protocol.

4.6.2 Date and time of Meetings

Further to Section 4.2:

- (a) When a closed meeting of Council is required, it shall be held no earlier than 4:30 p.m. on the day of an existing regular Council or Council Planning meeting.
- (b) When a closed meeting of Committee of the Whole is required, it shall be held no earlier than 12:30 p.m. on the day of an existing Committee of the Whole meeting.

4.6.3 Resolution

(a) Prior to holding a closed meeting, Council or committee shall state by resolution in an open meeting, that Council or committee will be holding a closed meeting, the subject matter and the permitted closed meeting exemption under the Municipal Act.

4.6.4 Recording of Minutes

- (a) The Clerk and/or his or her designate shall attend all closed meetings and record the proceedings, including procedural motions and direction given to staff, without note or comment.
- (b) The Clerk may delegate the Clerk's duties with respect to recording minutes in a closed meeting of Council or committee to a staff person. For closed meetings of committee or Council where the CAO's performance or contract is addressed, the Clerk may delegate the Clerk's duties with instructions to a third party.

4.6.5 Reporting in Open Session

- (a) The Mayor or chair shall report out in an open meeting immediately following the closed meeting and summarize the actions taken in the closed meeting.
- (b) Matters discussed in a closed meeting which require a decision will be brought forward to an open meeting of Council or committee.

4.6.6 Electronic Devices

All electronic devices must be turned off throughout closed meetings of Council or committee with the exception of on call/on duty medical or emergency services personnel. Such personnel shall advise the chair, and place their electronic devices on the audible setting in order to be notified, and upon notification, leave the room to respond.

4.6.7 Closed Meeting Voting

- (a) In relation to a matter considered in a closed meeting pursuant to Section 4.6.1(b), Council or committee may vote:
 - i. on procedural motions;
 - ii. on motions to rise, report and introduce a proposed recommendation on an open meeting agenda; or
 - iii. to give direction to staff or a third party of the City.
- (b) Notwithstanding Section 4.11(g), votes held in closed meetings shall be by a show of hands unless a recorded vote is requested by a member in accordance with the regulations contained in the Act.

4.7 Presentations

4.7.1 Public Presentations

- (a) A request from an outside organization or individual to make a presentation to Council or committee shall only appear on an agenda upon approval of the Mayor, chair and Deputy CAO for the appropriate Service Area.
- (b) Public presentations are for information only.
- (c) Public presentations at a meeting shall be limited to a maximum of 10 minutes and shall be heard at the beginning of a Council or committee meeting.
- (d) Presentations by outside organizations or individuals shall not be permitted for the sole purpose of generating publicity or promotion.
- (e) Outside organizations or individuals shall provide the Clerk with written material for inclusion on the agenda by the agenda production deadline.
- (f) Presentations by outside organizations or individuals shall not be added on the consolidated agenda.

4.7.2 City Presentations

- (a) Presentations by City staff at meetings shall endeavour to be a maximum of 10 minutes.
- (b) The following types of presentations shall provide information only and shall be heard at the beginning of a Committee of the Whole, Regular Council or Council Planning Meeting:
 - presentations by staff providing information with no accompanying report; and
 - presentations recognizing achievements.
- (b) Presentations by staff providing information with no accompanying report shall be heard at the beginning of a regular Council or Council Planning meeting.
- (c) Presentations recognizing achievements shall be heard at the beginning of a Committee of the Whole meeting.
- (b)(d) Where a staff or third party presentation accompanies an item on an agenda, the item shall be placed under items for discussion with the report and shall be brought forward for consideration immediately after the presentation has been made. If delegates wish to speak on an item with a presentation, the item shall not be considered until all delegates on the item have been heard.

4.8 Delegations

- (a) A delegate may address Council or committee for a period of time not exceeding five minutes. Council or committee may extend the five minute time period by a majority vote of the members present. Such a motion shall be decided without debate.
- (b) For the purpose of Council and committee meeting agendas, delegates have until 10:00 a.m. on the Friday of the week prior to the meeting to notify the Clerk that they wish to delegate or to submit written submissions on items on the agenda.
- (c) Notwithstanding Section 4.8(a), designated representatives of senior levels of government or the County of Wellington appearing before Council or committee shall have no time limitations placed on their delegation.
- (d) A delegate may only address Council or committee with respect to an item on the agenda.
- (e) Delegates shall only be permitted at Council budget meetings designated for the explicit purpose of receiving budget delegations.
- (f) No delegation shall be made to Council or committee on matters relating to litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals unless such matter is referred to Council by the said administrative tribunal or court.

- (g) No delegate shall speak on a matter that is not within the jurisdiction of the Council or committee. The Mayor and committee chairs in consultation with the Clerk will determine if a matter is within the jurisdiction of the Council or committee.
- (h) No delegations shall be made to notices of motion on a Council or committee agenda. Delegates will have an opportunity to speak at a subsequent Council or committee meeting when that item will be discussed.
- (i) No delegations shall be permitted to speak on a notice of motion to reconsider.
- (j) No delegations shall be made at workshops.
- (k) A delegate may not address Council or committee with respect to a by-law on the agenda.
- (I) Delegates shall not be permitted to appear before Council or committee for the sole purpose of generating publicity for an event.
- (m) No delegations shall be permitted to speak to presentations at Council or Committee of the Whole meetings.
- (m)(n) No delegations shall be permitted to closed Agenda items.
- (n)(o) A delegate shall only register themselves to speak and may not register other delegates.
- (o)(p) If a delegate is unable to attend the meeting for which they are registered they may provide their written submission to the Clerk.
- (p)(q) Delegates wishing to speak on a matter not on the agenda:
 - Shall provide the Clerk in writing a request outlining the subject matter of the delegation and the action being requested to be taken by Council.
 - ii. The Clerk will advise the appropriate chair and Deputy CAO of the request.
 - iii. The Clerk will advise the requestor that the chair and Deputy CAO has been made aware of the request.
 - iv. The requestor will be advised of the actions taken or when the item is coming forward to Council or committee.

4.9 Written Submissions/Petitions

(a) Individuals may submit written correspondence on matters listed on the agenda by the timelines specified in Section 4.8(b) for inclusion on the agenda and consolidated agenda.

- (b) Petitions shall include a statement or position, legible names of signatories and their signatures.
- (c) Petitions shall not contain any obscene or improper matter or language.
- (d) The individual or group initiating the petition, or submitting the petition to the Clerk, must provide a key contact name, mailing address, and telephone contact information.
- (e) Names and personal information will be redacted from the information published in the agenda. Council or committee will be advised of the number of signatures only.
- (f) Electronic petitions will not be accepted.

4.10 Motions and Order of Voting

- (a) After a motion has been moved and seconded, it shall be deemed to be in the possession of Council or committee. Council or committee may consent to the withdrawal of the motion at any time before amendment or decision.
- (b) Council or committee shall not debate any motion until it has been moved and seconded. When a motion has been seconded, it may upon request, be read or stated by the Mayor, chair or Clerk at any time during the debate.
- (c) When a Councillor moves a motion or an amendment to a motion that is not included as part of the agenda package, that Councillor shall provide a copy of the motion to the Mayor or chair prior to the vote being taken.
- (d) Whenever the Mayor or chair is of the opinion that an amending motion is contrary to the main motion, the Mayor or chair shall apprise the members thereof immediately. A Member of Council or committee may appeal the ruling of the Mayor or chair to Council or committee. If there is no appeal, the decision of the Mayor or chair shall be final. The Council or committee, if appealed to, shall vote on the motion without debate and its decision shall be final.
- (e) A motion in respect of a matter which is not within the jurisdiction of the Council or committee shall not be in order. The Mayor or chair in consultation with the Clerk will determine if the matter is within the jurisdiction of Council or committee.
- (f) When a motion is under consideration no other motion shall be received unless it is a motion:
 - i. to refer the motion to committee, Council, staff or any other person or body. Such a motion to refer:
 - a. is open to debate;
 - b. is amendable; and

- c. shall preclude amendment or debate of the preceding motion.
- ii. to amend the motion. Such a motion to amend:
 - a. is open to debate;
 - b. shall not propose a direct negative to the main motion;
 - c. shall be relevant to the main motion;
 - d. is subject to only one further amendment, and any amendment more than one must be to the main motion; and
 - e. 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 motion is put to the vote.
- iii. to defer the motion to another time. Such a motion to defer:
 - a. is not open to debate;
 - b. is not subject to amendment; and
 - c. applies to the main motion and any amendments thereto under debate at the time the motion to defer is made.
- iv.to adjourn the meeting notwithstanding Section 4.13(d). Such a motion to adjourn:
 - a. is not open to debate;
 - b. is not subject to amendment; and
 - c. shall always be in order.
- v. to call a vote on the motion. Such a motion to call a vote on the motion:
 - a. cannot be amended;
 - b. cannot be proposed when there is an amendment under consideration;
 - c. when resolved in the affirmative, shall be forwarded by voting on the motion, without debate or amendment;
 - d. when resolved in the negative, shall be followed by resumption of debate; and
 - e. shall always be in order.

- (g) Once all motions relating to the main motion have been dealt with, and once the main motion is put, there shall be no further discussion or debate and the motion shall be immediately voted on.
- (h) A motion may be voted against by the mover and seconder.

4.11 Voting at Open Meetings

- (a) When one or more motions as set out in Section 4.10 have 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.
- (b) Except as otherwise provided, every Member of Council or committee shall have one vote.
- (c) Any motion on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any act.
- (d) A failure to vote by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.
- (e) When the motion under consideration contains distinct clauses, and a member has requested to vote on each distinct clause, then a vote shall be taken separately on each clause; including each clause added by way of an amendment.
- (f) After a vote has been called by the Mayor or chair, no member shall be recognized to speak to the motion or make any other motion after the result of the vote has been declared.
- (g) Members shall distinguish their vote by voting either in favour or opposed using an electronic voting system. Should Council or committee meet in a location where there is no electronic voting system, or should the electronic voting system be inoperable, each member must distinguish their vote by clearly calling out a show of hands if they are in favour or opposed to the Motion when their name is called.
- (h) Unless otherwise requested by a member, no recorded vote is required for the following privileged and incidental motions:
 - Adjournment;

- ii. Recess;
- iii. Suspension of the Rules of Procedure;
- iv. Extend the automatic adjournment beyond 11:00 p.m.;;
- v. Add an item not appearing on the agenda
- vi. Moving out of a closed meeting; and/or
- vii. Call the vote.
- (i) The Mayor or chair shall vote on any motion 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.

4.12 Points of Order or Privilege

4.12.1 Point of Order

- (a) A member may raise a point of order at any time, whereupon the Mayor or chair shall:
 - i. interrupt the matter under consideration;
 - ii. ask the member raising the point of order to state the substance of and the basis for the point of order; and
 - iii. rule on the point of order immediately without debate by Council or committee.
- (b) A Member of Council or committee may appeal the ruling of the Mayor or chair to Council or committee which will then decide on the appeal, without debate, by way of a majority vote of the members present. If there is no appeal, the decision of the Mayor or chair shall be final.

4.12.2 Point of Privilege

- (a) A member may raise a point of privilege at any time if he or she considers that their integrity, the integrity of Council or the committee as a Whole or staff has been impugned, whereupon the Mayor or chair shall:
 - i. interrupt the matter under consideration;
 - ii. ask the member raising the point of privilege to state the substance of and the basis for the point of privilege; and
 - iii. rule on the point of privilege immediately without debate by Council or committee.

- (b) A Member of Council or committee may appeal the ruling of the Mayor or chair to Council or committee.
- (c) If there is no appeal, the decision of the Mayor or chair shall be final. The Council or committee, if appealed to, shall vote on the motion without debate by way of a majority vote of the members present and its decision shall be final.
- (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.

4.13 Adjournment of Council and Special Council Meetings

- (a) Council shall adjourn at 11:00 p.m. unless otherwise decided before that hour by a majority vote of the members present. If Council is adjourned before the agenda is completed, Council shall establish a time and date for consideration of the balance of the agenda.
- (b) 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.
- (c) A motion to adjourn may be made by any member who has been recognized by the Mayor or chair. The motion must be moved and seconded. A motion to adjourn shall not be made during a vote on any other motion.
- (d) Notwithstanding Section 4.13(a), 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 or Committee shall not adjourn the meeting until all listed delegates on the matter have been heard. Once the listed delegates have been heard, Council or Committee 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.

4.14 Adjournment of Committee of the Whole Meetings

- (a) The Committee of the Whole shall adjourn at 8:00 p.m. unless otherwise decided before that hour by a majority vote of the members present. If the Committee of the Whole meeting is adjourned before the agenda is completed, the committee shall establish a time and date for consideration of the balance of the agenda.
- (b) Only one motion to extend the automatic adjournment beyond 8:00 p.m. shall be permitted per meeting, and the maximum allowable extension shall be to 9:00 p.m.
- (c) A motion to adjourn may be made by any member who has been recognized by the chair. The motion must be moved and seconded. A motion to adjourn shall not be made during a vote on any other motion.

(d) Notwithstanding Section 4.14(a), 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, Committee of the Whole shall not adjourn the meeting until all listed delegates on the matter have been heard. Once the listed delegates have been heard, the committee 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.

5. Regular Meetings of Council

The rules and procedures contained in Sections 3 and 4 shall apply with necessary changes.

5.1 Location, Date and Time of Meetings

Notwithstanding Section 4.2:

5.1.1 Time of Regular Meetings

Regular Council meetings shall be held at 6:30 p.m.

5.1.2 Closed Council Meetings

When a closed meeting of Council is required, it shall be held no earlier than 4:30 p.m. on the day of an existing regular Council meeting.

5.2 Order of business

The Clerk, in consultation with the Mayor and staff, shall have discretion to prepare for the use of members, an agenda containing the following:

- Call to Order
- Singing of O Canada
- Silent Reflection
- First Nations Acknowledgement
- Closed Meeting Summary
- Disclosure of Pecuniary Interest and General Nature Thereof
- Confirmation of Minutes
- Presentations
- Consent Agenda
- Items for Discussion
- Special Resolutions
- By-laws
- Announcements
- Notice of Motions
- Adjournment

5.3 Closed Meeting Summary

Following a closed meeting of Council or committee, the Mayor or chair shall disclose, in a general manner, how the agenda items were dealt with in the closed meeting.

5.4 Confirmation of Council and Committee of the Whole Minutes

- (a) The Clerk shall present the minutes, without note or comment, of any previous open and closed Council or committee meetings to Council for adoption.
- (b) When the minutes of Committee of the Whole, or any Council meeting, have been adopted, the Mayor and Clerk shall sign them.

5.5 Committee of the Whole Consent Report

- (a) The report from Committee of the Whole to Council, for items which do not have presentations or delegations, shall be submitted to Council in the form of a consent report, and shall be dealt with by Council as follows:
 - i. The Committee of the Whole consent report shall be presented by the respective chair or, in his or her absence, by the vice-chair who shall move the adoption of their report.
 - ii. Council Members shall identify any items contained on the Committee of the Whole consent report which they wish to speak to and the matter shall be extracted from the consent report to be dealt with separately under items for discussion.
 - iii. The balance of items on the Committee of the Whole consent report, which have not been extracted, shall be voted on in one motion.
- (b) In the event that Council adopts a motion to be referred back to staff, staff shall report back to a regular Council meeting and not back to a Committee of the Whole meeting.
- (c) Reports from local boards and advisory committees 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.

5.6 Council Consent Agenda

- (a) The Council consent agenda shall consist of the following items that do not have presentations or delegations:
 - i. reports from staff;
 - ii. correspondence for the direction of Council, which may include:

- correspondence for which a policy decision or approval of Council is required;
- correspondence accompanied by a recommendation from staff; and

iii. items of a timely nature.

- (b) Council Members shall identify any items contained on the consent agenda which they wish to speak to and the matter shall be extracted from the consent agenda to be dealt with separately under items for discussion.
- (c) The balance of items on the consent agenda, which have not been extracted, shall be voted on in one motion.

5.7 Items for Discussion

- (a) Items for discussion shall consist of the following items that have presentations and/or delegations:
 - i. Reports from staff;
 - ii. Correspondence for the direction of Council; and
 - iii. Correspondence extracted from the weekly Items for Information.
- (b) In the event that Council adopts a motion to be referred back to staff, staff shall report back to a regular Council meeting and not back to a Committee of the Whole meeting.

5.8 Reconsideration of a Council Decision

- (a) Council may reconsider an entire resolution that was decided during any term of Council. A reconsideration of a portion of a resolution shall not be permitted. Such reconsideration can either amend the previous decision or rescind it.
 - i. No resolution shall be reconsidered more than once during the term of Council.
 - ii. A motion to reconsider shall not be reconsidered.
- (b) A resolution that was decided by Council cannot be reconsidered if action has been taken in implementing the resolution resulting in legally binding commitments that are in place on the date the motion to reconsider is considered by Council.
- (c) If Council passes a resolution and adopts the same matter by by-law, only the resolution may be reconsidered. If the decision resulting from the reconsideration warrants, the by-law will be amended or repealed accordingly.
- (d) A motion to reconsider shall be introduced by way of a notice of motion to Council and considered as a special resolution at a subsequent regular meeting of Council pursuant to Sections 5.11 and 5.12.

- i. No delegations shall be permitted to speak on a notice of motion to reconsider.
- (e) Only a Member of Council who voted with the majority in respect of a previous decision or who was absent from the vote or was not a Member of Council at the time may move or second a motion for reconsideration.
- (f) A motion to reconsider must be carried in the affirmative by a vote of twothirds of the entire Council.
- (g) If a motion to reconsider is decided in the affirmative:
 - i. the reconsideration effectively returns Council to just prior to the original Council decision.
 - <u>ii.</u> reconsideration of the original motion shall then be the next order of business unless the motion specifies a future date.
- (h) A notice of reconsideration received from the Local Planning Appeals Tribunal shall not be deemed a reconsideration of a Council decision.

5.9 By-laws

- (a) The Clerk shall submit to Council a summary of all by-laws proposed for adoption that includes the by-law numbers and titles.
- (b) A complete copy of every proposed by-law shall be brought to the Council meeting and be available to any person interested in reviewing.
- (c) Unless otherwise requested, all by-laws proposed for adoption shall be passed in one single motion.
- (d) The Clerk shall be responsible for their correctness should they be amended at a Council meeting.
- (e) Every by-law passed by Council shall:
 - i. be signed by the Mayor, or the presiding officer;
 - ii. be signed by the Clerk or designate;
 - iii. be sealed with the City seal; and
 - iv. indicate the date of passage.
- (f) Council shall enact a by-law to confirm all actions taken by Council.

5.10 Announcements

Council meeting 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.

5.11 Notices of Motion

- (a) Prior to initiating the notice of motion process, a member shall first submit the proposed motion in writing to the Deputy CAO and relevant Committee of the Whole Service Area chair for approval to place the matter on a Committee of the Whole agenda. If approved, the motion shall be submitted in writing to the Clerk prior to the regular agenda deadline for inclusion on a committee meeting agenda.
- (b) If the matter is not placed on a Committee of the Whole agenda by the relevant Service Area chair and Deputy CAO, at a regular Council, Council Planning or Committee of the Whole meeting, a member shall give notice that he or she intends to introduce a motion at a subsequent regular meeting of Council to initiate any measure within the jurisdiction of Council.
- (c) The notice of motion shall be submitted in writing, on the prescribed form, to the Clerk prior to the regular agenda deadline for inclusion on any regular Council, Council Planning or committee meeting agenda.
- (d) The motion may not be submitted as part of a consolidated agenda.
- (e) A motion for which notice has been given, other than one to reconsider or rescind a prior decision of Council, shall be in the form of a referral to the Committee of the Whole or, if no future Committee of the Whole meeting has been scheduled, to regular Council.
- (f) The motion for which notice has been given, shall be included as a special resolution on an agenda of a regular Council meeting.
- (g) If a motion is introduced and not brought forward in the next two (2) subsequent regular Council meetings, the motion expires.
- (h) No delegations shall be permitted to speak on a notice of motion.

5.12 Special Resolutions Arising from Notice of Motion

- (a) Motions for which notice has been given shall be listed on the next regular Council agenda, unless the member introducing the motion has specified another regular Council meeting date as per Section 5.11(a), under the special resolutions section of the agenda. Special resolutions for which previous notice has been given shall not be placed on a consolidated agenda.
- (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.

5.13 Special Resolutions Arising from Closed Meeting

(a) Where Council has passed a procedural resolution at a closed meeting to report out at a meeting, such resolution shall be introduced under the special

resolution or closed meeting Summary heading of the agenda pursuant to Section 4.6.7 (a) (ii).

(b) Council or staff may provide contextual information prior to Council's consideration of the special resolution.

6. Council Planning Meetings

The rules and procedures contained in Sections 3, 4 and 5 shall apply with necessary changes.

Council Planning shall consider matters where a public meeting is required to hear applications under the Planning Act.

6.1 Public Notice of Meetings

Notwithstanding Section 4.1, staff shall give legislated notice of items on any agenda in accordance with the applicable legislation.

6.2 Location, Date and Time of Meetings

Notwithstanding Section 4.2:

6.2.1 Time of Meetings

Council Planning meetings shall be held at 6:30 p.m.

6.2.3 Closed Council Meetings

When a closed meeting of Council is required, it shall be held no earlier than 4:30 p.m. on the day of an existing Council Planning meeting.

6.3 Order of Business

The Clerk, in consultation with the Mayor and staff, shall have discretion to prepare for the use of members, an agenda containing the following:

- Call to Order
- Singing of O Canada
- Silent Reflection
- First Nations Acknowledgement
- Closed Meeting Summary
- Presentations
- Disclosure of Pecuniary Interest and General Nature Thereof
- Setting of the Consent Agenda
- Public Meetings Pursuant to The Planning Act
- Items for Discussion
- Special Resolutions
- By-laws

- Announcements
- Notice of motions
- Adjournment

6.4 Delegations

- (a) Notwithstanding Section 4.8 (a), the time limitation for delegations speaking at a public meeting to hear applications 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.
- (b) Council may ask questions of staff after a staff presentation and prior to delegates addressing Council.
- (c) Once all registered delegates have spoken, the Mayor or chair shall ask if anyone present wishes to speak. Such individuals shall be permitted to speak without advance notice pursuant the Planning Act and as per Section 6.4 (a).

6.5 Council Planning Consent Agenda

The rules and procedures contained in Section 5.6 shall apply to the Council Planning consent agenda.

7. Committee of the Whole Meetings

Notwithstanding Section 4.2, the rules and procedures contained in Sections 3, 4 and 5 shall apply with necessary changes.

7.1 Location, Date and Time of Meetings

7.1.1 Time of Meetings

Committee of the Whole meetings shall be held at 2:00 p.m.

7.1.2 Closed Meetings

When a closed meeting of committee is required, it shall be held no earlier than 12:30 p.m. on the day of an existing scheduled Committee of the Whole meeting.

7.2 Chairing

- (a) Chairs will chair the portion of the committee meeting where business is forwarded from their respective Service Areas or portfolios.
- (b) Chairs will remain in their existing seats assume the head of council seat when chairing their portion of the meeting.

7.3 Service Area Reporting

Service Areas will report to committee on their designated month.

7.4 Order of Business

The Clerk, in consultation with the chairs, Mayor and staff, shall have discretion to prepare for the use of members, an agenda containing the following:

- Closed Meeting Summary
- Disclosure of Pecuniary Interest and General Nature Thereof
- Presentations
- Consent Agenda (rotating based on Service Area reporting)
- Items for Discussion (rotating based on Service Area reporting)
- Chairs and Staff Announcements
- Notice of motions
- Adjournment

7.5 Committee of the Whole Consent Agenda

- (a) Committee of the Whole shall use a consent agenda which shall consist of items that do not have presentations or delegations.
- (b) A Member of Council may request that a matter appearing on the Weekly Information Items to Council be listed on the appropriate Committee of the Whole consent agenda for discussion or consideration.
- (c) Reports from local boards and advisory committees submitted in writing shall be signed by the chair or secretary. When such reports are requesting Council action, they shall include appropriate motions for consideration.
- (d) Those matters which are time sensitive may be included on the consent agenda as approved by the CAO and appropriate Deputy CAO.
- (e) Council Members shall identify any items contained on the Committee of the Whole consent agenda which they wish to speak to and the matter shall be extracted from the consent agenda to be dealt with separately under items for discussion.
- (f) The balance of items on the Committee of the Whole consent agenda, which have not been extracted, shall be voted on in one motion.

7.6 Announcements

Service Area updates may be made by the Mayor, chair, CAO, Deputy CAO's or their designates. Service Area announcements provided to the chairs prior to the meeting shall be read by the chair at the end of the relevant Service Area portion of the meeting.

8. Special Council Meetings

The rules and procedures contained in Sections 4 and 5 shall apply with necessary changes.

8.1 Calling of Special Council Meetings

- (a) The Mayor may at any time summon a special meeting of Council within 48 hours. The Mayor shall also summon a special meeting of Council when so requested in writing by a majority of Members of Council.
- (b) Upon receipt of a written petition of the majority of the Members of Council, the Clerk shall summon a special meeting for the purpose mentioned in the petition.
- (c) Upon the calling of a special meeting the Clerk shall give notice to all members, not less than 48 hours prior to the time fixed for the meeting of the:
 - time;
 - place; and
 - business to be considered.
- (d) On emergency or extraordinary occasions, the Mayor may call a special Council meeting without the notice provided in Section 8.1(a).
- (e) Only items disclosed on the meeting agenda may be considered by Council. Items will not be added to the special meeting on a consolidated agenda.

8.2 Workshops

8.2.1 Location, Date and Time of Meeting

Council workshops shall be held no earlier than 6 p.m.

8.2.2 Delegations

Delegations will not be heard at Council workshops.

9. Inaugural Council Meeting

- (a) The first meeting of Council following a regular election shall be held on the first Monday in December at 6:30 p.m. in the Council Chambers of City Hall or at such alternate location as determined by the Clerk.
- (b) At the inaugural meeting, each member present shall make his or her declaration of office and sign Council's Code of Conduct. The Clerk may provide additional policies or procedures to Council as appropriate. Council shall not proceed with any regular business at this meeting.

10. Council Meeting as Shareholder

- (a) Council meets as the shareholder of the following Corporations:
 - i. Guelph Municipal Holdings Incorporated; and
 - ii. Guelph Junction Railway Company
- (b) Shareholder meetings shall be held as special meetings on separate dates, unless otherwise directed by the Mayor and/or CAO.

11. Committees

11.1 Appointments to Committees

- (a) Council shall appoint chairs for Committee of the Whole. Council shall consider rotating the chairs' position every two years. In appointing the chairs, consideration shall be given to workload balance, individual interests and Councillor development.
- (b) Council shall appoint vice-chairs for Committee of the Whole. Council shall consider rotating the vice-chairs' every two years. In appointing a vice-chair, consideration shall be given to workload balance, individual interests and Councillor development.
- (c) Council shall make public and member appointments to agencies, boards, committees and commissions at regular Council meetings.

11.2 Committees Reporting Directly to Council

The following committees are appointed by and report directly to Council:

- (a) Ad Hoc Standing committee
 - i. Emergency Governance
- (b) Quasi-judicial committees
 - i. Business Licence Appeals Committee
- (c) Committee of Management for The Elliott

11.3 Committee Composition

The Mayor is ex-officio on all committees and:

- i. may attend meetings;
- ii. attendance does not count towards quorum; and
- iii. may participate in meetings.

11.3.1 Emergency Governance Committee

The Emergency Governance Committee shall be comprised of a minimum of four (4) and a maximum of six (6) Members of Council and quorum shall be four (4) members.

11.3.2 Elliott Board of Management

The Elliott Board of Management shall be composed of five (5) all Members of Council appointed for the term of Council.

11.3.3 Business Licence Appeals Committee

The Business Licence Appeals Committee shall be composed of five (5) Members of Council appointed for the term of Council to hear appeals under the Business Licence By-law.

11.4 Ad Hoc Committees and Advisory Committees

11.4.1 Ad Hoc Committees

- (a) Council may appoint ad hoc committees, with a defined ending, to consider a specific matter and report to Council.
- (b) Only the members of an ad hoc committee shall participate in debate or ask questions at ad hoc committee meetings.

11.4.2 Advisory Committees

- (a) Advisory committees are created by Council with no defined ending, to report through the appropriate Service Area on a specific subject matter.
- (b) No Members of Council shall be appointed to advisory committees.
- (c) The appointment of a member of the public to an Advisory committee may be forfeited if the member is absent from meetings of the committee for three (3) consecutive months without being authorized to do so by a resolution of the committee.

12. Report Deadlines and Weekly Information Items

12.1 Report Deadlines

Reports, presentations and other agenda materials are due to the Clerk's office on the dates and times set out in the Council and Committee Report Deadlines schedule prepared following the adoption of the Council and committee meeting dates.

12.2 Weekly Information Items

- (a) Weekly Information Items shall consist of the following items:
 - i. Reports from staff for information;
 - ii. Correspondence received that may be of interest to Members of Council;
 - iii. Boards' & committees' minutes and information;
 - iv. Intergovernmental Consultations; and
 - v. Items available in the Clerk's office.
- (b) Weekly Information Items will be published and distributed weekly on Fridays.
- (c) Members of Council may request an item from the Weekly Information Items be placed on the appropriate Committee of the Whole or Council agenda for discussion.

13. General Rules

13.1 Robert's Rules of Order

In relation to the proceedings of Council and committees and for which Rules of Procedure have not been provided in this by-law, Roberts Rules of Order 11th Edition shall be referenced where practicable.

13.2 Other General Information

- **13.2.1** This by-law comes into force on December 17, 2018.
- **13.2.2** The short title of this by-law is the Procedural By-law.
- **13.2.3** Appendix 1, the "Motions Table", forms part of this by-law and shall be used as a reference.

14. Procedural By-laws for Other Boards, Committees or Commissions

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.

15. Repeal of Previous By-law

By-law Number (2018)-20260 is hereby repealed.

PASSED this SEVENTEENTH day of DECEMBER, 2018.

Cam Guthrie - Mayor

Stephen O'Brien - City Clerk

Appendix 1 - Motions Table

Motion	Debatable	Non- debatable	Amendable	Non- amendable	Special Majority
adjourn		Х		X	
point of privilege		X		X	Chair Rules*
point of order		X		X	Chair Rules*
call a vote on the motion		X		X	
motion to amend	Х		X		
defer		X		X	>
refer	Х		Х		
extend Council meeting beyond 11:00 p.m.	X			X	Majority of the members present
extend Committee of the Whole meeting beyond 8:00 p.m.	X			X	Majority of the members present
reconsideration	Х			Х	2/3 of entire Members of Council (9)
appeal the chair's ruling		Х		Х	
suspend the Rules of Procedure		Х		Х	2/3 of entire Members of Council (9)

^{*}A point of order/privilege is ruled on by the Mayor/chair. Any member may appeal the chair's ruling which must then be decided by a majority vote of the members present without debate.



ATT-2 to report CS-2018-66

POLICY Code of Conduct for Members of Council and Local

Boards

CATEGORY Corporate

AUTHORITY City Clerk's Office

RELATED POLICIES Use of Corporate Resources During an Election

APPROVED BY City Council

EFFECTIVE DATE February 25, 2013

REVISION DATE December 17, 2018

1. Policy Statement

A written Code of Conduct for Council and Local Boards (the Code) helps to ensure that the members of Guelph City Council (Council), Advisory Committees, and Local Boards of the City of Guelph (the City) share a common basis for acceptable conduct. The Code is designed to provide a set of rules on ethical conduct and a supplement to the legislative parameters within which the members must operate. These standards 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 are as follows:

- All members shall serve and be seen to serve their constituents in a conscientious and diligent manner.
- All members should be committed to performing their functions with integrity.
- All members shall be committed to avoiding the improper use of the influence of their office.
- All members shall be committed to avoiding and declaring conflicts of interest, both real and apparent.
- All members shall perform their duties while in office in a manner that promotes public confidence and will bear close public scrutiny.
- All 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 Council.

2. Purpose

Members hold positions of privilege. Therefore, they must discharge their duties in a manner that recognizes a fundamental commitment to the wellbeing of the community and regard for the integrity of the Corporation.



The purpose of the Code is to:

- protect the public interest;
- encourage high ethical standards among members of Council and local boards;
- provide a universal understanding of the fundamental rights, privileges, and obligations of members of Council and local boards; and
- provide a means for members of Council and local boards to obtain information on contemplated conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct.

3. Application

The Code applies to every member. The Code shall be applied to members of local boards, who are not members of Council, with necessary modifications applied at the discretion of the Integrity Commissioner.

4. Definitions

"members" means the Mayor, members of Council, and members of all local boards as defined in Section 223.1 of the Municipal Act.

"confidential information" means the following:

- a) Any information in the possession of, or received in confidence by the City, that the City is prohibited from disclosing, or has decided to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act, or any other law.
- b) Information of a corporate, commercial, scientific or technical nature received in confidence from third parties, including, but not limited to:
 - i) personal information;
 - ii) information that is subject to solicitor-client privilege;
 - iii) information that concerns any confidential matters pertaining to personnel labour relations, litigation, property acquisition, the security of the property of the municipality or a local board; and
 - iv) any other information lawfully determined by the Council or the local board to be confidential, or required to remain or be kept confidential by legislation or order.
- c) A matter, the substance of a matter, the debate on a matter, and information pertaining to a matter, that has been debated or discussed at a meeting closed to the public, unless the matter is subsequently discussed in open or is authorized to be released by Council, the local board or otherwise by law.
- d) Reports of consultants, draft documents and internal communications, which, if disclosed may prejudice the reputation of the City, its officers and employees, or its effective operation.



e) Information, the publication of which may infringe on the rights of any person (e.g. source of a complaint where the identity of a complainant is given in confidence).

"Integrity Commissioner" means the person appointed by Council 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 City with respect to the application of the Code and Municipal Conflict of Interest Act (MCIA) for members of Council and Local Boards.

5. Gifts and Benefits

No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of their duties of office, unless permitted by the exceptions listed below. For these purposes, a fee, advance, gift, or personal 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 or local governments, or political subdivisions of them, by the federal government or a foreign country;
- g) food and beverages consumed at banquets, receptions or similar events, if:
 - i) attendance serves a legitimate business purpose;
 - 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:

- a) the nature of the gift or benefit;
- b) its source and date of receipt;



- c) the circumstances under which it was given or received;
- d) its estimated value;
- e) what the recipient intends to do with the gift; and
- f) 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 their office any personal privilege or advantage with respect to City services not otherwise available to the general public and not consequent to their official duties.

6. Confidentiality

No member shall disclose, release, or publish, by any means to any person or to the public, any confidential information acquired by virtue of their office, except when required or authorized by Council or by by-law to do so. No member shall use confidential information for their own personal or private gain or benefit or for the personal or private gain or benefit of any other person or body.

7. Use of Corporate Resources

No member shall, for personal purposes or profit, make use of any City facilities, services or property other than for purposes connected with the discharge of City duties or associated community activities, unless such use is permitted by one of the following exceptions:

- a) reasonable and incidental personal use of equipment such as computers, cell phones, smart phones, telephones, tablets, printers, scanners, copiers, email, file storage, voicemail, or any other equipment or technology owned by the City, where the City incurs no additional costs relating to such use, and the use is of limited duration and frequency; and
- b) 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.

No member shall use information gained in the execution of their duties that is not available to the general public for any purposes other than their official duties.

The Municipal Elections Act, the Election Finance Act and the Canada Elections Act establish regulations relating the use of City resources during elections. Members should review the City of Guelph Use of Corporate Resources During an Election



policy for specific rules and regulations that apply during municipal, provincial and federal elections.

8. Conduct Respecting Current and Prospective Employment

No member shall allow the prospect of their future employment by a person or entity to adversely affect the performance of their duties to the City.

9. Business Relations

No member shall act as a paid agent before Council, its committees, or an agency, board or commission of the City. A member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

10. Conduct

As a representative of the City, every member has the duty and responsibility to treat members of the public, one another, and staff appropriately and without abuse, bullying, or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment. A member shall not use indecent, abusive, or insulting words or expressions toward any other member, a member of staff, or a member of the public. A member shall not speak in a manner that is discriminatory to any individual based on that person's race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status or disability.

11. Influence on Staff

Individual members of Council do not have the authority of the whole of Council. Only Council as a whole has the authority to set policy or direct staff, including, but not limited to:

- a) budget approvals;
- b) governance processes; and
- c) staff work plans.

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.

Members shall be respectful of the fact that staff work for the City as a corporate body and are charged with making recommendations that reflect their professional expertise, without undue influence from any individual member or group of members. Accordingly, no member shall maliciously or falsely injure the



professional or ethical reputation of staff and all members shall show respect for the professional capacities of staff.

Accordingly, staff establish administrative policies, systems, structures and internal controls necessary to implement the goals and objectives of Council. 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 City. 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. No member shall 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.

12. Improper Use of Influence

No member shall use the influence of their office for any purpose other than for the exercise of their official duties.

Examples of prohibited conduct are the use of one's status as a member to improperly influence the decision of another person to the private advantage of oneself, or one's immediate relatives, staff members, friends, and associates, businesses or otherwise. This includes 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 influence within Council in return for present actions or inaction.

For the purposes of this provision:

"private advantage" does not include a matter:

- a) that is of general application;
- b) that affects a member, their immediate relatives, staff members, friends, and associates, businesses or otherwise as one of a broad class of persons; or
- c) that concerns the remuneration or benefits of a member.

Members should not advocate on behalf of any person at a hearing of an adjudicative board (as listed on the City's website) and should not contact any member of such a board regarding any application before it.

13. Complaints Alleging Violation of the Code of Conduct or the Municipal Conflict of Interest Act

When 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 the



Code, a complaint may be submitted to the Integrity Commissioner who will process it in accordance with the <u>Integrity Commissioner</u> Complaint Protocol attached as Appendix 1.

In addition, if filed with the Integrity Commissioner on or after March 1, 2019, an application to the Integrity Commissioner to inquire into an alleged contravention of Sections 5, 5.1 or 5.2 of the MCIA may be made by an elector (as defined in Section 1 of the MCIA) or by a person demonstrably acting in the public interest, in accordance with the Integrity Commissioner Complaint Protocol attached as Appendix 1.

The Integrity Commissioner will advise the City Clerk, with as much notice as possible, before preparing a report to Council so that the City Clerk may schedule items on a Council agenda accordingly and provide related meeting information to the Integrity Commissioner accordingly.



Appendix 1

Code of ConductIntegrity Commissioner Complaint Protocol

1. Application

This process applies to members of Council and its local boards as defined in Section 223.1 of the Municipal Act.

2. Integrity Commissioner

The City of Guelph Integrity Commissioner shall be responsible for the provision of the following services, as identified in the Municipal Act:

- 1. Application of the Code, as well as any other ethical rules, procedures and policies, for members.
- 2. Application of sections 5, 5.1 and 5.2 of the MCIA, for members.

3. Procedure for Making a Code of Conduct Complaint

- 1. All complaints or requests for inquiries of alleged breaches of the Code shall be submitted to the Integrity Commissioner in the form provided in Appendix 2.
- 2. All complaints or requests for inquiries must clearly include:
 - i) the member to whom the complaint relates;
 - ii) the nature of the alleged contravention;
 - iii) the specific provision(s) of the Code allegedly contravened;
 - iv) names of any witnesses to the alleged contravention; and
 - v) 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 their 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.

Where it has been determined that a complaint should be dealt with under another process, it will no longer be considered or dealt with by the Integrity Commissioner and the time limits described in the other processes will apply accordingly.

4. Upon receipt of a complaint or request to conduct an enquiry within their jurisdiction, and if the Integrity Commissioner deems the complaint or



request to have merit, the Integrity Commissioner may deliver a preliminary report to an open meeting of Council which may include the following:

- The opinion of the Integrity Commissioner as to whether the enquiry is appropriate and whether it can be conducted within the law applicable to such an enquiry;
- ii) An indication as to whether it is the Integrity Commissioner's intention to conduct the enquiry under the Public Inquiries Act;
- iii) A preliminary indication of the members of staff and/or consultants needed to assist the Integrity Commissioner;
- iv) An estimated cost of the enquiry; and
- <u>v)</u> Where appropriate, the Integrity 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. The Integrity Commissioner's report on a complaint shall be placed on an agenda for consideration at a public meeting of Council, in accordance with the Procedural By-law, as determined by the City Clerk in consultation with the Integrity Commissioner.
- 6. If the Integrity Commissioner is of the opinion that a complaint or request to conduct an enquiry is frivolous, vexatious, not made in good faith or that there are insufficient grounds for an enquiry, the Integrity Commissioner shall not prepare a preliminary report to Council and shall not conduct an enquiry.

4. Procedure for Making a Municipal Conflict of Interest Act Complaint

- 1. If filed with the Integrity Commissioner on or after March 1, 2019, an application to the Integrity Commissioner to inquire into an alleged contravention of section 5, 5.1 or 5.2 of the MCIA may be made by an elector (as defined in section 1 of the MCIA) or by a person demonstrably acting in the public interest, as follows:
 - i) All complaints or requests for inquiries of alleged contraventions of the MCIA shall be submitted to the Integrity Commissioner in the form provided in Appendix 3.
 - ii) Complaints may only be filed by individuals and may not be filed by groups, organization or corporations.

2. All complaints shall include:

- i) an explanation, with specific reference to sections of the MCIA, as to why the issue raised is alleged to be a contravention of the MCIA;
- ii) any evidence in support of the allegation;
- iii) any witnesses in support of the allegation must be identified; and



- iv) a statutory declaration attesting to the fact that the applicant became aware of the alleged contravention not more than six weeks before the date of application.
- 3. The Integrity Commissioner shall undertake an initial review of a complaint that has been filed and shall determine whether the matter relates to non-compliance with the MCIA. The Integrity Commissioner shall have no power or jurisdiction to investigate or otherwise deal with the complaint or application if it is not alleging such a contravention or if the complaint relates to the following matters:
 - i) Criminal Matter if the complaint relates to an allegation of a criminal nature consistent with the Criminal Code, the complainant shall be advised that pursuit of such an allegation must be made through the appropriate police service.
 - ii) Municipal Freedom of Information and Protection of Privacy if the complaint relates to a matter under the Municipal Freedom of Information and Protection of Privacy Act, the complainant shall be referred to the City Clerk.
 - iii) Municipal Elections Act if the complaint relates to the enforcement of the Municipal Elections Act, the complainant shall be referred to the Compliance Audit Process if the matter relates to campaign finances or to such other avenues of investigation as dictated by the Municipal Elections Act.
- 4. If the Integrity Commissioner determines that they do not have jurisdiction to investigate the complaint, the Integrity Commissioner shall advise the complainant in writing accordingly.
- 5. Upon receipt of a request to conduct an enquiry within their jurisdiction under the MCIA, and if the Integrity Commissioner deems the request to have merit, the Integrity Commissioner may hold a public meeting to discuss the enquiry and may deliver a preliminary report which may include the following:
 - i) the opinion of the Integrity Commissioner as to whether the enquiry is appropriate and whether it can be conducted within the law applicable to such an enquiry;
 - ii) an indication as to whether it is the Integrity Commissioner's intention to conduct the enquiry under the Public Inquiries Act;
 - <u>iii) a preliminary indication of the members of staff and/or consultants</u> needed to assist the Integrity Commissioner;
 - iv) an estimated cost of the enquiry;
 - v) the estimated time required to complete the enquiry and prepare a final report; and



- vi) where appropriate, the Integrity Commissioner may recommend that the alleged infraction be reported to the police and that the enquiry be suspended until the police investigation is completed.
- 6. If the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious, not made in good faith or that there are insufficient grounds for an enquiry, the Integrity Commissioner shall not prepare a preliminary report to Council and shall not conduct an enquiry. The Integrity Commissioner shall advise the complainant in writing of the decision and reasons for not undertaking an investigation.
- 7. Before finalizing a report to Council which recommends sanctions, the Integrity Commissioner shall provide the member with the basis for their findings and any sanctions that may be recommended. The member shall have the opportunity to comment further, either in writing, verbally or, if approved by the Integrity Commissioner, in person, to the Integrity Commissioner on the proposed findings and sanctions.
- 8. Upon conclusion of an investigation of an alleged MCIA contravention, the Integrity Commissioner may, if they consider it appropriate, apply to a judge under section 8 of the MCIA for a determination as to whether the member has contravened section 5, 5.1 or 5.2 of the MCIA.
- 9. Upon completion of an investigation, the Integrity Commissioner shall:
 - i) advise the applicant whether they will be making an application to a judge; and
 - ii) publish written reasons for the decision.

4.5. Procedure for Obtaining Advice

- 1. A request for information from the Integrity Commissioner by a member or the public must be made in writing.
- 2. All advice provided by the Integrity Commissioner to a member, shall be confirmed in writing. No solicitor/client relationship will exist in the giving of such advice.
- 3. Where the Integrity Commissioner learns of a violation of the Code through the request for advice from a member, they are required to report such a violation to Council.
- 4. The Integrity Commissioner may decline to give advice if they determine it will put them in conflict with their duty to Council as a whole.



5.6. Confidentiality

- 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 according to the discretion of the Integrity Commissioner.

6.7. Intake Procedures

The Integrity Commissioner may attempt to settle any complaint. Except where otherwise required by the Public Inquiries Act, the Integrity Commissioner shall provide a copy of the complaint received regarding an alleged violation under the Code or MCIA and supporting material to the member with a request for a written response to the allegation within ten days. Unless the complainant requests that their identity be kept confidential, the copy of the complaint sent to the respondent shall include the name of the complainant.

A copy of such response may be provided by the Integrity Commissioner to the complainant with a request for a written response within ten days.

7.8. Investigations

The Integrity Commissioner shall take all necessary steps within their jurisdiction to promptly investigate complaints. This may include entering any City office or building, consulting with relevant City staff and accessing any information or records described in section 223.4 (3) and (4) of the Municipal Act. The Integrity Commissioner may retain independent professional services if required.

- 1. The Integrity Commissioner shall make every effort to complete an investigation within 30 days and no later than 180 days after receiving the applicationcomplaint.
- If the Integrity Commissioner requires more than 30 days to complete an investigation, the Integrity Commissioner may advise the complainant and prepare an interim report to Council which includes an estimated extended time period and end date for completion as well as the reasons for the extension.
- 3. A complaint involving an alleged contravention that has already been thoroughly investigated will not be re-investigated unless new evidence is presented.



8.9. Reporting the Results of an Investigation

- 1. All reports from the Integrity Commissioner shall be made to an open meeting of Council. Where the enquiry relates to a local board, the report shall be submitted to both Council and the local board.
- 2. If the Integrity Commissioner determines that there has been no contravention of the Code, or that a contravention occurred even though 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 dismiss the complaint and may report to Council on the matter.
- 3. If a preliminary report was previously issued by the Integrity Commissioner, then a final report shall be submitted to an open meeting of Council and a local board as applicable.
- 4. The Integrity Commissioner shall give a copy of the final report to the complainant and the member whose conduct is concerned on the same day as the agenda containing the report becomes public.

9-10. Actions by Council as a Result of a Violation of the Code

- 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 their opinion that the member has contravened the Code:
 - i) Issue a motion of reprimand;
 - ii) Suspension of the remuneration paid to the member with respect to their services as a member for a period of up to 90 days; and
 - iii) Remove the member from committee or local board appointments.
- 2. Council may also make the following requests:
 - Request the member involved to return any gift or benefit received in contravention of the Code;
 - ii) Request that the member involved repay the value of the benefit; and
 - iii) Request an apology from the member involved.
- 3. All reports to Council by the Integrity Commissioner on the investigation of complaints are public documents.
- 4. The Integrity Commissioner shall be responsible for ensuring the above procedures are followed with respect to requests for enquiries and for conducting investigations. Council shall be responsible for determining penalties where a finding is made by the Integrity Commissioner that the Code has been contravened.



10.11. Protection from Retaliation

Any employee who files a complaint of a contravention of the Code or the MCIA 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 has occurred.

11.12. Limitation Period

The Integrity Commissioner shall not proceed with an enquiry regarding a <u>Code</u> 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.

The onus of proof as to the date of discovery lies with the complainant.

Where the Integrity Commissioner decides not to proceed with the investigation of a <u>Code</u> complaint received more than 60 days after the date when the event or series of events occurred, the Integrity Commissioner may prepare and file a report to Council setting out that decision.

A complaint regarding an alleged contravention of the MCIA may not be made more than six weeks after the applicant became aware of the alleged contravention.

12.13. Complaints in Municipal Election Years

Pursuant to the Municipal Act, no application for an inquiry by the Integrity Commissioner of an alleged contravention of the Code or MCIA shall be made between Nomination Day and the end of six weeks after Voting Day in a regular election, except as provided in section 223.4 and 223.4.1 of the Municipal Act.-Furthermore, any investigation not completed prior to Nomination Day in a regular election shall be terminated by the Integrity Commissioner on that day.

The Integrity Commissioner shall not re-commence an enquiry terminated as the result of an election unless, within six weeks of Voting Day in a regular election, the person who made the original request submits a written request to the Integrity Commissioner asking that the inquiry be re-commenced.



Appendix 2

<u>Complaint Form - Code of Conduct for Council and Local Boards Complaint Form</u>

Complaint forms can be submitted directly too: Robert J. Swayze T: 519 942 0070 Barrister & Solicitor F: 519 942 1233 20736 Mississauga Road E: robert.swayze@sympatico.ca Caledon, ON. L7K 1M7 [please print full name], believe that the following member of Guelph City Council or a local board, [specify name of member], has contravened section(s) ____ [specify section(s) of the Code of Conduct] of the City of Guelph Code of Conduct for Council and Local Boards. The details are as follows: [If you require more space, please attach to this complaint. If you wish to include attachments to support this complaint, please identify them and attach them to this complaint.]



Signed:
-
Date:



Appendix 3

<u>Complaint Form – Municipal Conflict of Interest Act</u>

Complaint forms can be submitted directly too:

Robert J. Swayze
Barrister & Solicitor
20736 Mississauga Road
Caledon, ON. L7K 1M7

<u>T:</u> 519 942 0070 F: 519 942 1233

E: robert.swayze@sympatico.ca

<u>I,</u>	[please print full name],
believe that the following member of Guelph C	City Council or a local board, [specify name of member],
has contravened section(s)	[specify section(s)of the MCIA]
of the Municipal Conflict of Interest Act.	[specify section(s)of the Meta]
The details are as follows:	
[If you require more space, please attach to this contact attachments to support this complaint, please iden complaint.]	omplaint. If you wish to include tify them and attach them to this



<u>I</u> , [please print full name], declare that I
became aware of this alleged contravention of the Municipal Conflict of Interest Act no more
than six weeks before the date that this complaint is made.
Cianada
Signed:
Date:
<u>Date:</u>



POLICY Committee of the Whole Terms of Reference

CATEGORY Departmental

AUTHORITY City Clerk's Office

RELATED POLICIES City Council Terms of Reference

APPROVED BY City Council

EFFECTIVE DATE September 26, 2016
REVISION DATE December 17, 2018

Policy Statement

The Committee of the Whole is the primary forum for policy debate and public input on issues within Council's area of responsibility.

The Committee of the Whole provides an opportunity for all members of Council to participate in discussions and debate that result in recommendations to Council.

Guiding Principles

- 1. All committee work will be carried out in accordance with the City of Guelph Procedural By-law, Municipal Act, and other governing legislation and policies.
- 2. The Code of Conduct for Council and Local Boards will guide committee efforts and promote high ethical standards and professionalism.
- 3. The Council endorsed corporate values of wellness, integrity and excellence will be observed.
- 4. The Committee of the Whole will engage the public in their work by receiving public delegations and ensuring that staff have appropriately engaged the community.

Composition and Term

- 1. The Committee of the Whole is comprised of all members of Council.
- 2. Council shall appoint chairs and vice-chairs for the following functional areas:
 - Infrastructure, Development and Enterprise Services
 - Public Services

- Corporate Services
- Audit Services

Resources

The Chief Administrative Officer (CAO), Deputy CAOs and other staff members may be called upon to conduct work and report back to the Committee of the Whole.

As Council has delegated responsibility to the CAO for the administration of the affairs of the City, in accordance with decisions adopted by Council, under the direction of the CAO staff has the responsibility and the authority to provide consultation, advice and recommendations to Council.

Operating Procedures

Reporting to Council

The Committee of the Whole will report to Council with recommendations for approval.

Procedural Rules

The Procedural By-law shall govern the proceedings of Committee of the Whole meetings.

Roles of Stakeholders with respect to Committee of the Whole Meetings

The following key stakeholders are recognized:

- 1. Mayor
- 2. Chair
- 3. Committee Members
- 4. CAO
- 5. Deputy CAO
- 6. City Clerk
- 7. Public/Delegations

Mayor's Role

- 1. Call the meeting to order as required.
- 2. Chair any closed meetings of the Committee of the Whole.

Service Area Chair's Role

Preparation

1. Work in collaboration with the Mayor, respective Deputy CAO and City Clerk to develop the agenda, and be apprised of any changes to the agenda prior to the

- meeting. Items on the final committee meeting agenda shall be the responsibility of the Deputy CAO and the chair.
- 2. In reviewing materials, ensure clarity on the discussion parameters for each report appearing on the agenda.

In Committee Meetings

- 1. Exhibit the behavior expected of all committee members.
- 2. Chair their respective service area portion of the agenda.
- 3. Focus discussion and debate to ensure the meeting progresses.

Specific to agenda items:

- Define discussion parameters and remind members of decision options, including approve, defeat, amend, refer or defer.
- Frame the issues, focus discussion and foster a constructive culture for respectful dialogue between Council, the community and staff.

Specific to decision-making:

- Maintain order and decorum, decide questions of procedure and generally ensure that the committee work proceeds smoothly.
- Engage all committee members in the decision-making process.
- Ensure that the Deputy CAO has been provided with the opportunity to clarify any matters of fact.
- Build consensus where possible.
- Ensure the will of the committee prevails.

Specific to engaging the public and stakeholders:

- Ensure adequate and appropriate opportunities are provided for input by the public and other key stakeholders at meetings.
- Be respectful of all stakeholders' points of view.

After Committee Meetings

- 1. Speak on behalf of the committee at Council meetings.
- 2. Act as the primary spokesperson for any committee-related inquiries in concert with the Deputy CAO or designate.
- 3. Work closely with the Deputy CAO and the Executive Team, as required.

Vice-chairs' Role

Vice-chairs will assume the role and responsibilities of the chair when the chair is unable to fulfill their role.

Committee Members' Role

Preparation

- 1. Read all agenda material and seek clarification from staff on any matters prior to meetings.
- 2. Have a broad awareness of the interrelationship of the City's strategic initiatives and operations.
- 3. Understand the difference between the role of the committee and the role of the administration.

In Committee Meetings

- 1. Attend meetings and participate fully.
- 2. Debate the issues in an open, honest and informed manner to assist the decision-making process.
- 3. Actively contribute to the development of committee recommendations and directions.
- 4. Represent and advocate on behalf of constituents while keeping in mind the entire municipality when considering and addressing issues.
- 5. Respect the role of the chair.
- 6. Respect the role of staff.

Chief Administrative Officer's Role

The CAO may attend and speak at Committee of the Whole meetings on an as needed basis.

Deputy CAO's Role

Preparation

- Work in collaboration with the Mayor, appropriate chair and City Clerk to develop the agenda, and be apprised of any changes to the agenda prior to the meeting. Items on the final committee meeting agenda shall be the responsibility of the Deputy CAO and the chair.
- 2. Ensure the timely submission of all agenda related materials to the City Clerk's office.
- 3. Approve staff reports for presentation to committee.
- 4. Answer questions posed by Council members prior to committee meetings.

In Committee Meetings

- 1. Attend open and closed committee meetings.
- 2. Engage in committee discussion and deliberation.
- 3. Offer opinion to committee members in advance of, and during, committee meetings.

- 4. Review written input from the public and consider verbal content from public delegations.
- 5. Ensure any correction of fact is provided to committee.

After Committee Meetings

- 1. Ensure follow-up on all matters related to the decisions of the committee and on all time specific requests for additional information required by Council prior to their final deliberation.
- 2. Serve as the primary spokesperson for the Service Area.

City Clerk's Role

Preparation

- 1. Oversee the process of appointing chairs and vice-chairs.
- 2. Work in collaboration with the Mayor, Deputy CAO and appropriate chair to develop the agenda, and to be apprised of any changes to the agenda prior to the meeting.
- 3. Supervise staff in the preparation and distribution of agendas and agenda materials.

In Committee Meetings

- 1. Attend, or designate staff to attend, all meetings of the committee.
- 2. Provide advice on legislative protocol and meeting procedures as requested by the chair.
- 3. Supervise the issuance of notices, recording of minutes, and any other meeting or documentary processes.
- 4. Evaluate the effectiveness of committee meetings and offer suggestions for improvement to the Mayor, chair, CAO and Deputy CAOs.
- 5. Lead the development of policies and appropriate training on relevant municipal legislation and governance issues with the Executive Team, Councillors and the Mayor's office.

After Committee Meetings

- 1. Evaluate the effectiveness of committee meetings and offer suggestions for improvement to the Mayor, chair, CAO and Deputy CAOs.
- 2. Lead the development of policies and appropriate training on relevant municipal legislation and governance issues.

Public/Delegations' Role

Preparation

- 1. Register as a delegation to speak to committee with respect to a matter appearing on a meeting agenda.
- 2. Access committee agendas and minutes from the City website.

- 3. Communicate with Councillors to make perspectives known and to discuss issues and options.
- 4. Participate in community engagement processes.

In Committee Meetings

- 1. Attend committee meetings.
- 2. Adhere to procedural rules for delegations to committee.
- 3. Respect the role of the chair with responsibility for timely conduct of business and maintaining meeting decorum.



Schedule 1 – Infrastructure, Development and Enterprise Services

Infrastructure, Development and Enterprise Services has the following agencies, boards, committees and commissions reporting to it:

- 1. Downtown Advisory Committee
- 2. Economic Development Advisory Committee
- 3. Environmental Advisory Committee
- 4. Heritage Guelph
- 5. Municipal Property and Building Commemorative Naming Policy Committee
- 6. Organic Waste Processing Facility Public Liaison Committee
- 7. River Systems Advisory Committee
- 8. Water Conservation and Efficiency Public Advisory Committee
- 9. Planning Advisory Committee
- 10. Accessibility Advisory Committee

Schedule 2 - Public Services

Public Services has the following agencies, boards, committees and commissions reporting to it:

- 1. Guelph Museums Advisory Committee
- 2. Public Art Advisory Committee
- 3. Tourism Strategy Advisory Committee
- 4. Youth Council
- 5. Community Wellbeing Grant Allocation Panel
- 6. Transit Advisory Committee
- 7. Guelph Sports Hall of Fame Board of Directors
- 8. Art Gallery of Guelph Board of Directors
- 9. Guelph Cemetery Commission

Schedule 3 - Audit Committee

The Audit scope of responsibilities includes:

- External Audit
- Annual Financial Statements
- Auditor Performance and Review
- Adequacy of the City's Resources
- · City Financial and Control Systems
- Financial Literacy
- Internal Audit
- Compliance
- Risk Management and Internal Control
- Reporting Responsibilities

Specific Committee Responsibilities

External Audit

- 1. Review the external auditor's proposed audit scope and approach, including coordination of audit effort with City staff.
- 2. Review with management and the external auditors the result of the audit, including any difficulties encountered and all other matters required to be communicated to the Committee under Generally Accepted Auditing Standards.
- 3. Resolve any disagreements between management and the external auditors regarding financial reporting.
- 4. At the conclusion of the audit, consult with the external auditors, without the presence of management, regarding internal financial controls, compliance and the fullness and accuracy of the City's financial statements.
- 5. Ensure the timely presentation of the external auditor's annual audit report to Council.

Risk Management and Internal Control

- 6. Understand the scope of the external auditor's review of internal financial control over financial reporting and obtain reports on significant findings and recommendations, together with management's responses and the timing of the disposition of significant findings.
- 7. Through the use of a risk management framework, assess the financial risks to be managed by the City and any change in significant financial risks.
- 8. Consider the effectiveness of the City's internal control system for the safeguarding of assets, including information technology security and control, and the adequacy of policies and procedures.
- 9. Review management and program performance regarding efficiency, effectiveness and economy in the use of resources.
- 10. Review the effectiveness of management reporting systems regarding administrative and program performance.

Other

- 11. Recommend to Council special investigations and funding as required. Institute and oversee special investigations as authorized by Council.
- 12. With Council approval, retain independent counsel, accountants or others to advise Committee or assist in the conduct of a review.

Compliance

- 13. Obtain regular updates from management and others (legal counsel, external auditors, etc.) regarding compliance with laws and regulations having a material impact on the financial statements including:
 - tax and financial reporting laws and regulations;
 - legal withholding requirements; and
 - environmental protection laws and regulations.

- 14. Review by-laws and policies specifically regulating the conduct of members of council, staff and suppliers.
- 15. Review the findings of any examinations by regulatory agencies and any auditor observations.
- 16. Discuss with the City Solicitor, any significant legal, compliance or regulatory matters that may have a material effect on the financial statements, the business of the City or on the compliance policies of the City.
- 17. Review the results of management's investigation and follow-up for any instances of non-compliance.
- 18. Review the effectiveness of the systems established to ensure compliance.

Adequacy of the City's Resources

- 19. Review the nature of evolving businesses managed by the City, including those changes occasioned by business or process redesign or through updated legislated requirements.
- 20. As new businesses and ventures are embarked on by the City, gain comfort that all appropriate processes have been put in place to evaluate the feasibility of the new business and to ensure proper resources, both human and financial, have been provided.

Reporting Responsibilities

21. Provide an open avenue of communication between the external auditor and Council.

Financial Statements

- 22. Review significant accounting and reporting issues, including complex or unusual transactions, highly judgmental areas and recent professional and regulatory pronouncements, and understand their impact on the financial statements.
- 23. Review the representation letter provided by management to the external auditor.
- 24. Prior to the presentation of the annual financial statements to Council, review the financial statements and consider whether they are complete, consistent with information known to Committee and reflect appropriate accounting principles.
- 25. Recommend to Council the approval and distribution of the annual financial statements.

Auditor Performance and Review

- 26. Review and confirm the independence of the external auditor by obtaining statements from the auditor on relationships between the auditor and the City, including non-audit services, and discussing the relationships with the auditor.
- 27. Direct and review the performance evaluation process for the external auditor.
- 28. Recommend changes to the external auditor's compensation for Council approval.

- 29. Periodically determine whether a request for proposal should be issued to select an external auditing firm. As per the Municipal Act, 2001 section 296 (3), the external auditor shall not be appointed for a term exceeding five (5) years.
- 30. Participate in the selection of an external auditing firm by reviewing the request for proposals and bids received, interviewing potential auditing firms and recommending the external auditor for final approval to Council.

Financial Literacy

31. On-going training and development is provided to enhance the financial literacy of Committee members.

Internal Audit Activities

- 32. Review and approve the risk-based annual internal audit work plan recommended by the Internal Auditor.
- 33. Review and approve the Internal Audit Charter at least every four (4) years or sooner if needed.
- 34. Review and receive internal audit reports identifying key issues and management action plans.
- 35. Review adequacy of the management responses to audit concerns in relation to the risks and costs involved.
- 36. Ensure the internal audit recommendations are implemented in a timely fashion by reviewing internal audit's follow-up reports.
- 37. Communicate and meet independently with the Internal Auditor as appropriate.

Schedule 4 - Governance Committee

The Governance scope of responsibilities includes ensuring that appropriate policies, principles, procedures and roles are established to guide and enhance:

- effective corporate governance
- accountability and transparency
- strategic planning processes
- committee and Council effectiveness
- CAO performance and review
- oversight of governance policies
- succession planning
- Council compensation
- Council performance reporting

Specific Governance Responsibilities:

Strategic Planning

1. Review and recommend governance principles, policies and guidelines with respect to strategic planning for Council approval.

- 2. Ensure an effective strategic planning and priority setting process is implemented during each new term of Council and advise on necessary improvements.
- 3. Receive regular update reports on the status of priority initiatives to ensure appropriate progress.
- 4. Receive regular updates on key performance indicators related to the Strategic Plan.

Enterprise Risk Management

- 5. Understand and address risks that threaten the achievement of the Corporation's objectives.
- 6. Assess risks in terms of likelihood and magnitude of impact.
- 7. Oversee the development of policies and appropriate response strategies to identify, prioritize, and respond to the risks.
- 8. Monitor progress on the effectiveness of policies and response strategies.

Accountability and Transparency

- 9. Receive and review recommendations for the development of strategic communications material to support community understanding of the City's financial standing and strategic directions.
- 10. Assess the need for discretionary positions as defined by the Municipal Act and make appropriate recommendations to Council (e.g. Auditor General, Integrity Commissioner, Lobbyist Registrar and Ombudsman).

Committee Performance Reporting

11. Regularly evaluate meeting effectiveness and incorporate improvements as appropriate.

Effective Corporate Governance

- 12. Regularly review Council's governance principles, policies and procedures and make recommendations for improvements.
- 13. Receive an annual report from the Integrity Commissioner reviewing the effectiveness of the implementation of the Code of Conduct for Council and Local Boards.
- 14. Ensure a succession management plan is in place.
- 15. Review annual service review approach and on-going results.
- 16. Ensure strengthened performance governance including performance metrics and reporting practices.

CAO Performance and Review

- 17. Review and recommend governance principles, policies and procedures with respect to the recruitment, delegation of authority, compensation, succession planning and evaluation of the CAO.
- 18. Direct and discuss CAO succession planning efforts consistent with policy guidelines.
- 19. Oversee the recruitment process for a new CAO consistent with policy guidelines.
- 20. Oversee the performance evaluation process for the CAO consistent with policy quidelines.
- 21. Oversee the development of annual performance objectives for the CAO consistent with policy guidelines.
- 22. Recommend changes to CAO compensation for Council approval.

Council Compensation

- 23. Regularly review and assess on-going work requirements of Council.
- 24. Direct the development of recommendations regarding principles of compensation for Council approval.
- 25. Recommend an appropriate compensation review process involving citizens and stakeholders.
- 26. Review and recommend required updates to existing compensation policies.

Committee and Council Effectiveness

- 27. Regularly assess Council effectiveness and solicit input on governance concerns to be addressed.
- 28. Provide input on changes to the Citizen Advisory Committee appointment process.
- 29. Recommend core elements of an orientation program for the following term of Council to address learning and knowledge requirements in a timely manner.
- 30. Recommend a Council Professional Development Program.
- 31. Review the Procedural By-law and recommend any changes to Council.
- 32. Review and recommend changes to the Committee of the Whole and Council Terms of Reference once a term or as needed.

Schedule 5: Emergency Governances Committee

The Emergency Governance Committee's scope of responsibilities includes the exercise of Council's legislative, quasi-judicial and administrative powers, subject to the limitations of the Municipal Act, with such delegated authority to be exercised only:

- 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;
- 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

• for Council's normal decision-making process and not for the management or coordination of emergency response activities.



CORPORATE POLICY AND PROCEDURE



ATT-4 to report CS-2018-66

POLICY City Council Terms of Reference

CATEGORY Departmental

AUTHORITY City Clerk's Office

RELATED POLICIES Committee of the Whole Terms of Reference

APPROVED BY City Council

EFFECTIVE DATE September 26, 2018
REVISION DATE December 17, 2018

Policy Statement

The City Council Terms of Reference are the guiding document for the governance responsibilities of Council. The purpose of the Council Terms of Reference is to clarify the role of Council.

Introduction

Members of Council are elected by Guelph citizens to make decisions about, and oversee the provision of, services provided by the City in exchange for taxes paid by the community.

Council uses a Committee of the Whole governance structure. With some exceptions, the business of the City is introduced at committee and final decisions are made by Council. Committee and Council meetings provide important forums for debate and public input on issues of importance to the community.

Guiding Principles

- 1. All Council work will be carried out in accordance with provisions of the Municipal Act and other governing legislation.
- 2. The Code of Conduct for Council and Local Boards and the Accountability and Transparency Policy will guide Council efforts, promoting the highest ethical standards while ensuring that the best interests of the community are met.
- 3. The Council endorsed corporate values of wellness, integrity and excellence will be supported.
- 4. Council will respect the work of Committee of the Whole; seeking clarification and adding value rather than duplicating the work of the committee.
- 5. Council will engage the public in its work.

Mandate

As provided in Section 224 of the Municipal Act, it is the role of Council to,

- 1. Represent the public and to consider the well-being and interests of the municipality.
- 2. Develop and evaluate the policies and programs of the municipality.
- 3. Determine which services the municipality provides.
- 4. Ensure that administrative policies, practices, procedures and controllership policies; practices and procedures are in place to implement the decisions of Council.
- 5. Ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality.
- 6. Maintain the financial integrity of the municipality.
- 7. Carry out the duties of Council under other relevant Provincial Acts.

With respect to its responsibilities under the Ontario Planning Act and related legislation, it is the role of Council to:

- 8. Uphold the purposes of the Planning Act and related legislation.
- 9. Serve as the approval authority for all planning matters under the Planning Act, with the exception of planning matters appealed to the Local Planning Appeal Tribunal and those planning matters delegated to the staff or another body.

Specific Principle Based Responsibilities

Principle 1: Leadership and Stewardship

- 1. Approve the City's strategic direction.
- 2. Plan for the succession and renewal of senior administration.
- 3. Establish risk tolerance and ensure appropriate mitigating strategies are provided in reports and recommendations coming to Council.

Principle 2: Empowerment and Accountability

- 4. Delegate authority as permitted in the Municipal Act to ensure that the best use of resources and highest appropriate expertise is applied to City business.
- 5. Allocate responsibilities to ad hoc committees and advisory committees through terms of reference and annual work plans.
- 6. Establish effective accountability mechanisms through annual work plans and yearly monitoring reports.
- 7. Ensure City compliance with the Municipal Act, Planning Act and all provincial and federal legislation.

Principle 3: Communication, Engagement and Transparency

- 8. Ensure that the flow of information between stakeholders and Council is effective and efficient.
- 9. Ensure an annual communication plan exists to guide communication with citizens and stakeholders.
- 10. Oversee appropriate engagement of citizens and stakeholders in the development of reports brought to Council.
- 11. Ensure continuous access of performance results to citizens.

Principle 4: Service and Fairness

- 12. Set an example for corporate social responsibility.
- 13. Ensure Council conducts its business consistent with Council policies.
- 14. Consider Guelph's commitment to sustainability in the areas of social, economic, cultural and environmental stewardship when making decisions.
- 15. Strive for balance when considering particular service needs within the context of the greater interests of the community and municipal resources.

Principle 5: Accomplishment and Measurement

- 16. Establish annual objectives and evaluate performance of the CAO. Monitor progress against the strategic plan.
- 17. Receive for information annual reports from agencies, boards, committees and commissions reporting to Council.

Principle 6: Continuous Learning and Growth

- 18. Set the tone for a culture that values innovation and change.
- 19. Ensure development for the CAO.
- 20. Approve annual operating priorities that include resources for employee and Council learning and development.
- 21. Ensure the Mayor and Councillors have the information, knowledge and skills needed to optimize their contribution.

Composition and Term

- 1. Council is comprised of 12 members plus the Mayor.
- 2. Two members are elected from each of six wards.
- 3. The Mayor is elected at-large and serves as Chair.
- 4. The Mayor is full-time and members of Council are part-time.
- 5. The term of Council is four years.
- 6. The compensation is reviewed each term.
- 7. The need for a review of representation and size of Council is reviewed each term.

Resources

As head of the administrative arm of local government in Guelph, the CAO may be called upon by Council to delegate work to staff in support of Council directions and requirements.

Individual Councillors may not provide direction to staff. Because Council has delegated responsibility to the CAO for the administration of the affairs of the City in accordance with policies and plans established and approved by Council, under the direction of the CAO staff have the responsibility and the authority to provide consultation, advice and recommended direction for the consideration of Council.

Operating Procedures

- 1. The Procedural By-law shall govern the proceedings of Committee of the Whole meetings.
- 2. The Procedural By-law is reviewed once a term, or as required, to ensure it is meets the needs of Council and its statutory responsibilities under the Municipal Act.

Roles of Stakeholders with Respect to Council Meetings

Mayor's Role

Preparation

1. Call the meetings.

In Council Meetings

- 2. Maintain order and decorum during meetings, decide questions of procedure, and generally ensure that Council meetings proceed smoothly.
- 3. Ensure adequate and appropriate opportunities are provided for input by the public and other key stakeholders at meetings.
- 4. Engage all members in the decision making process.
- 5. Define discussion parameters.
- 6. Frame the issues and set the tone for Council discussions.
- 7. Focus the discussion.
- 8. When possible, build consensus.
- 9. Foster a constructive culture/tone of meetings.
- 10. Guard the responsibilities and boundaries of all stakeholders.
- 11. Ensure the will of the whole of Council prevails.
- 12. Handle new business in a timely manner.

After Council Meetings

- 13. Serve as the primary spokesperson for Council.
- 14. Provide any clarification or follow up on matters related to the decisions of Council to the CAO.
- 15. Model the behavior expected of members.

Committee of the Whole Service Area Chair's Role

In Council Meetings

- 1. Present their portion of the Committee of the Whole consent report to Council.
- 2. Respond to questions regarding committee deliberations and recommendations relating to their Service Area.
- 3. Refer questions to the Deputy CAOs as required.

Councillors' Role

Preparation

- 1. Read all agenda material and seek clarification of the Deputy CAOs or designates on any matters prior to meetings in order to make effective use of Council's time.
- 2. Have a broad awareness of the interrelationship of the City's strategic initiatives and its operations.
- 3. Understand the difference between the role of Council and the role of management.

In Council Meetings

- 4. Debate the issues in an open, honest and informed manner to assist the decision-making process.
- 5. Actively contribute to achieving Council recommendations and directions.
- 6. Represent and advocate on behalf of constituents, keeping in mind the entire municipality when considering and addressing issues.
- 7. Respect the role of Mayor as Chair.
- 8. Have a willingness to respectfully challenge management when necessary.

Chief Administrative Officer's Role

Preparation

1. Provide overarching advice to Council on the policies and plans established and approved by Council on behalf of the municipality.

In Council Meetings

- 2. Provide advice to council with a view to exercising general control and management of the affairs of the municipality to ensure efficient and effective operations.
- 3. Offer suggestions to Council to ensure management and staff receive adequate information and direction in order to establish management practices and procedures to implement Council decisions.
- 4. Respond to Council's questions during Council meetings in areas not clearly within a Deputy CAO's scope of responsibility.

After Council Meetings

- 5. Serve as the primary spokesperson for management or delegate this responsibility as per specific communications protocols.
- 6. Follow-up on matters related to the decisions of Council with the Mayor and City Clerk as required.

Deputy CAO's Role

Preparation:

- 1. Undertake all necessary research and provide briefings in order to provide advice to Council on the policies and programs of the municipality.
- 2. Direct the development of, and approve all, Service Area staff reports and presentations for Council ensuring that subject matter is of a strategic or legislated nature and/or an issue which will impact the community related to the specific principle based responsibilities of Council.
- 3. Ensure the specific expertise and skills are available to Council to provide responses to questions arising from agenda items.
- 4. Confer with the City Clerk to ensure that all actions and materials arising from Committee of the Whole meetings are reflected in the appropriate Council agenda.

In Council Meetings

- 5. Attend open and closed Council meetings.
- 6. Answer questions from members of Council or call upon staff specialists to do so.
- 7. Provide advice and recommendations based on professional knowledge and experience.

After Council Meetings

- 8. Ensure that the policies and decisions of Council are implemented in a timely and efficient manner.
- 9. Provide timely communication updates to Council on the progress of major initiatives or issues being resolved.

- 10. Ensure that all essential and routine operational issues or administrative matters arising from the decisions of Council are addressed efficiently and promptly within approved polices, programs and procedures.
- 11. Address any identified corporate operational issues or administrative matters arising from Council decisions to the CAO/Executive Team and ensure the resolution is to the satisfaction of the CAO.

City Clerk's Role

Preparation

- 1. Manage the City's overall legislative agenda and processes; ensure that all statutory responsibilities of the City Clerk as prescribed in provincial legislation are executed accordingly on behalf of the municipality.
- 2. Maintain Council's annual meeting calendar.
- 3. Coordinate the registration of delegates and presentations to Council.
- 4. Lead the development of policies and appropriate training on relevant municipal legislation and governance issues with the Executive Team, Councillors and the Mayor's Office.
- 5. Provide strategic advice with respect to governance and legislative considerations that surround the implementation of other City policies.
- 6. In conjunction with the Mayor as Chair of Council, and in consultation with Deputy CAOs and the CAO, produce each Council Agenda and ensure the collection, publication and circulation of all applicable materials required for meetings of Council.
- 7. Supervise staff in the preparation and distribution of all agendas and agenda materials.
- 8. Supervise the issuance of notices pursuant to statutory requirements.

In Council Meetings

- 9. Manage the legislative process for Council and Committee of the Whole, ensuring that meetings are held in accordance with the Procedural By-law, Council approved protocol and applicable legislation.
- 10. Attend, or designate staff to attend, all meetings of Council.
- 11. Provide advice on legislative protocol and meeting procedures as requested.
- 12. Supervise the issuance of notices, recording of minutes, and any other meeting or documentary processes.

After Council Meetings

13. Coordinate the issuance of correspondence and resolution extracts to external applicants, delegates and agencies on behalf of Council.

Public/Delegation's Role

Preparation

- 1. Register as a delegation to speak to Council during Council meetings.
- 2. Access Council agendas and minutes from the City website.
- 3. Communicate with Councillors to make perspectives known and discuss issues and options.

In Council Meetings

- 4. Attend Council meetings.
- 5. Adhere to procedural rules for delegations to Council.
- 6. Respect the role of the Mayor as Chair of Council with responsibility for timely conduct of business and maintaining meeting decorum.



Statement of Pecuniary Interest



Name of Member:		
Meeting:		
(ie. Council, Committee of the Whole, Accessibility Advisory Committee, etc.)		
Date of Meeting:		
Subject Matter / Report Title:		
General Nature of the Conflict:		
Date the Conflict		
of Interest was Declared:		



Committee of the Whole Meeting Agenda

Monday, , 2019 – 2:00 p.m. Council Chambers, Guelph City Hall, 1 Carden Street

Please turn off or place on non-audible all electronic devices during the meeting.

Please note that an electronic version of this agenda is available on guelph.ca/agendas.

Call to Order - Mayor

Disclosure of Pecuniary Interest and General Nature Thereof

Authority to move into Closed Meeting

That the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to The Municipal Act, to consider:

SA-2019.X XXXX

Section 239 2();

Closed Meeting

Open Meeting - 2:00 p.m.

Mayor in the Chair

Closed Meeting Summary

Staff Recognitions

Ten-Minute Break for Service Area Change

Consent Agenda - Service Area

Chair - Councillor

The following resolutions have been prepared to facilitate Council's consideration of 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. It will be extracted and dealt with separately as part of the Items for Discussion.

SA-2019.xx Title

Recommendation:

Items for Discussion - Service Area

The following items have been extracted from Consent Agenda and will be considered separately. These items have been extracted either at the request of a member of Council or because they include a presentation and/or delegations.

SA-2019.xx Title

Presentation:

Delegations:

Recommendation:

Service Area Chair and Staff Announcements

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

Ten-Minute Break for Service Area Change

Consent Agenda - Service Area

Chair - Councillor

The following resolutions have been prepared to facilitate Council's consideration of 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. It will be extracted and dealt with separately as part of the Items for Discussion.

SA-2019.xx	Title	
Recommendation:		

Items for Discussion - Service Area

The following items have been extracted from Consent Agenda and will be considered separately. These items have been extracted either at the request of a member of Council or because they include a presentation and/or delegations.

SA-2019.xx	Title	
Presentation:		
Delegations:		
Recommendation:		

Service Area Chair and Staff Announcements

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

Adjournment