

Council Caucus Room
March 22, 2010 5:30 p.m.

A meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper and Wettstein

Absent: Councillors Burcher and Salisbury

Staff Present: Mr. M. Amorosi, Director of Human Resources; Chief S. Armstrong, Director of Emergency Services; Dr. J. Laird, Director of Environmental Services; Mr. D. McCaughan, Director of Operations; Ms. M. Neubauer, Director of Finance; Ms. A. Pappert, Director of Community Services; Mr. J. Riddell, Director of Community Design and Development Services; Ms. T. Sinclair, Manager of Legal Services; Mrs. L.A. Giles, Director of Information Services/City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

1. Moved by Councillor Findlay

Seconded by Councillor Laidlaw

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

Litigation or Potential Litigation

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

Litigation Status Report

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

Litigation or Potential Litigation

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

Litigation or Potential Litigation / Labour Regions or Employee Negotiations – Canada Revenue Agency

S. 239 (2) (d) and (e) Labour Relations or Employee Negotiations / Litigation or Potential Litigation, including matters before Administrative Tribunals

Citizen Appointments to the Guelph Junction Railway Board of Directors

S. 239 (2) (b) Personal Matters About an Identifiable Individual

Resignation from the Guelph Water Conservation and Efficiency Advisory Committee

S. 239 (2) (b) Personal Matters About an Identifiable Individual

Carried

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

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Mayor

.....
Clerk

Council Caucus Room
March 22, 2010 5:32 p.m.

A meeting of Guelph City Council closed to the public.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury (arrived at 5:45 p.m.) and Wettstein

Absent: Councillor Burcher

Staff Present: Mr. M. Amorosi, Director of Human Resources; Chief S. Armstrong, Director of Emergency Services; Dr. J. Laird, Director of Environmental Services; Mr. D. McCaughan, Director of Operations; Ms. M. Neubauer, Director of Finance; Ms. A. Pappert, Director of Community Services; Mr. J. Riddell, Director of Community Design and Development Services; Ms. L. MacIntyre, Manager of Compensation/Benefits/HRIS; Ms. T. Sinclair, Manager of Legal Services; Ms. S. Smith, Associate Solicitor; Mrs. L.A. Giles, Director of Information Services/City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There were no declarations.

Litigation or Potential Litigation, Including Matters Before an Administrative Tribunal

The Manager of Legal Services provided an update with respect to a potential litigation matter.

Litigation or Potential Litigation, Including Matters Before an Administrative Tribunal

Ms. L.E. Payne

1. Moved by Councillor Hofland
Seconded by Councillor Findlay
THAT the Litigation Status Report dated March 15, 2010 be received for information.

Carried

Litigation or Potential Litigation, Including Matters Before an Administrative Tribunal

The Associate Solicitor provided information with respect to a litigation matter.

PASSED IN COUNCIL
BY SPECIAL
RESOLUTION

2. Moved by Councillor Laidlaw
Seconded by Councillor Salisbury
THAT the Mayor and Clerk be authorized to execute Minutes of Settlement in the matter of the Ontario Human Rights Tribunal File No. 2008-00929, provided that such Minutes of Settlement are to the satisfaction of the Director of Operations and the City Solicitor.

Carried

Litigation or Potential Litigation / Labour Relations or Employee Negotiations – Canada Revenue Agency

Mr. M. Amorosi

3. Moved by Councillor Laidlaw
Seconded by Councillor Beard
THAT the report from the Director of Human Resources, dated March 22, 2010 with respect to the Revenue Canada Payroll Compliance Audit be received.

Carried

Mr. M. Amorosi
Ms. M. Neubauer

4. Moved by Councillor Piper
Seconded by Councillor Hofland
THAT direction be given to the Director of Human Resources with respect to the Canada Revenue Agency.

Carried

Personal Matters About an Identifiable Individual

REPORT

5. Moved by Councillor Findlay
Seconded by Councillor Salisbury
THAT Council confirms the reappointment of John Carroll to the Guelph Junction Railway Board of Directors for a three year term expiring November 2012.

Carried

Personal Matters About an Identifiable Individual

Dr. J. Laird

6. Moved by Councillor Findlay
Seconded by Councillor Salisbury
THAT the resignation of Rob Case from the Guelph Water Conservation and Efficiency Public Advisory Committee be received with regret.

Carried

The meeting adjourned at 6:48 o'clock p.m.

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Mayor

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Clerk

Council Chambers
March 22, 2010

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

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury and Wettstein

Absent: Councillor Burcher

Staff Present: Mr. M. Amorosi, Director of Human Resources; Chief S. Armstrong, Director of Emergency Services; Dr. J. Laird, Director of Environmental Services; Mr. D. McCaughan, Director of Operations; Ms. M. Neubauer, Director of Finance; Ms. A. Pappert, Director of Community Services; Mr. J. Riddell, Director of

Community Design and Development Services; Ms. T. Sinclair, Manager of Legal Services; Mrs. L.A. Giles, Director of Information Services/City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

PRESENTATIONS

The Mayor presented the 2009 Water Conservation & Efficiency Awards to:

- Residential Award Category: - Almar Ecology House
- Business Award Category: - Sifton Properties Limited – Priory Park
- Community Education Award Category: - Guelph International Resource Centre: Outdoor Water Efficiency Project

1. Moved by Councillor Salisbury
Seconded by Councillor Hofland

THAT the minutes of the Council meetings held on February 22 and March 1, 2010 and the minutes of the Council meeting held in Committee of the Whole on February 22, 2010 be confirmed as recorded and without being read.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

CONSENT REPORTS AND AGENDAS

Councillor Piper presented the Community Development & Environmental Services Committee Third Consent Report.

2. Moved by Councillor Piper
Seconded by Councillor Findlay

THAT the March 22, 2010 Community Development & Environmental Services Committee Third Consent Report as identified below, be adopted:

- a) **Water Quality Threats Assessment to the Source Protection Committee**

Dr. J. Laird

THAT the report of the Director of Environmental Services dated March 15, 2010 entitled Water Quality Threats Assessment to the Source Protection Committee be received;

AND THAT Council approve the final Wellhead Protection Areas and Intake Protection Zones, indicated in the maps attached to Appendix "A", for inclusion in the Lake Erie Source Protection Region Assessment Report;

AND THAT Council approve the Drinking Water Threats Assessment for inclusion in the Lake Erie Source Protection Region Assessment Report;

AND THAT staff initiate a comprehensive Education and Outreach Program as part of the Ontario Drinking Water Stewardship Program.

b) 5 Arthur Street South (former W.C. Wood's Plant) Brownfield Redevelopment

Mr. J. Riddell
Ms. M. Neubauer
Ms. L.E. Payne

THAT Community Design and Development Services Report 10-17, dated March 15, 2010 regarding requests for financial assistance pursuant to the City of Guelph Brownfield Redevelopment Community Improvement Plan for the property known municipally as 5 Arthur Street South be received;

AND THAT the request for financial assistance made by Arthur EMPC Four Limited under the Environmental Study Grant program pursuant to the Brownfield Redevelopment Community Improvement Plan for the property known municipally as 5 Arthur Street South be approved to an upset total of \$10,000 upon the completion of a Remedial Work Plan;

AND THAT the request for financial assistance made by Arthur EMPC Four Limited under the Tax Assistance During Rehabilitation Program pursuant to the Brownfield Redevelopment Community Improvement Plan for the property known municipally as 5 Arthur Street South be approved for a duration of up to three (3) years from the commencement of remedial work at the property subject to the terms and conditions attached hereto as Schedule 1;

AND THAT Council direct staff to prepare a by-law to implement municipal tax assistance during rehabilitation in accordance with the Municipal Act and that the appropriate information and material be sent to the Province requesting relief from the education portion of the taxes for the property known municipally as 5 Arthur Street

South for a duration of up to three (3) years from the commencement of remedial work at the property;

AND THAT staff be directed to proceed with the finalization of Environmental Study Grant, Tax Cancellation, and Information Sharing Agreements with Arthur EMPC Four Limited to the satisfaction of the Director of Community Design and Development Service and the Director of Corporate Services/City Solicitor;

AND THAT the Mayor and Clerk are authorized to sign the Environmental Study Grant, Tax Cancellation, and Information Sharing Agreements.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

The following item was extracted from the Emergency Services, Community Services & Operations Committee Second Consent Report to be voted on separately:

- ECO-1: 2010 Service Agreement with the Guelph Humane Society

Councillor Findlay presented the balance of the Emergency Services, Community Services & Operations Committee Second Consent Report.

3. Moved by Councillor Findlay
Seconded by Councillor Farrelly

THAT the balance of the March 22, 2010 Emergency Services, Community Services & Operations Committee Second Consent Report as identified below, be adopted:

a) **Cassino Avenue – Traffic Management Review**

Mr. D. McCaughan

THAT an all-way stop control be installed at the intersection of Cassino Avenue and William Street.

b) **Further Enhancements to the Traffic Signal Operation – St. George's Square**

Mr. D. McCaughan

THAT the exclusive pedestrian/vehicle right-of-way signal phase operation in St. George's Square with the changes approved by Council at its regular meeting held Monday December 7, 2009 and implemented on December 9, 2009 be retained;

AND THAT staff review the exclusive pedestrian/vehicle right-of-way signal phase operation in St. George's Square in conjunction with the completion of the construction of the new Transit Terminal at the VIA/Carden Street location and report back to Committee with the results of their review and recommendations regarding changes to the current traffic signal phasing.

c) **Noise Control By-law Exemption Request
EllisDon Construction, 75 Southgate Drive**

Mr. D. McCaughan

THAT an exemption be granted from Schedule "A" of the Noise Control By-law (2000)-16366, as amended, to permit noise associated with the construction process in association with EllisDon Construction, located at 75 Southgate Drive within the City of Guelph between March 23, 2010 and April 30, 2010 from 7:00 a.m. to 9:00 a.m. on Saturdays and Sundays only.

d) **Committee Mandate and Charter**

Mrs. L.A. Giles

THAT the Emergency Services, Community Services and Operations Mandate and Charter be approved.

e) **County of Wellington Delegations to
Emergency Services, Community Services &
Operations Committee**

Ms. N. Cardow
Mrs. L.A. Giles
Counc. I. Findlay

THAT in keeping with the relationship between the City of Guelph and the County of Wellington with respect to land ambulance service, the Emergency Services, Community Services and Operations Committee agrees that no time limitation will be placed on individuals appearing as a delegation before the Committee when they are appearing on behalf of the County of Wellington with respect to land ambulance service matters;

AND THAT the procedural by-law be amended accordingly.

f) **Follow Up on Directions by ECO Committee,
February 16, 2010 Respecting Land
Ambulance Services**

Mr. S. Armstrong

THAT the report dated March 15, 2010 regarding follow up on directions by ECO Committee, February 16, 2010 respecting Land Ambulance Services be received;

AND THAT the timing and process to address impacts of the new funding methodology be approved;

AND THAT the statistical analysis providing context to current Land Ambulance Response time tracking be received for information;

AND THAT the timing and process to develop a system wide response time plan, including public education and reporting across the service area be approved.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

Councillor Billings presented the Finance, Administration & Corporate Services Committee Second Consent Report.

4. Moved by Councillor Billings
Seconded by Councillor Kovach

THAT the March 22, 2010 Finance, Administration & Corporate Services Committee Second Consent Report as identified below, be adopted:

a) **License Agreement – Transit Terminal at Clair Road / Gordon Street**

Ms. L.E. Payne
Ms. A. Pappert
Mr. J. Riddell

THAT the Mayor and Clerk be authorized to execute a License Agreement between the City and Loblaw Properties Limited for the establishment of the City Transit Service Facility at 1750 Gordon Street on lands owned by Loblaw Properties Limited.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

The Mayor presented the Governance Committee Second Consent Report.

5. Moved by Councillor Kovach
Seconded by Councillor Piper

THAT the March 22, 2010, Governance Committee Second Consent Report as identified below, be adopted:

a) **Discretionary Position of Integrity Commissioner / Complaints Process Under Council's Code of Conduct**

Mrs. L.A. Giles

THAT the report of the Director of Information

Mr. H. Loewig

Services/Clerk concerning the discretionary position of Integrity Commissioner under the accountability & transparency provisions of the Municipal Act, be received;

AND THAT the appointment of an Integrity Commissioner be deferred for consideration during the 2011 budget process;

AND THAT the process for complaints under the Council Code of Conduct, attached hereto as Schedule 2 be approved.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

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

- SSH-1: Guelph Non-Profit Housing Corporation Paisley Road Project
- SSH-4: Development of a Comprehensive Framework
- SSH-5: Auditor General's Report in Respect of Social Services

Councillor Hofland presented the balance of the Social Services & Housing Committee Second Consent Report.

6. Moved by Councillor Hofland
Seconded by Councillor Piper

THAT the balance of the March 22, 2010 Social Services & Housing Committee Second Consent Report as identified below, be adopted:

- a) **Committee Mandate and Charter**

Mrs. L.A. Giles

THAT the Social Services and Housing Committee Mandate and Charter as amended and attached hereto as Schedule 3, be approved.

- b) **Child Care: Preliminary Findings and Position**

Ms. N. Cardow
Ms. M. Neubauer
Mr. H. Loewig

THAT in respect of the more than doubling of child care costs as projected in the County of Wellington's Five (5) year Forecast; that the County of Wellington be advised that at this time, the City of Guelph will not accept any financial liability to replace and/or offset Child Care

services and programs whose subsidies are being removed by other levels of government;

AND THAT as the Consolidated Municipal Service Manager designated to provide the planning and management of Child Care Services for Guelph-Wellington, that the County be asked to provide the City of Guelph with a Five Year Strategic Child Services Plan; a Plan which provides strategic options that respond to the anticipated consequences of reductions in provincial and federal subsidies, in order to maintain legislated child care requirements, and that options also be provided for the City's future consideration of support for discretionary program and service enhancements;

AND THAT the County be asked to review, ensure accuracy and provide any additional information and comments along with detailed statistical information, to supplement the City of Guelph's Child Care Backgrounder (Attachment #1) as included in this report, with the additional data requirements to be detailed by City of Guelph staff.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

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

7. Moved by Councillor Kovach
Seconded by Councillor Laidlaw

THAT the March 22, 2010 Council as Committee of the Whole Third Consent Report as identified below, be adopted:

a) **Citizen Appointments to the Board of Commissioners Guelph General Hospital**

Mrs. L.A. Giles

THAT Council confirms the appointment of Allan MacInnis to the Board of Commissioners Guelph General Hospital for a four (4) year term expiring November 2013;

AND THAT Council confirms the appointment of Peter Routly to the Board of Commissioners Guelph General Hospital for a one year term expiring November 2010.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

Consent Agenda

The following item was extracted from the March 22, 2010 Consent Agenda to be voted on separately:

- A-2: Proposed Demolition of 24 Barton Street

8. Moved by Councillor Kovach
Seconded by Councillor Billings

THAT the balance of the March 22, 2010 Council Consent Agenda as identified below, be adopted:

- a) **Arkeil Wellhouses 14A & 15A and Related Infrastructure Upgrades, Contract 10-052**

Dr. J. Laird
Ms. M. Neubauer

THAT the tender of Xterra Construction Incorporated be accepted and that the Mayor and Clerk be authorized to sign the agreement for Contract 10-052 for the Arkeil Wellhouses 14A & 15A and Related Infrastructure Upgrades, for a total price of \$3,133,942.05 (excluding G.S.T.), contingency included, with actual payment to be made in accordance with the terms of the contract.

- b) **Proposed Consolidation of 1510 and 1520 Gordon Street, Blocks 125 and 126, Registered Plan 856**

Mr. J. Riddell

THAT Report 10-19 regarding the proposed consolidation of the properties municipally known as 1510 and 1520 Gordon Street, City of Guelph, from Community Design and Development Services dated March 22, 2010, be received;

AND THAT a by-law to deem Blocks 125 and 126, Registered Plan 856 not to be Lots on a Plan of Subdivision, pursuant to Section 50 (4) of the *Planning Act*, be approved.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

Councillor Findlay presented Clause 1 that was extracted from the Emergency Services, Community Services & Operations Committee Second Consent Report.

2010 Service Agreement with the Guelph Humane Society

9. Moved by Councillor Findlay
Seconded by Councillor Farrelly

THAT the Mayor and Clerk be authorized to sign an agreement between The Corporation of the City of Guelph and the Guelph Humane Society for the provision of services, including dog control, dog licensing, and animal shelter at a cost of \$382,000 for the period January 1, 2010 to December 31, 2010.

10. Moved in Amendment by Councillor Beard
Seconded by Councillor Findlay

THAT the Guelph Humane Society be requested to report back to City Council with respect to Clause 4 of the agreement relating to public relations, euthanasia of cats, a veterinarian on staff and board functioning.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

11. Moved by Councillor Findlay
Seconded by Councillor Farrelly

Mr. D. McCaughan
Ms. M. Neubauer

THAT the Mayor and Clerk be authorized to sign an agreement between The Corporation of the City of Guelph and the Guelph Humane Society for the provision of services, including dog control, dog licensing, and animal shelter at a cost of \$382,000 for the period January 1, 2010 to December 31, 2010;

AND THAT the Guelph Humane Society be requested to report back to City Council with respect to Clause 4 of the agreement relating to public relations, euthanasia of cats, a veterinarian on staff and board functioning.

VOTING IN FAVOUR: Councillors Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: Councillor Beard (1)

Carried

Councillor Hofland presented Clause 1 that was extracted from the Social Services & Housing Committee Second Consent Report.

Guelph Non-Profit Housing Corporation Paisley Road Project

Mayor Farbridge
Ms. M. Neubauer
Ms. N. Cardow

12. Moved by Councillor Hofland
Seconded by Councillor Piper

THAT the report dated March 15, 2010 with respect to Guelph Non-Profit Housing Corporation Paisley Road Project, be received for information;

AND WHEREAS Guelph Non-Profit Housing Corporation (GNPHC) is an independent municipal non-profit housing corporation providing much needed social and affordable housing units in Guelph;

AND WHEREAS the Social Housing Reform Act 2000 transferred responsibility and accountability for all social housing to Consolidated Municipal Service Managers (CMSM);

AND WHEREAS the CMSM for Guelph and Wellington is the County of Wellington;

AND WHEREAS the CMSM for Guelph and Wellington entered into a Facility Agreement with GNPHC for the development and operation of the Paisley Road Project;

AND WHEREAS the Province of Ontario entered into a Provincial Contribution Agreement with GNPHC for the development and operation of the GNPHC Paisley Road Project;

AND WHEREAS the City of Guelph provided financial incentives towards the capital costs of this project with the understanding that the business plan for the project was sustainable;

AND WHEREAS the City of Guelph does not want to see the loss of these affordable housing units in the City;

THEREFORE be it resolved that the Guelph City Council assist the CMSM in addressing the financial concerns of GNPHC by requesting the Mayor write to MPP Liz Sandals asking for her assistance in arranging a meeting as soon as possible with the Province of Ontario in respect of the GNPHC Paisley Road Project.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

Councillor Hofland presented Clause 4 that was extracted from the Social Services & Housing Committee Second Consent Report.

Development of a Comprehensive Framework

Mr. H. Loewig
Ms. M. Neubauer

13. Moved by Councillor Hofland
Seconded by Councillor Piper
THAT to assist City staff in evolving a more comprehensive understanding of, and framework for social services, that resources be allocated to a maximum of \$60,000 to provide the City with timely, specialized advice and support, to be funded from the City's salary gapping reserve fund.

VOTING IN FAVOUR: Councillors Beard, Billings, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (10)

VOTING AGAINST: Councillors Bell and Farrelly (2)

Carried

Councillor Hofland presented Clause 5 that was extracted from the Social Services & Housing Committee Second Consent Report.

Auditor General's Report in Respect of Social Services

Ms. M. Neubauer

14. Moved by Councillor Hofland
Seconded by Councillor Piper
THAT the City's auditors be requested to provide the City's Audit Committee with recommendations regarding:

- a. the additional scope of audit work required to ensure that the City's portion of shared services costs is calculated accurately;
- b. what documentation and internal audit work the City should be requiring from the County to support payment of Social Services costs; and
- c. independent assurance of the County's documentation and calculations with respect to the impact of the arbitrator's decision on social housing, including an analysis of clients using the homeless shelter, and their subsequent usage of housing, child care and Ontario Works;

AND THAT the City seeks assistance from the Province and the Auditor General's office in ensuring that the appropriate accountability mechanisms, documentation and effective audit procedures are put in place.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

Councillor Hofland presented Consent Report A-2 that was extracted from the March 22, 2010 Consent Agenda.

Proposed Demolition of 24 Barton Street

Mr. J. Riddell

15. Moved by Councillor Hofland
Seconded by Councillor Billings

THAT Report 10-22 regarding the proposed demolition of a detached dwelling at 24 Barton Street, City of Guelph, from Community Design and Development Services dated March 22, 2010, be received;

AND THAT the proposed demolition of the detached dwelling at 24 Barton Street, be approved.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

SPECIAL RESOLUTIONS

Councillor Farrelly's motion for which notice was given February 22, 2010

16. Moved by Councillor Farrelly
Seconded by Councillor Bell

WHEREAS GNPHC was created by the Guelph City Council to create and maintain affordable and social housing in the City of Guelph;

AND WHEREAS GNPHC is experiencing ongoing financial issues and has an existing cumulative operating shortfall of \$149,846 at its Paisley Road Project.

AND WHEREAS the CMSM has already arranged and attended a meeting with GNPHC, MPP Liz Sandals and the Mayor;

AND WHEREAS the City has stated that it has met its obligations

AND WHEREAS the Ministry of Municipal Affairs & Housing has communicated with the CMSM that they would like to participate in a solution

AND WHEREAS GNPHC is asking the City of Guelph for \$149,846 to cover the existing cumulative deficit

THEREFORE BE IT RESOLVED THAT the matter of funding of the existing cumulative operating deficit at Paisley Place with monies from the Affordable Housing Reserve be referred to the Social Services & Housing Committee.

Ms. M. Neubauer

17. Moved by Councillor Kovach

Seconded by Councillor Billings

THAT the matter of Councillor Farrelly's notice of motion with respect to funding of the existing cumulative operating deficit at Paisley Place with monies from the Affordable Housing Reserve be deferred pending the outcome of the meeting with the County of Wellington, Liz Sandals MPP, the Mayor and the appropriate Ministry representatives.

VOTING IN FAVOUR: Councillors Beard, Billings, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (10)

VOTING AGAINST: Councillors Bell and Farrelly (2)

The motion to defer, having precedence over the previous motion, was carried.

Minutes of Settlement

Ms. L.E. Payne
Mr. D. McCaughan

18. Moved by Councillor Laidlaw

Seconded by Councillor Beard

THAT the Mayor and Clerk be authorized to execute Minutes of Settlement in the matter of the Ontario Human Rights Tribunal File No. 2008-00929, provided that such Minutes of Settlement are to the satisfaction of the Director of Operations and the City Solicitor.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

Revenue Canada Payroll Compliance Audit

Mr. M. Amorosi
Ms. M. Neubauer

19. Moved by Councillor Laidlaw
Seconded by Councillor Beard

THAT the cost of tax and interest owing to Revenue Canada for the years 2006, 2007 and 2008 for a total of \$454,000.00 (\$254,000 net) be funded from the Benefit Stabilization Reserve.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

Mr. M. Amorosi

20. Moved by Councillor Laidlaw
Seconded by Councillor Beard

THAT the Director of Human Resources be directed to file a complaint to the Federal Tax Ombudsperson with respect to the payroll compliance audit process for 2006, 2007 and 2008.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

BY-LAWS

21. Moved by Councillor Wettstein
Seconded by Councillor Bell

THAT By-laws Numbered (2010)-18955 to (2010)-18968, inclusive, are hereby passed.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

MAYOR'S ANNOUNCEMENTS

The Mayor advised that she had sent greetings with Margaret and Ivan Stinson who were invited to be Honourary Chairs at 2010 Winterlights Symposium and Awards in Charlottetown, PEI and that she has received

greetings and a picture book back from Charlottetown's Mayor and Council.

ADJOURNMENT

The meeting adjourned at 8:00 o'clock p.m.

Minutes read and confirmed April 26, 2010.

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Mayor

.....
Clerk

5 Arthur Street South (former W.C. Wood's Plant):- Terms and Conditions of Tax Assistance During Rehabilitation Program

Guelph Council approved the request for financial incentives under the Brownfield Redevelopment Community Improvement Plan (CIP), the following terms and conditions shall apply:

Tax Assistance During Rehabilitation

1. Prior to the temporary reduction or cancellation of municipal taxes during the rehabilitation and redevelopment period Arthur EMPC Four Limited shall:
 - a. Submit a Remedial Work Plan that is satisfactory to the Director of Community Design and Development Services.
 - b. Enter into Tax Cancellation and Information Sharing Agreements with the City, which will specify the duration of the program. This agreement shall be satisfactory to the Director of Community Design and Development Services and the Director of Corporate Services/City Solicitor;
 - c. Acknowledge that under the Brownfields Financial Tax Incentive Program the timing of and conditions that apply to municipal property tax assistance may vary from those for matching education property tax assistance as provided by the Province;
 - d. Ensure remedial works have commenced at 5 Arthur Street South;
 - e. Establish milestones that must be met prior to the annual continuation of the program; and
 - f. Reimburse the City for the value of the municipal tax assistance provided under this program if a Ministry of the Environment-acknowledged Record of Site Condition is not provided to the City within 3 years of the commencement of the program.

**PROCESS FOR COMPLAINTS
UNDER COUNCIL'S CODE OF CONDUCT**

<p>Application</p> <ol style="list-style-type: none">1. This process applies to members of Guelph City Council.
<p>Associated Processes</p> <ol style="list-style-type: none">1. Separate complaint processes will be developed for the following local boards:<ol style="list-style-type: none">a. Downtown Board of Managementb. Board of Trustees of the Elliottc. Guelph General Hospital Commissiond. Guelph Non-Profit Housing Corporatione. Committee of Adjustmentf. Guelph Museums Board of Managementg. Property Standards/Fence Viewers Committee
<p>Making a Complaint</p> <ol style="list-style-type: none">1. All complaints of contraventions of the Code of Conduct shall be made in writing on the attached form.2. All complaints must be signed by the complainant.3. All written complaints must clearly state:<ol style="list-style-type: none">a. the member of council to whom the complaint relates;b. the nature of the alleged contravention;c. the specific provision(s) of the Code of Conduct allegedly contravened;d. names of any witnesses to the alleged contravention; ande. written material in support of the alleged contravention.4. All written complaints shall be submitted to the Director of Information Services/Clerk ("the Director") in a sealed envelope marked "personal and confidential".
<p>Confidentiality</p> <ol style="list-style-type: none">1. In order to ensure that the individual to whom the complaint relates is treated fairly and also that the privacy of the complainant is protected, all complaints shall be treated as confidential to the extent allowed by law.2. All records of investigations shall be kept confidential and access limited to those in the organization with a need to know for the purposes of conducting a full investigation.
<p>Intake Procedures</p> <ol style="list-style-type: none">1. Upon receipt of a complaint involving a ward councillor, the Director shall immediately advise the Mayor and Chief Administrative Officer ("CAO").2. Upon receipt of a complaint involving the Mayor, the Director shall immediately advise the CAO and the three longest serving members of Council authorized to act in place of the Mayor.3. In the event that the complainant is the CAO, the Director shall make arrangements for the investigation to be conducted by another person, and all subsequent references in this process to the CAO shall apply to the person selected by the Director, with the necessary modifications to wording as required.4. Upon receipt of a complaint, the CAO shall first determine if there is an existing procedure to deal with a complaint, the CAO shall refer the complainant to the appropriate person or agency to follow that process. This would include such matters as:<ol style="list-style-type: none">a. the grievance provisions of a collective agreement;b. the complaint provisions under the Ontario Human Rights Code;c. a complaint of alleged criminal activity;

- d. procedures in the Municipal Act, the Municipal Conflict of Interest Act or the Municipal Elections Act;
- e. the complaint provisions of the Workplace Violence Prevention Policy; or
- f. the complaint provisions of the Harrassment and Discrimination Policy.

Where it has been determined that a complaint should be dealt with under one of the above processes, it will no longer be considered or dealt with under the Code of Conduct, and the time limits within the above processes will apply accordingly.

5. The CAO shall provide a summary of the nature of the complaint to the Council member who is alleged to have contravened the Code of Conduct, along with a request to provide a written response to the compliant.

Investigations

The CAO shall take all steps necessary to promptly investigate the complaint, including consultation with other City staff, and may retain independent professional services if required.

1. The CAO shall make every effort to complete an investigation within 30 days.
2. If the CAO requires more than 30 days to complete an investigation, the following shall be notified accordingly:
 - a. The complainant;
 - b. the individual to whom the complaint relates; and
 - c. the Mayor in the case of a complaint concerning a ward councillor; or the three longest serving members of Council in the case of a complaint concerning the mayor.
3. A complaint involving an alleged contravention that has already been thoroughly investigated will not be re-investigated unless new evidence is presented.

Reporting the Results of an Investigation

1. Where the results of an investigation fail to find that a contravention of the Code of Conduct has occurred, the CAO shall notify the following accordingly:
 - a. The complainant;
 - b. the individual to whom the complaint relates; and
 - c. the Council.
2. Where the results of an investigation indicate that a contravention of the Code of Conduct has occurred, the CAO shall report such information to Council at a special Council meeting called pursuant to the Procedural By-law. The special meeting shall be closed to the public pursuant to S.239 of the Municipal Act, however the report of the CAO on the investigation of the complaint shall be a public document.
3. The member to whom the complaint relates shall be given an opportunity to address Council and respond to the complaint.
4. The member shall be permitted to introduce information not already in evidence including witnesses to support his or her position, and shall have the option of attending with legal counsel.

Actions by Council

1. If the results of the investigation indicate that a breach may have occurred, but Council is unable to reach a final conclusion, Council may pass a resolution requesting a Judge of the Ontario Superior Court of Justice to conduct an investigation of the member's conduct under Section 274(1) of the Municipal Act.
2. If the Council concludes that a contravention of the Code of Conduct has occurred, the Council shall rise and report in a meeting open to the public that such a determination has been made.
3. The Council may at that time take one of the following actions:
 - a. issue a motion of reprimand;
 - b. request the member involved to return any gift or benefit received in contravention of the Code of Conduct;
 - c. request the member involved to repay the value of the benefit;
 - d. remove the member from committee appointments;
 - e. request an apology;
 - f. withhold confidential materials/matters for a period of time; or
 - g. impose such other penalties as may be provided for in law.
5. All reports to Council by the CAO on the investigation of complaints are public documents.

Protection from Retaliation

Any employee who files a complaint of a contravention of the Code of Conduct will not be subjected to any form of penalty or reprisal provided the complaint is made:

- in good faith; and
- in the reasonable belief of the complainant that a contravention of the Code of Conduct has occurred.

Limitation Period

The CAO shall not proceed with an inquiry in regard to a complaint more than 60 days after the date when the event or series of events which are the subject matter of the complaint were discovered by the complainant. An event, or series of events, is discovered on the earlier of the date upon which the complainant first knew,

- that the event(s) had occurred and by whom,
- that the event(s) may have constituted a contravention of
- the Code of Conduct.

The onus of proof as to the date of discovery lies with the complainant.

Where the CAO does decide not to proceed with an investigation of a complaint received more than 60 days after the date when the event(s) occurred, the CAO shall prepare and file a report setting out that decision. Where it has been determined that a complaint is to be dealt with under another established process, it will no longer be considered or dealt with under the Code of Conduct, and the 60 day time limit under the Code of Conduct will not apply.

Complaints in Municipal Election Years

Despite any other provision of this process, any complaint received by the Director 90 days prior to the date of a regular election pursuant to the *Municipal Elections Act*, 1996, S.O. 1996, shall not be referred to the CAO for investigation until after the election has taken place.

The 90 days referred to above, will not be included for the purposes of calculating the 60 day limitation period.

Complainant's Signature:		Date:	
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Committee Mandate and Charter - As Amended March 15, 2010

Social Services and Housing Committee

A. Mandate for the Social Services and Housing Committee

1 Mandate

The Committee's mandate defines its core areas of management and responsibility.

Established by Procedural Bylaw (1996)-15200 for Standing Committees, it is the mandate of the Social Services and Housing Committee to ensure efficient and effective delivery of service as it pertains to Guelph residents for the mandatory and discretionary social services, including:

- I. Social Services
- II. Child Care Services
- III. Social Housing
- IV. Homes for the Aged

2. Composition of the Committee

- I. The Committee will be comprised of four members of Guelph City Council and the Mayor.
- II. The Chair is selected from among its members. The selected Chair and members shall be appointed by Council for a one year term.
- III. Additional staff members or specialists may be called upon to conduct research, communications or any other Committee identified requirements.

B. Charter of the Social Services & Housing Committee:

The Committee's Charter outlines how the Committee will satisfy the requirements set forth by Council in its mandate. This Charter is comprised of:

- Operating principles;
- Responsibilities and duties; and
- Operating procedures

I. Operating Principles

All Committee work will be carried out in accordance with provisions of the Municipal Act and other governing legislation and the Committee will fulfill its responsibilities within the context of the following principles:

i) Committee Values

The Council's Code of Conduct, transparency and accountability will guide Committee efforts and promote interaction with the highest ethical standards and professionalism while ensuring that the best interests of the community are met. The Council endorsed corporate values of wellness, integrity and excellence will also be observed.

ii) Communications

The Committee Chair will act as the primary spokesperson for any media related inquiries.

iii) Meeting Agenda

Committee meeting agendas shall be the responsibility of the Chair of the Committee in consultation with Committee members and staff.

iv) Notice of Meetings

Public notice of all committee meetings will be provided on the City's electronic general calendar at least 72 hours prior to a meeting; by posting a notice in City Hall at least 72 hours prior to the meeting; and by publication in a local paper at least 72 hours prior to the meeting.

It is recognized that some items consistent with Section 239 in the Municipal Act may require a meeting to be closed to the public. The holding of any closed meetings and the general nature of the matter to be considered will be made public to ensure full transparency.

v) Committee Expectations and Information Needs

Meeting minutes will be recorded and distributed to Committee members with each meeting agenda.

Any discussions that lead to the formulation of recommendations for Council consideration will take place at the Committee meetings only and not through electronic or other outside exchanges.

All pertinent information will be shared with all Committee members in advance of meetings. This can include but not be limited to meeting minutes, any supplemental information, public input, media requests etc.

vi) Reporting to Council

The Committee will report to Council with recommendations for approval.

II. Responsibilities and Duties

Specific roles and responsibilities for the Committee as a whole, Chair and Committee members include:

Committee:

- To receive reports and performance data from the CMSM with respect to the mandatory programs for Social Services, Social Housing, Child Care and Homes for the Aged;
- To receive reports, performance data and recommendations from the CMSM with respect to the provision of discretionary programs relating to Social services, Social Housing, Child Care and Homes for the Aged;
- Considering and recommending policies governing discretionary expenditures for programs and services provided in Guelph;
- Ensuring that mandatory programs are being provided by the CMSM according to provincial requirements;

- Ensuring that there are appropriate management and control procedures in place with mandatory services.
- Reviewing proposals related to programs funded by the provincial or federal governments.
- Considering requests for grants to local organizations with respect to discretionary social services and programs being provided in Guelph.

Chair:

- To maintain order and decorum during meetings, decide questions of procedure, and generally ensure that the Committee work proceeds smoothly according to the Committee's work plan.
- To ensure adequate and appropriate opportunities are provided for input by the public and other key stakeholders at meetings;
- To engage all members in the decision making process.

Committee Members:

- To read all agenda material, and seek clarification on any matters prior to meetings in order to make the most effective use of the Committee's time;
- To attend meetings and participate fully in all Committee work;
- To debate the issues in an open, honest and informed manner to assist the decision-making process;
- To actively contribute to reaching Committee recommendations and directions; and
- To represent and advocate on behalf of constituents, keeping in mind the entire municipality when considering and addressing issues.

i. Operating Procedures

- i. The Committee shall meet on the third Monday of each month.
- ii. A quorum shall be a majority of the whole committee (3).
- iii. In the event, consensus cannot be achieved on recommendation to be made to Council, the normal voting process will occur consistent with approved by-laws.
- iv. Meeting minutes will be provided to each member of the committee as part of the agenda for the meetings.
- v. Any rule not stated herein is deemed to be provided in By-law 1996-15200 Consolidate Procedural By-law.
- vi. The Chair shall vote on any motion.