CITY COUNCIL AGENDA



DATE November 24, 2008

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

O Canada Silent Prayer Disclosure of Pecuniary Interest

CONFIRMATION OF MINUTES (Councillor Bell)

"THAT the minutes of the Council Meetings held October 27 and November 3, 2008 and the minutes of the Council meetings held in Committee of the Whole on October 27, November 3 and 13, 2008 be confirmed as recorded and without being read."

PRESENTATION

a) Jean Szkotnicki and Dr. Alan Meek on behalf of the Canadian Animal Health Institute with respect to the proposed Ontario Equine Centre.

DELEGATIONS (Councillor Billings)

"THAT persons desiring to address Council be permitted to do so at this time." (limited to a maximum of five minutes)

- a) Municipal Register of Cultural Heritage Properties. (Clause 2 of the report of the Community Development & Environmental Services Committee):-
 - Paul Ross, Chair of Heritage Guelph
 - Linda Clay
 - Michael Hoffman

COMMITTEE OF THE WHOLE (Councillor Burcher)

"THAT Council now go into Committee of the Whole to consider reports and correspondence."

REPORTS FROM COMMITTEES OF COUNCIL AND OTHER COMMITTEES

a) Community Development and Environmental Services Committee

"THAT the *Tenth* Report of the Community Development and Environmental Services Committee be received and adopted."

b) Emergency Services, Community Services and Operations Committee

"THAT the Ninth Report of the Emergency Services, Community Services & Operations Committee be received and adopted."

c) Finance, Administration and Corporate Services Committee

"THAT the Eighth Report of the Finance, Administration & Corporate Services Committee be received and adopted."

d) Finance, Administration and Corporate Services Committee as the Audit Committee

"THAT the Second Report of the Finance, Administration & Corporate Services Committee meeting as the Audit Committee be received and adopted."

e) Governance and Economic Development Committee

"THAT the *Seventh* Report of the Governance and Economic Development Committee be received and adopted."

CONSENT AGENDA

- a) **Reports from Administrative Staff**
- b) Items for Direction of Council
- c) Items for Information of Council

Resolution to adopt the Consent Agenda

"THAT the balance of the November 24, 2008 Consent Agenda be adopted."

Resolution – (Councillor Farrelly)

"THAT the Committee rise with leave to sit again."

Resolution – (Councillor Findlay)

"THAT the action taken in Committee of the Whole in considering reports and correspondence, be confirmed by this Council."

SPECIAL RESOLUTIONS

Councillor Salisbury's Notice of Motion for which notice was given October 27, 2008

WHEREAS the Municipal Act, SO 2001, c.25, Section 128, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become public nuisances;

AND WHEREAS it is the opinion of the Council of the City of Guelph that graffiti is a public nuisance;

AND WHEREAS the practise of placing graffiti on publicly and privately owned buildings and structures is becoming more commonplace and is at times offensive in nature;

AND WHEREAS the City of Guelph does not presently have a by-law that regulates graffiti on privately owned property;

BE IT RESOLVED THAT this issue be referred to the Council Priority Setting sessions in the spring of 2009.

BY-LAWS (Councillor Hofland) Resolution – Adoption of By-laws

QUESTIONS

MAYOR'S ANNOUNCEMENTS

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

NOTICE OF MOTION

ADJOURNMENT

Council Committee Room B October 27, 2008 5:30 p.m.

A meeting of Guelph City Council.

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

Absent: Councillor Burcher

Staff Present: Mr. H. Loewig, Chief Administrative
Officer; Ms. L.E. Payne, Director of Corporate
Services/City Solicitor; Mr. J. Riddell, Director of
Community Design and Development Services; Ms. M.
Neubauer, Director of Finance; Mr. R. Henry, City
Engineer; 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

 Moved by Councillor Kovach Seconded by Councillor Hofland
 THAT the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2) (a), (b), (c) and (e) of the Municipal Act, with respect to:

- security of the property of the municipality;
- personal matters about identifiable individuals;
- proposed or pending acquisition or disposition of land;
- litigation or potential litigation.

Carried

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

Mayor

Clerk

Council Committee Room B October 27, 2008 5:32 p.m.

A meeting of Guelph City Council meeting in Committee of the Whole.

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

Staff Present: Mr. H. Loewig, Chief Administrative
Officer; Ms. L.E. Payne, Director of Corporate
Services/City Solicitor; Mr. J. Riddell, Director of
Community Design and Development Services; Ms. M.
Neubauer, Director of Finance; Mr. P. Cartwright, General
Manager of Economic Development & Tourism; Mr. R.
Henry, City Engineer; Mr. J. Mairs, Senior Business
Development Specialist/ Assistant Manager of Economic
Development & Tourism; 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 were no declarations of pecuniary interest.

1. Moved by Councillor Kovach

Seconded by Councillor Findlay

THAT the correspondence from Chris Clark tendering his resignation from the River Run Centre Board of Directors be accepted with regret;

AND THAT the correspondence from Scott Robertson tending his resignation from the Environmental Advisory Committee, be accepted with regret.

Carried

 Moved by Councillor Kovach Seconded by Councillor Hofland
 THAT Committee hear the delegation of Paula Dill.

Carried

Paula Dill was present and updated the Committee on a potential litigation matter.

Mrs. L.A. Giles

Ms. L.E. Payne Mr. H. Loewig	THAT s	Moved by Councillor Kovach Seconded by Councillor Laidlaw staff be given direction with respect to on matter.	a potential
			Carried
Ms. L.E. Payne Mr. H. Loewig	THAT s	Moved by Councillor Beard Seconded by Councillor Laidlaw staff be given direction with respect to ial litigation matter.	а
			Carried
Mr. P. Cartwright Ms. L.E. Payne	THAT s	Moved by Councillor Beard Seconded by Councillor Farrelly staff be given direction with respect to ial acquisition of land.	а

Carried

The meeting adjourned at 6:55 o'clock p.m.

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Mayor

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Clerk

Council Chambers October 27, 2008

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

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

Staff Present: Mr. H. Loewig, Chief Administrative
Officer; Chief S. Armstrong, Director of Emergency
Services; Mr. D. McCaughan, Director of Operations; Ms.
M. Neubauer, Director of Finance; Ms. A. Pappert,
Director of Community Services; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Mr. J. Riddell,

Director of Community Design; Mr. P. Busatto, Manager of Waterworks; Mr. L. Quan, Deputy Fire Chief – Administration, Guelph Fire Department; Mr. B. Stewart, Manager of Procurement & Risk Management Services; and Development 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

Councillor Piper declared a possible pecuniary interest with regards to Clause 4 of the Report of the Community Development & Environmental Services Committee with respect to the demolition of 65 Mary Street because she resides within the circulation distance and did not discuss or vote on the matter.

 Moved by Councillor Hofland Seconded by Councillor Salisbury
 THAT the minutes of the Council meetings held on
 September 15, 22, 25, 29, October 2, 6 and 16, 2008 and the minutes of the Council meetings held in Committee of the Whole on September 15, 22 and October 6, 2008 be confirmed as recorded and without being read.

Carried

PRESENTATIONS

The Mayor presented City of Guelph medals to the Guelph Regals Minor Boys Lacrosse, Bantam B Gold team in recognition of winning the 2008 Ontario Minor Field Lacrosse Provincial Championships: - Jeremy Bannon, Michael Lalani, Steven Domenichini, Michael Kreller, Jacob Cook, Jeremy Finoro, Cameron Allen, Ty Carvalho, Mackenzie Dukelow, Stephen Pierog, Owen White, Dakota Rocco, David Sprague, Anthony Joaquim, Zachery Taylor, Zachary McCulligh, Brody Milne, Nathan McKenzie, Fern Joaquim – Head Coach, Tony Carvalho – Assistant Coach, Paul McCulligh – Trainer

Jon Hebden of the Municipal Property Assessment Corporation provided information relating to the 2008 assessment update. He outlined the Ontario Property Assessment process and legislative changes and the property assessment notice enhancements. He also provided information on the request for reconsideration process. Deputy Fire Chief Lyle Quan advised of the actions of Mr. Hugh Earl with respect to a neighbour's house fire on April 20, 2008. The Mayor presented Mr. Earl with a placque recognizing his heroic actions.

 Moved by Councillor Kovach Seconded by Councillor Laidlaw
 THAT persons wishing to address Council be permitted to do so at this time.

Carried

REGULAR MEETING

DELEGATIONS

Street Vendor Cart Operations

In response to questions of council, Mr. Mustafa Ghomishah advised that he has operated a street vendor cart in the downtown for the past 15 years. He requested that the existing tender be extended for one year.

Councillor Wettstein presented Clause 1 of the Seventh Report of the Finance, Administration & Corporate Services Committee

3. Moved by Councillor Wettstein Seconded by Councillor Bell

THAT the Procurement staff working with the Operations group will issue a new tender Street Vendor Cart Operations that includes the central business district and various parks throughout the City.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

 Moved by Councillor Laidlaw Seconded by Councillor Kovach
 THAT Council now go into the Committee of the Whole to consider reports and correspondence.

Carried

Ms. M. Neubauer Mr. D. McCaughan

Councillor Burcher presented the Ninth Report of the Community Development & Environmental Services Committee

World Wildlife Federation – Good Life Program

5. Moved by Councillor Burcher Seconded by Councillor Billings

THAT the City seeks to participate with the World Wildlife Federation as one of the pilot communities for the Good Life program;

AND THAT the program be referred to the Director of Information Services, the Director of Environmental Services and the Director of Community Services.

6. Moved in Amendment by Councillor Kovach Seconded by Councillor Wettstein

THAT staff report back on details of the World Wildlife Federation – Good Life Program before any funds are committed.

VOTING IN FAVOUR: Councillors Billings, Farrelly, Findlay, Kovach, Salisbury and Wettstein (6)

VOTING AGAINST: Councillors Beard, Bell, Burcher, Hofland, Laidlaw, Piper, and Mayor Farbridge (7)

Defeated

7. Moved by Councillor Burcher Seconded by Councillor Billings

THAT the City seeks to participate with the World Wildlife Federation as one of the pilot communities for the Good Life program;

AND THAT the program be referred to the Director of Information Services, the Director of Environmental Services and the Director of Community Services.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Laidlaw, Piper, Salisbury, and Mayor Farbridge (10)

VOTING AGAINST: Councillors Billings, Kovach and Wettstein (3)

Carried

City of Guelph Industrial, Commercial and Institutional Capacity Buyback Program

Dr. J. Laird Mrs. L.A. Giles Ms. A. Pappert Dr. J. Laird Ms. M. Neubauer Moved by Councillor Burcher Seconded by Councillor Billings
 THAT the report of the Director of Environmental Services, dated October 10, 2008, providing an update on the City's Industrial, Commercial and Institution ("ICI") Capacity Buyback Program, be received;

AND THAT Council, authorizes and approves the ICI Capacity Buyback Program in substantially the same form as set out in the document, including the standard Terms and Conditions, which is attached as Schedule 1 and as outlined in the October 10, 2008 staff report;

AND THAT Council authorizes the Director of Environmental Services to execute related documents, including agreements, if any, required to implement the said ICI Capacity Buy Back Program, subject to the satisfaction of the Director of Environmental Services and the City Solicitor;

AND THAT the Mayor and Clerk be authorized to sign an agreement between the City of Guelph and Cargill Meat Solutions Inc. with respect to financial incentives under the ICI Capacity Buyback Program as outlined in the said staff report dated October 10, 2008;

AND THAT staff be directed to report back to Council with an annual update on program participation and water savings achieved through the City's ICI Capacity Buyback Program.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Sign By-law Exemption Request for 1 and 2 Kortright Road East

9. Moved by Councillor Burcher Seconded by Councillor Billings

THAT Report 08-93 regarding a sign variance request for 1 and 2 Kortright Road East from Community Design and Development Services, dated September 5, 2008, be received;

AND THAT the request for a variance from the Sign Bylaw for 1 and 2 Kortright Road East to permit one sign for

Mr. J. Riddell Mr. B. Poole Mr. J. Riddell

third party advertising to be situated on the existing brick wall, in lieu of the by-law requirement of no third party advertising be refused.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Proposed Demolition of 65 Mary Street

 Moved by Councillor Burcher Seconded by Councillor Billings
 THAT the proposed demolition of the house at 65 Mary Street be approved.

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

VOTING AGAINST: (0)

Councillor Piper did not vote due to her declaration of potential pecuniary interest.

Carried

Town of Milton Resolution – Requesting a Deposit/ Return System on Aluminum and Plastic Drink Containers

 Moved by Councillor Burcher Seconded by Councillor Billings
 THAT Guelph City Council endorses the resolution of the Corporation of the Town of Milton that states as follows:

"WHEREAS Aluminum Cans and Plastic Drink Containers create significant litter on our Roadways and whereas the deposit/return system for alcoholic beverages has proved an effective deterrent to roadside littering;

AND WHEREAS many of these Plastic Drink Containers contain water obtained by commercial operations with little or no positive benefit for local residents, and whereas large-scale water taking may adversely affect local water resources, and whereas commercial water tanker trucks create uncompensated wear to local roads;

Ms. S. van Empel Hon. J. Gerretsen AMO Dr. J. Laird AND WHEREAS a deposit may encourage residents to use personal reusable containers reducing the demand for plastic bottled water;

BE IT RESOLVED THAT the Town of Milton endorses the Region of Halton's resolution requesting that the Minister of the Environment consider placing a deposit/return system on aluminium and plastic drink containers and that this resolution be forwarded to the Association of Municipalities of Ontario for circulation to all municipalities in Ontario for information and support."

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Councillor Laidlaw presented the Eighth Report of the Emergency Services, Community Services & Operations Committee

Options for City Grants – Framework

The Director of Community Services provided information on the proposed City grants framework. She outlined the investment program which is a comprehensive, cohesive and accountable investment model that aligns the expenditure of municipal resources with community and corporate strategic objectives. She highlighted the benefits which would position the City to capitalize on ideas and meets the changing community dynamics.

12. Moved by Councillor Laidlaw Seconded by Councillor Beard

THAT the Community Services report CS-AD-0818 dated October 15, 2008 regarding Options for City Grants – Framework, be received.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Ms. A. Pappert Ms. M. Neubauer Mr. P. Cartwright

Carried

Ms. A. Pappert Ms. M. Neubauer

Mr. P. Cartwright

13. Moved by Councillor Laidlaw Seconded by Councillor Beard

THAT Option #2 is approved in principle and staff be directed to include the appropriate budget allocation required to undertake Option #2 in their budget submission, its approval to proceed being subject to 2009 budget deliberations.

AND THAT staff be directed to include the appropriate budget allocation required to undertake Option #2 in their budget submission, its approval to proceed being subject to 2009 budget deliberations.

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

VOTING AGAINST: Councillor Billings (1)

Carried

City of Guelph Emergency Response Plan and Emergency Management Program

14. Moved by Councillor Laidlaw Seconded by Councillor Beard
THAT the 2008 City of Guelph Emergency Response Plan and Emergency Management Program be approved;
AND THAT the 2008 Emergency Response Plan and Emergency Management Program be adopted by by-law.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Improving Fire Department Access to Emergency Information – Fire Safety Plan Lock Boxes to be Installed in Guelph Buildings

15. Moved by Councillor Laidlaw
Seconded by Councillor BeardChief S. ArmstrongTHAT the establishment of Fire Safety Plan Lock Boxes for
premises as listed in Schedule 2, be approved;

Chief S. Armstrong Mr. H. Loewig Mr. D. McCaughan

Ms. A. Pappert

AND THAT a by-law be adopted requiring the installation of Fire Safety Plan Lock Boxes in those premises listed in Section 2.8 of Division B of the Ontario Fire Code that further requires the preparation and implementation of a Fire Safety Plan.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Ontario Street Road Narrowing

16. Moved by Councillor Laidlaw Seconded by Councillor Beard

THAT the recommendation contained in the Director of Operations report of October 15, 2008, to install a road narrowing at the intersection of Wood Street and Ontario Street be approved.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Public Art Policy & Program – Framework of Principles

 Moved by Councillor Laidlaw Seconded by Councillor Beard
 THAT report # CS-CU-0821 of the Director of Community Services dated October 15, 2008 providing background or

Services dated October 15, 2008 providing background on public art and a draft framework for proceeding with the development of a public art policy and program for Guelph, be received.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Ms. A. Pappert	 18. Moved by Councillor Laidlaw Seconded by Councillor Beard THAT the Framework of Principles as outlined in Schedule 3, be approved in principle. VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)
	VOTING AGAINST: Councillor Billings (1)
	Carried
Ms. A. Pappert	 Moved by Councillor Laidlaw Seconded by Councillor Beard THAT staff be directed to draft public art policy as per the Framework of Principles for Council consideration and report back to Council in 2009 including the following components in their policy presentation: Terms of reference for a Public Art Advisory Committee Financial projection and funding formula for projects and administration Plan for involving private sector participation Procedural guidelines to facilitate the program Requirements for the management of the collection;
	VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)
	VOTING AGAINST: Councillor Billings (1)
	Carried
Ms. A. Pappert Ms. M. Neubauer	 Moved by Councillor Laidlaw Seconded by Councillor Beard THAT staff utilize the Framework of Principles to pilot the commissioning of public art for the Civic Square project.
	VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)
	VOTING AGAINST: Councillors Billing and Kovach (2)

Carried

21. Moved by Councillor Laidlaw Seconded by Councillor Beard

Ms. A. Pappert THAT a phased approach towards the implementation of a public art policy be considered by Council once the public art policy is fully approved.

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

VOTING AGAINST: Councillor Billings (1)

Carried

Councillor Wettstein presented the balance of the Seventh Report of the Finance, Administration & Corporate Services Committee

Annual Budget Provision for Civic Celebrations

22.	Moved by Councillor Wettstein
	Seconded by Councillor Bell
THAT	staff be directed to include an annual provision in
the Ta	ax Supported Operating Budget beginning in 2009
under	the title Civic Celebrations Program;

AND THAT the following six (6) events be recognized as Civic Celebrations beginning in 2009 including: New Years Eve – Sparkles in the Park; Canada Day Celebrations; Labour Day Picnic; Remembrance Day; Santa Claus Parade; Civic Holiday – John Galt Day;

AND THAT the civic celebrations event criteria outlined in Schedule 4 be approved in principle specific to the 2009 events and that the criteria also be referenced and reviewed within the development of an events framework strategy;

AND THAT staff be directed to work with community partners to secure formal agreements for the delivery of these civic celebration events; the agreements to be subject to the satisfaction of the City Solicitor and that the Mayor and Clerk be authorized to sign these agreements;

AND THAT subject to 2009 budget deliberations, staff be directed to adjust the 2009 budget allocation for these events by \$19,000 to a total budget envelope of \$60,000 to reflect the actual expenditures.

Ms. A. Pappert Ms. M. Neubauer VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: Councillor Kovach (1)

Carried

CONSENT AGENDA

23. Moved by Councillor Billings Seconded by Councillor Burcher

THAT the October 27, 2008 Consent Agenda as identified below, be adopted:

a) 2009 Council Planning and Regular Meeting Schedule

Mayor & Councillors Senior Mngt. Team THAT the 2009 regular meeting schedule for Guelph City Council and Council Planning Public meetings be approved as follows:

12 – Council Planning January 26 – Regular Council 2 – Council Planning February 23 – Regular Council 2 – Council Planning March 23 – Regular Council 6 – Council Planning April 27 – Regular Council 4 – Council Planning May 25 - Regular Council 1 – Council Planning June 22 – Regular Council 6 – Council Planning July 27 – Regular Council August no meetings scheduled September Tuesday 8 – Council Planning 28 – Regular Council October 5 – Council Planning 26 – Regular Council 2 – Council Planning November 23 - Regular Council 7 – Council Planning December 21 - Regular Council.

b) Proposed Demolition of 40 Nottingham Street

THAT the proposed demolition of the house at 40 Nottingham Street, be approved.

Mr. J. Riddell

c) City of Guelph Contract No. 08-116 West End Recreation Centre Arena Building Envelope and Roof Repairs

Ms. L.E. Payne Ms. M. Neubauer

THAT Council approve awarding the contract for the repairs to the arena building envelope and roof at the West End Recreation Centre to TRP Construction General Contractors, of Burlington, Ontario in the total tender amount of \$853,862.30 exclusive of GST, inclusive of PST, of which approximately \$404,959.00 will be from the 2009 Life Cycle Maintenance Reserve, all as per the terms of City of Guelph Contract No. 08-116;

AND THAT the Mayor and Clerk be authorized to sign the necessary documentation.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

24. Moved by Councillor Piper Seconded by Councillor FindlayTHAT the Committee rise with leave to sit again.

Carried

25. Moved by Councillor Salisbury Seconded by Councillor Hofland THAT the action taken in Committee of the Whole in considering reports and correspondence, be confirmed by this Council.

Carried

BY-LAWS

26. Moved by Councillor Wettstein Seconded by Councillor Farrelly
THAT By-laws Numbered (2008)-18645 to (2008)-18662, inclusive, are hereby passed.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13) VOTING AGAINST: (0)

Carried

MAYOR'S ANNOUNCEMENTS

The Mayor extended congratulations to the Corporate Communications Division for the award recently won with respect to the 2008 conservation calendar.

NOTICE OF MOTION

Councillor Salisbury advised that he will be presenting a notice of motion at the next meeting of Council with respect to problems with graffiti art and murals.

Councillor Laidlaw advised that she will be presenting a notice of motion at a future meeting of City Council with respect to vehicular parking on city sidewalks.

ADJOURNMENT

The meeting adjourned at 9:50 o'clock p.m.

Minutes read and confirmed November 24, 2008.

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Mayor

Clerk

Council Committee Room B

October 27, 2008 9:55 p.m.

Council reconvened in Committee of the Whole.

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

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Ms. M. Neubauer, Director of Finance; Mr. M. McCrae, Manager of Corporate Property Services; and Mrs. L.A. Giles, Director of Information Services/City Clerk

	1. Moved by Councillor Laidlaw
	Seconded by Councillor Beard
Ms. L.E. Payane	THAT direction be given to staff with respect to a litigation matter.
	Carried
	2. Moved by Councillor Farrelly

Moved by Councillor Parteny Seconded by Councillor Burcher THAT direction be given to staff with respect to a litigation matter.

Carried

The meeting adjourned at 10:28 p.m.

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Mayor

Clerk

Council Committee Room B October 27, 2008 10:29 p.m.

Council reconvened in formal session following its meeting in Committee of the Whole.

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

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Ms. M. Neubauer, Director of Finance; Mr. M. McCrae, Manager of Corporate Property Services; and Mrs. L.A. Giles, Director of Information Services/City Clerk

1. Moved by Councillor Laidlaw Seconded by Councillor Beard

Ms. L.E. Payne	THAT Council authorize the pursuit of all appropriate
Mr. H. Loewig	actions in respect of legal proceedings, including
	construction lien matters, arising from the new City Hall
	and POA Court facility construction project.

Carried

The meeting adjourned at 10:30 o'clock p.m.

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Mayor

Clerk

Ontario Fire Code, Section 2.8 of Division B requires the implementation of a Fire Safety Plan for the following occupancies:

- 1) assembly occupancies,
- 2) residential occupancies where the occupant load exceeds 10,
- 3) business and personal services where the occupant load exceeds 300,
- 4) mercantile occupancies with an occupant load exceeding 300,
- 5) high hazard industrial occupancies where the occupant load exceeds 25,
- 6) medium hazard industrial occupancies where the occupant load exceeds 100 or
- 7) low hazard industrial occupancies where the occupant load exceeds 330.

Civic Celebration Event Criteria

The designation as a 'civic celebration' should be limited to meeting the following criteria:

- 1. Staff propose that the following list of national, provincial or local public holiday comprise the list of days for which a special event can be considered as a civic celebration:
 - New Years Day
 - Good Friday / Easter Monday
 - Victoria Day
 - Canada Day
 - Civic Holiday (John Galt Day)
 - Labour Day
 - Thanksgiving Day
 - Remembrance Day
 - Christmas Day / Boxing Day
 - Family Day
- 2. Civic Celebrations are to be organized for the purpose of building and celebrating a sense of community and giving City residents a sense of pride and ownership of those events.
- 3. Civic Celebrations must possess citywide appeal and be free of charge to ensure public access.
- 4. The Civic Celebrations Program events must be held in a public open space and where possible, support the use of City infrastructure such as Riverside Park, Civic Square or Sleeman Centre.
- 5. The Civic Celebrations Program events will be organized as a direct city program or through formal agreements with local service organizations. Event budgets and event descriptions including planned activities will be prepared by and or provided to City staff during the budget process. The event must be actively programmed around the day's theme, and any significant changes to the funded event's scale or general program mandate must be reported and approved by Council.
- 6. The Civic Celebrations Program events should include a significant cultural component and strive to support Guelph based artists, performers, producers, technicians and business as applicable to the event.

Council Committee Room B November 3, 2008 5:30 p.m.

A meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Beard, Billings, Burcher, Farrelly, Kovach, Laidlaw, Salisbury and Wettstein

Absent: Councillors Bell, Findlay, Hofland and Piper

Staff Present: Mr. J. Riddell, Director of Community Design & Development Services; Ms. T. Sinclair, Manager of Legal Services; Mr. M. Amorosi, Director of Human Resources; Mr. S. Hannah, Manager of Development & Parks Planning; and Mrs. L.A. Giles, City Clerk

1. Moved by Councillor Kovach Seconded by Councillor Laidlaw

THAT the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2) (b), (e) and (f) of the Municipal Act, with respect to:

- personal matters about an identifiable individual
- litigation or potential litigation
- advice that is subject to solicitor-client privilege.

.....

Mayor

.....

City Clerk

Council Committee Room B November 3, 2008 5:31 p.m.

Council reconvened in Committee of the Whole.

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

Absent: Councillors Bell and Piper

Staff Present: Mr. J. Riddell, Director of Community Design & Development Services; Ms. T. Sinclair, Manager

	of Legal Services; Mr. M. Amorosi, Director of Human Resources; Mr. S. Hannah, Manager of Development & Parks Planning; and Mrs. L.A. Giles, City Clerk
	Councillor Findlay arrived at 5:35 p.m.
	 Moved by Councillor Billings Seconded by Councillor Laidlaw THAT Committee hear the delegation of Peter Pickfield.
	Carried
	Mr. Pickfield provided information with respect to a matter before the Ontario Municipal Board.
	Ms. T. Sinclair, Manager of Legal Services and Mr. J. Riddell, Director of Community Design & Development Services, provided information with respect to a matter before the Ontario Municipal Board.
	Ms. T. Sinclair provided information with respect to a matter before the Environmental Review Tribunal.
	Councillor Hofland arrived at 5:55 p.m.
Mayor Farbridge	 Moved by Councillor Hofland Seconded by Councillor Burcher THAT the Mayor be given direction with respect to a personal matter involving an identifiable individual.
	Carried

ADJOURNMENT

The meeting adjourned at 6:21 p.m.

Mayor

.....

City Clerk

Council Chambers November 3, 2008 7:00 p.m.

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

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

Staff Present: Mr. J. Riddell, Director of Community Design & Development Services; Mr. S. Hannah, Manager of Development and Parks Planning; Ms. T. Sinclair, Manager of Legal Services; Ms. S. Laughlin, Development & Urban Design Planner; Mr. D. Belanger, Mr. P. Busatto, Ms. T. Agnello, Deputy City Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

CONSENT AGENDA

 Moved by Councillor Beard Seconded by Councillor Burcher
 THAT the November 3, 2008 Consent Agenda as identified below, be adopted:

a) Smallfield Well Permit to Take Water

THAT the staff report entitled "Smallfield Well Permit to Take Water" dated November 3, 2008 be received;

AND THAT Council approve and authorize the Mayor and Clerk to execute Minutes of Settlement in respect of the City's appeal and related application for a stay to the Environmental Review Tribunal ("ERT") in respect of a Permit to Take Water for the Smallfield Municipal Well in accordance with the proposed Minutes of Settlement attached as Schedule 2 to the November 3, 2008 staff report, subject to final wording of such Minutes of Settlement being satisfactory to the Director of Environmental Services and the City Solicitor;

AND THAT Council direct staff and legal counsel to attend the ERT hearing in respect of the Smallfield Municipal Well matter in support of the Minutes of

Dr. J. Laird Ms. L.E. Payne Settlement, which shall be subject to the ERT's approval.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

PLANNING PUBLIC MEETING

1750 Gordon Street: Westminster Market – Application for Site Plan Approval for Phase One of a Mixed Commercial Development (SP07C013) (Ward 6)

Stacey Laughlin, Development & Urban Design Planner advised that the site plan is before Council as a result of direction given by Council in February, 2006 with respect to this site. She stated that Loblaws will withdraw their appeal if a conditional site plan is approved for phase one. She advised that many of the issues identified by the public have been handled through the Site Plan Approval process. She stated that the applicant has demonstrated that their plans are in keeping with the intent of the goals of the Community Energy Plan.

Mr. Hugh Handy, on behalf of GSP Group advised that. Steve Thompson, from Loblaws; and Matthew West and David Rezmovits from Fieldgate were also present to answer questions. Mr. Handy advised the food store component has been removed from phase one of the development and it will be coming forward at a future date when Loblaws can determine how best to meet current and future market needs. He advised the bus transfer facility was relocated at the request of Guelph transit. He then outlined details of the urban design, landscape design and pedestrian and traffic circulation.

Mr. Thompson, advised Loblaws is evaluating market needs, and re-evaluating the store size and are working out their development plans for both this site and the one in the east end.

The applicant assured Council that the site will be pedestrian and bicycle friendly and they will work closely with staff to address safety concerns.

1. Moved by Councillor Burcher Seconded by Councillor Billings Mr. J. Riddell Mr. H. Handy THAT Report 08-102 regarding a proposed Site Plan Application for approval of a mixed commercial development applying to a property municipally known as 1750 Gordon Street, City of Guelph, from Community Design and Development Services dated November 3, 2008 be received;

AND THAT City Council conditionally approve the site plan application (03-OCT-08, rev. 23) by GSP Group Inc. on behalf of Loblaw Properties Limited proposing the first phase of a mixed commercial development of lands municipally known as 1750 Gordon Street, subject to resolving the technical and design issues set out in the Community Design and Development Services Report 08-102 and the execution and registration of a site plan control agreement on title, containing the conditions of approval set out in Schedule 2 of the same report, to the satisfaction of the Director of Community Design and Development Services.

AND THAT staff work with the applicant to investigate the possibility of using additional glazing and articulations for the south and west elevations of Building B.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

ADJOURNMENT

The meeting adjourned at 7:45 p.m.

Minutes read and confirmed November 24, 2008.

Mayor

Deputy Clerk

Council Committee Room B November 13, 2008 5:30 p.m.

A meeting of Guelph City Council.

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

Absent: Councillors Kovach, Laidlaw and Salisbury

Staff Present: Mr. D. McCaughan, Director of
Operations; Ms. M. Neubauer, Director of Finance; Ms.
L.E. Payne, Director of Corporate Services/City Solicitor;
Mr. J. Riddell, Director of Community Design and
Development Services; Mr. B. Stewart, Manager of
Procurement & Risk Management Services; Mr. P.
Cartwright, General Manager of Economic Development &
Tourism; Mr. D. Corks, Downtown Economic Development
Manager; Mr. M. McCrae, Manager of Corporate Property
Services; Mr. I. Panabaker, Heritage/Urban Design
Planner; Mr. J. Stokes, Manager of Realty Services; and
Ms. T. Agnello, Deputy Clerk

1. Moved by Councillor Findlay Seconded by Councillor Burcher

THAT the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2) (f) of the Municipal Act, with respect to:

• advice that is subject to solicitor-client privilege.

Carried

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

Mayor

Deputy Clerk

Council Committee Room B November 13, 2008 5:32 p.m.

A meeting of Guelph City Council meeting in Committee of the Whole. Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Piper and Wettstein

Absent: Councillors Kovach, Laidlaw and Salisbury

Staff Present: Mr. D. McCaughan, Director of
Operations; Ms. M. Neubauer, Director of Finance; Ms.
L.E. Payne, Director of Corporate Services/City Solicitor;
Mr. J. Riddell, Director of Community Design and
Development Services; Mr. B. Stewart, Manager of
Procurement & Risk Management Services; Mr. P.
Cartwright, General Manager of Economic Development &
Tourism; Mr. D. Corks, Downtown Economic Development
Manager; Mr. M. McCrae, Manager of Corporate Property
Services; Mr. I. Panabaker, Heritage/Urban Design
Planner; Mr. J. Stokes, Manager of Realty Services; and
Ms. T. Agnello, Deputy Clerk

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There were no declarations of pecuniary interest.

The City's legal counsel provided information on a matter.

Councillor Wettstein retired from the meeting at 6:50 p.m.

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

.....

Mayor

.....

Deputy Clerk

REPORT OF THE COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES COMMITTEE

November 24, 2008

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

Your Community Development and Environmental Services Committee beg leave to present their TENTH REPORT as recommended at its meeting of November 7, 2008.

CLAUSE 1 THAT the Community Development and Environmental Services Committee Report 08-107, dated November 7, 2008, on `Air Quality Monitoring Program' be received;

> AND THAT staff be authorized to undertake the proposed Air Quality Monitoring Program as described in this report, subject to budget approval.

CLAUSE 2 THAT Report 08-108, dated November 7, 2008 from Community Design and Development Services, regarding the expansion of the *Municipal Register of Cultural Heritage Properties* to include the "nondesignated" *City of Guelph Inventory of Heritage Structures* (Burcher-Stokes Properties) be received;

> AND THAT the *Municipal Register or Cultural Heritage Properties* be expanded to include the "non-designated" City of Guelph Inventory of Heritage Structures (Burcher-Stokes Properties) listed in Attachment 3.

> AND THAT staff establish a process for property owners to seek to have a property removed from the "Municipal Register of Cultural Heritage" based on inaccurate information contained in the City of Guelph Heritage Inventory and that consequently do not meet one of the criteria for designation.

AND THAT Community Design and Development Services add to their workplan that a property incentive program be examined for owners of property on the heritage inventory and that this be referred to the 2009 priority setting process.

CLAUSE 3 THAT the contract of Trade Mark Industrial Inc. be accepted and that the Mayor and Clerk be authorized to sign the agreement for Contract No. 08-035 for a new dust collection system at the Materials Recovery Facility (MRF), for a total tendered price of \$471,508 (plus GST) with actual payment to be made in accordance with the terms of the contract.

Page No. 2 November 24, 2008 <u>Report of the Community Development & Environmental Services Committee</u>

- CLAUSE 4 THAT Council authorize the Mayor and Clerk to sign an Agreement with Stewardship Ontario to receive funding through the Municipal Hazardous or Special Waste (MHSW) Program Plan established by Stewardship Ontario under the Waste Diversion Act, 2002, and any subsequent related agreements.
- CLAUSE 5 THAT Council direct Waterworks staff to continue to coordinate drinking water source protection projects with respect to the City's water supply systems, subject to the provision of sufficient and sustainable funding from the MOE to the City to complete all the work outlined in the Terms of Reference;

AND THAT Council not "elevate" (i.e. include) other drinking water systems into the scope of source protection planning, at this time;

AND THAT Council not exempt municipal residential drinking water systems, wells, or intakes within Guelph;

AND THAT Council requests that the following wells be included in the drinking water source protection plan: Arkell 14, Arkell 15, Scout Camp, Edinburgh, Smallfield, and Sacco.

All of which is respectfully submitted.

Councillor Lise Burcher, Chair Community Development & Environmental Services Committee

COMMITTEE REPORT



то	Community Development and Environmental Services Committee
SERVICE AREA	Community Design and Development Services
DATE	November 7, 2008
SUBJECT	Air Quality Monitoring Program
REPORT NUMBER	08-107

RECOMMENDATION

"THAT the Community Development and Environmental Services Committee Report 08-107, dated November 7, 2008, on 'Air Quality Monitoring Program' be received;

AND THAT staff be authorized to undertake the proposed Air Quality Monitoring Program as described in this report, subject to budget approval."

BACKGROUND

The relationship between air pollution and public health, as well as the implications for both due to population and employment growth, energy use and transportation, are now well understood. Air quality monitoring programs are now being implemented in a number of Ontario municipalities. The need for air quality monitoring has been raised in Guelph by residents in the context of the proposed improvements to the Hanlon Expressway intersections south of the Speed River.

Air quality monitoring is also consistent with Guelph's Local Growth Management Strategy and the goals of the Community Energy Plan. This report and the recommendation are based on a feasibility study carried out by RWDI Air Inc. (RWDI), a Guelph based engineering company specializing in air quality, noise, and wind engineering (see Attachment #1). The report outlines the health impacts of air pollution, its sources, the regional context of air quality monitoring, and the elements of an Air Quality Monitoring Program appropriate to Guelph.

REPORT

In the first year of operation (2009), a portable air quality monitoring station will be located on the east side of the Hanlon Expressway to enable air quality monitoring before the undertaking of Hanlon intersection improvements by the Ministry of Transportation (MTO). The recommended location (see Figure 2 in Attachment #1) is a City owned stormwater management pond site adjacent to the Hanlon Expressway. From the Hanlon Expressway location, the air quality monitor could be moved to other locations to monitor emissions from other non-transportation sources in the City. Field monitoring of air quality will be supported by the creation of a GIS-based inventory of air emission sources within the City. This air emissions inventory will facilitate a comparative evaluation of alternative development patterns and transportation system alternatives by assessing the relative air quality impacts of the different alternatives. It is now a growing practice in Transportation Planning to evaluate improvement and system alternatives based on their air quality impacts. The air emissions inventory can also be used to monitor progress toward the targeted reductions in air pollutant and greenhouse gas emissions as identified in the Community Energy Plan.

The data from the monitoring program along with complementary data from the regional MOE monitoring stations will be analyzed and the results included in an annual Air Quality Report. The report will be presented to Council and the general public; it will include an assessment of both regional and micro-climate scale air quality trends and a progress report on air pollution reductions. The report will also make recommendations for future study and policy considerations in the areas of land use planning, transportation improvements and community energy programs to minimize overall air quality impacts in the City.

Air Pollution Health Impacts

It has been known for some time that there is a direct relationship between public health and air pollution. Air pollution health impacts include shortness of breath, difficulty in breathing and coughing, asthma, respiratory illness, heart and lung disease and premature death. Newborns, children and seniors are particularly vulnerable to air pollution.

The Ontario Medical Association has predicted that in 2008 there will be approximately 158 premature deaths associated with air pollution in Guelph and Wellington County. The Canadian Medical Association estimates the cost to the Ontario health care system from air pollution related illnesses and from lost productivity in 2008 to be \$570 million dollars.

Air Pollutants and Sources

The five common air pollutants include:

- Ground level ozone (O₃);
- Particulate matter (PM_{2.5} and PM₁₀);
- Sulphur dioxide (SO₂);
- Nitrogen dioxide (NO₂); and
- Carbon monoxide (CO).

Air pollution is commonly described as "smog". Smog occurs when sunlight reacts with nitrogen oxides (NO_x) and volatile organic compounds (VOCs) to produce high levels of ground level ozone.

Transboundary air pollution represents a significant source of air pollution in Guelph and surrounding areas. As much as 50 percent of ground level ozone present during prolonged smog events in Southern Ontario can be attributed to industrial air emissions originating in the United States. Regional or upwind sources of air pollutants that affect the City of Guelph include nearby urban centres (i.e. Kitchener, Waterloo, Cambridge), distant urban centres (i.e. Sarnia, Windsor and Detroit), agricultural land use, significant transportation routes and transboundary air pollution from the United States (i.e. Ohio River Valley).

The local sources of air pollution include the transportation sector, industrial emissions, open sources including road dust and solvent usage, and emissions from building and water heating using natural gas.

Environment Canada has estimated the annual tonnes per year of emissions from the main economic sectors within the City of Guelph. Based on the data for 2005, the transportation sector contributes significantly to the overall nitrogen oxides (NO_x – 65%) and carbon monoxide (CO – 77%) emissions produced within Guelph. Vehicle-related emissions impact both local and regional air quality, and Guelph is impacted both by vehicle emissions from within Guelph as well as from the outside. The major corridors in Guelph contributing to vehicle-related emissions are the Hanlon Expressway, Gordon Street and Woodlawn Road.

Regional Air Quality Monitoring

Air quality monitoring programs vary throughout Southern Ontario municipalities from the operation of a single Ministry of the Environment (MOE)-operated monitoring station to a network of permanent and portable monitoring stations. The regional MOE stations, including the Exhibition Park Station in Guelph, are part of a Canada-wide National Air Pollution Surveillance (NAPS) Network (see Figure #1 in Attachment #1).

The Guelph station is specifically located in Exhibition Park to be away from roadways and industrial air pollution sources in order to assess regional average or background concentrations of air pollutants. The Exhibition Park station currently monitors fine particulate matter ($PM_{2.5}$) and smog (ground level ozone) air pollutants.

The MOE operates other monitoring stations in the communities of Kitchener, Waterloo, London, Oakville, Burlington and Brantford as part of the NAPS network. In the City of Hamilton, the MOE operates three (3) monitoring stations and the City has partnered with 22 local companies to monitor air pollution from industrial sources using a network of monitoring stations. In 2007, the Halton Region initiated an air quality monitoring program to supplement and enhance the MOE's existing background air quality monitoring in Oakville and Burlington. Halton Region's Air Quality Program involves an assessment of air quality in micro-environments such as transportation corridors and industrial areas to support future land use planning decisions in the context of expected growth under the Province's Places to Grow legislation.

Air Quality Monitoring Program for Guelph

The proposed Air Quality Monitoring Program, developed with the assistance of RWDI, is based on the identification of air pollutant parameters that are of relevance to Guelph, and the use of an appropriate monitoring technology. Thus the proposed program will use a portable air monitoring unit to monitor Particulate Matter and Nitrogen Oxides (NO_x). Both of these pollutants are indicative of emissions from transportation and industrial combustion sources. The recommended 'Airpointer' monitoring unit will be equipped with the necessary instruments that will perform a range of monitoring tasks including probing, sampling, analyzing, and transmitting information to an off-site database.

The proposed program will span a five year period, at the end of which a review of the program along with recommendation for future action will be presented to Council. The five-year review will also identify the arrangement for undertaking air quality monitoring at the Hanlon Expressway after the Hanlon Expressway intersection improvements are in place.

CORPORATE STRATEGIC PLAN

The Air Quality Monitoring Program relates to the following goals in the 2007 Strategic Plan:

- Goal #1 An attractive, well-functioning and sustainable city; and
- Goal #6 A leader in conservation and resource protection/enhancement.

Specifically, the following strategic objectives apply to the Air Quality Monitoring Program:

- 1.2 Municipal sustainability practices that become the benchmark against which other cities are measured;
- 1.4 A sustainable transportation approach that looks comprehensively at all modes of travel to, from and within the community;
- 6.2 Less total greenhouse gases for the City as a whole compared to the current global average; and
- 6.5 Less energy and water per capita than any comparable Canadian city.

FINANCIAL IMPLICATIONS

Funding for the proposed program is included in the Capital Budget for 2009 and 2010 (RD0211) for an amount of \$250,000 each year, 90 percent of which is from Development Charges. The total budget will include the procurement and installation of a new monitoring equipment, annual operating and maintenance costs, air emission inventory and database, and data analysis and communications.

DEPARTMENTAL CONSULTATION

N/A

COMMUNICATIONS

N/A

ATTACHMENTS

Attachment #1 - Study Brief: Air Quality Monitoring Program Feasibility Study Figure 1, Attachment #1 – Regional Map of NAPS Monitoring Stations Figure 2, Attachment #1 – Recommended Monitoring Station

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Prepared By: Colin Baker, P.Eng., Environmental Engineer (519) 822-1260 ext. 2282 colin.baker@guelph.ca

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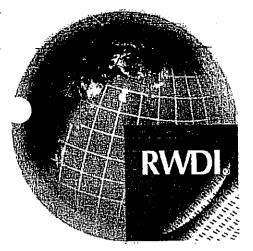
Endorsed By: Rajan Philips, P.Eng., Manager, Transportation Planning and Development Engineering (519) 822-1260 ext. 2369 rajan.philips@guelph.ca

Recommended By: Richard Henry, P.Eng., City Engineer (519) 822-1260 ext. 2248 richard.henry@guelph.ca

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Recommended By: James N. Riddell Director, Community Design and Development Services (519) 822-1260 ext. 2361 jim.riddell@guelph.ca



Attachment #1

STUDY BRIEF

AIR QUALITY MONITORING PROGRAM FEASIBILITY STUDY BRIEF CITY OF GUELPH GUELPH, ONTARIO

CONSULTING ENGINEERS & SCIENTISTS

Project Number: #W08-5286A

October 14, 2008

SUBMITTED TO:

Colin Baker, P.Eng. Engineering Department City of Guelph 59 Carden Street Guelph, Ontario N1H 3A1

SUBMITTED BY: RWDI AIR Inc.

Consulting Engineers & Scientists 650 Woodlawn Road West Guelph, Ontario N1K 1B8

P: (519) 823-1311 F: (519) 823-1316

Project Manager:Wayne Boulton, M.Sc.Project Director:Michael Lepage, MS

AIR QUALITY MONITORING PROGRAM FEASIBILITY: STUDY BRIEF

The City of Guelph (City) retained RWDI AIR Inc. (RWDI) to study the feasibility of an air quality monitoring program within the city. The program will support the following initiatives:

- The City's Growth Management Strategy;
- Class EA for improvements to the Hanlon Expressway;
- Community Energy Plan.

The monitoring program will serve the following functions:

- Establish baseline air quality conditions;
- Predict/monitor changes and long term trends in the City's air quality;
- Effectively communicate results to the public.

Airshed Context

Guelph's air quality is influenced by long-range transport of air pollutants from US airsheds and also from upwind urban areas in Ontario - most notably the Region of Waterloo. Key air pollutants affected by these sources are fine particulate matter (PM) and ground-level ozone (O_3) .

Pollutants from upwind regions tend to be spread widely over the City and a single well-situated monitoring station is sufficient to monitor them. A station in Exhibition Park, operated by the Ontario Ministry of the Environment (MOE) on-and-off since the 1980's currently serves this function. This station is part of the National Air Pollution Surveillance Network (NAPS).

No other public air quality monitoring stations operate in the Guelph area (see Fig. 1). The next nearest is in downtown Kitchener, serving a similar function to the Guelph station. In fact, all similar-sized municipalities in Southern Ontario have no more than a single monitoring station.

Guelph also has its own emission sources. Based on data from 2005 national air emissions inventory, the transportation sector is the major local emitter for oxides of nitrogen (NO_X) , carbon monoxide (CO) and particulate matter. Industrial, institutional, commercial and residential emissions also contribute to these pollutants; in particular in the Northwest industrial basin. Other locally emitted pollutants include sulphur dioxide, ammonia, and various volatile organic compounds (VOCs).

Priority pollutants for monitoring of local air quality effects are NO_X and PM, which are signature pollutants for both the transportation and industrial sectors. NO_X also represents other local emission sources (institutional/commercial/residential). Sulphur dioxide comes from industrial sources, but industries in Guelph emit relatively little of it. Emissions of VOCs originate from all source categories, but individual species of VOC are more complicated and costly to monitor than NO_X and PM.



Recommended Monitoring Sites

Potential sites were reviewed from the following perspectives: (a) proximity to key emission sources; (b) site accessibility; (c) local microclimate effects. The transportation sector is considered to be the highest priority, with the Hanlon Expressway being the most significant local representation of that sector.

The preferred site is located on the east side of the expressway, near Cole Road (see Fig. 2). This location is on City-owned land and downwind of the expressway for the prevailing westerly winds. It is typical of areas where residential uses are located near the highway, and is well located to monitor the effects of future upgrades to the Hanlon Expressway. It may also help to monitor effects of growth management and transportation demand management activities.

The next highest priority is monitoring of industrial areas, with the Northwest Industrial Basin being the most significant at present. Third and fourth priorities are monitoring of a major arterial road and monitoring in new residential areas, the purpose of these being to monitor effects of growth management, community energy planning, etc. Possible sites were also identified for monitoring in these areas as part of this study.

Air Quality Monitoring Program

The recommended initial strategy is to implement a single fixed monitoring station at the Cole Road location. This allows the City to manage the cost and assess the benefits of the program before expanding it to other sites. The monitoring would focus on PM and NO_x , as key signature pollutants for the transportation sector. The recommended system would use continuous analyzers that provide hourly data throughout the year.

Initially, an "analyze and report" rather than "real-time" approach to presenting the data is recommended, until City staff are comfortable with the data being produced and the interpretation of the data. Eventually, a public web-based presentation of real-time data could be considered.

Two options for a monitoring station were subjected to approximate costing: (1) Individual components installed in a secure, trailer-mounted enclosure; and (2) a commercially available, portable all-in-one monitoring station (AirPointer).

Costs for installation and one year of operation were similar in either case, ranging from approximately \$125,000 to \$175,000, depending on vendor specifics, maintenance, and reporting requirements. This cost range covers the following: (a) purchase of trailer and enclosure; (b) purchase meteorological station; (c) purchase continuous analyzers for NO_X and PM; (d) purchase of systems for data logging, communications and power supply; (e) installation, operation and maintenance of the above; and (f) reporting.



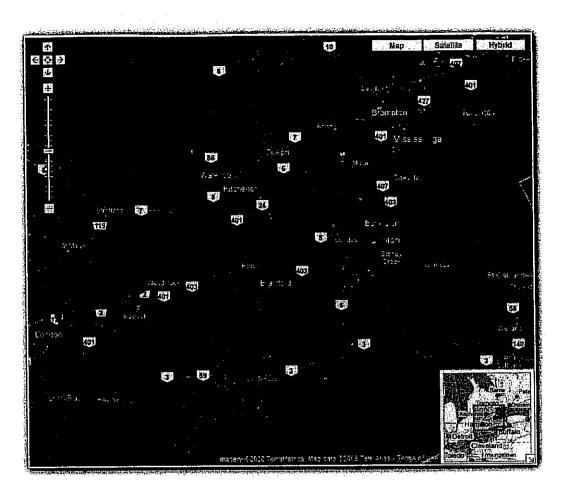
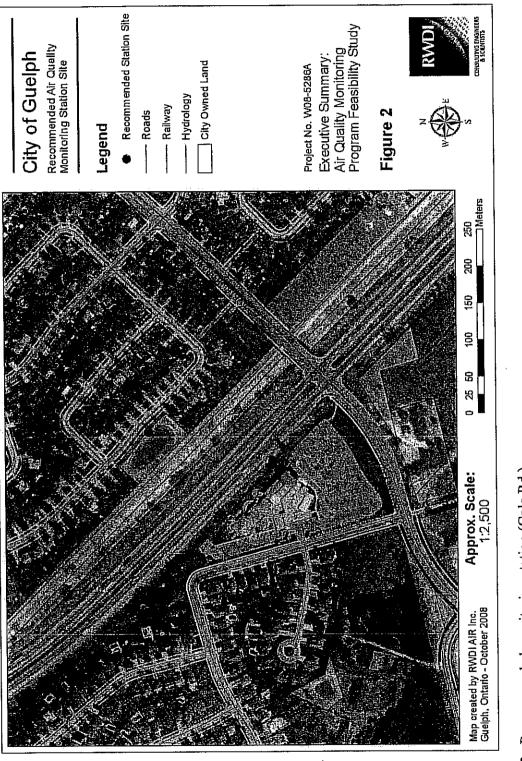


Figure 1. Regional Map of National Air Pollution Surveillance (NAPS) monitoring stations.

RWDI_®





Air Quality Monitoring Program – October 14, 2008 Feasibility Study - Guelph - Project W08-5286A

RWDI ® Page 4



Engineering Services

File No.

Making a Difference 16.111.043

То:	Mayor and Councillors				
From:	Rajan Philips, Manager Transportat	ion Planning a	nd Development Engineering		
Department:	CDDS	Division:	Engineering		
Date:	November 17, 2008				
Subject:	Additional Information on Air Ou	ality Monitoring	r		

Further to the Community Development and Environmental Services Committee Report (08-107) entitled "Air Quality Monitoring Program", presented to CDES Committee on November 7, 2008, and in response to clarifications required by the Committee, we provide the following additional information.

1. Budget Allocations

A budget of \$250,000 has been allocated for 2009 and 2010 each, for a total of \$500,000, paid by Development Charges. This covers the purchase of the main monitoring equipment and ancillary components for a total of \$185,000, and the annual cost of \$35,000, for maintaining and operating the equipment, carrying out monitoring and reporting, spread over nine years (\$35,000 * 9 = \$315,000).

The yearly allocations in the Capital Budget will be revised to show \$220,000 (\$185,000 + \$35,000) for 2009 and \$35,000 yearly from 2010 to 2017.

This will enable us to carry out air quality monitoring adjacent to the Hanlon Expressway before and after the Hanlon improvements and carry out monitoring at other locations throughout the City.

2. Questions about Air Quality Monitoring

(a) Who raised questions about Air Quality in the Hanlon EA and how will a monitoring program address their concerns?

Concerns about air quality have been raised by a number of residents and stakeholders during the public consultation for the Hanlon EA. These concerns are consistent with the 2007-2008 Annual Report (October 2008) of the Environmental Commissioner of Ontario (ECO), which identifies the need to better understand air quality at the most public of places: street-level.

Assessing air quality impacts is also a requirement in the EA process and the assessment is usually based on theoretical modeling. MTO has undertaken such an assessment for the Hanlon EA, but those who are concerned about air quality impacts have asked that physical measurement of pollutants be carried out before and after the proposed Hanlon improvements. To that end, several residents have suggested the relocation of the monitoring equipment from the Exhibition Park to the Hanlon corridor.

As indicated in the staff report, the monitoring station at the Exhibition Park is operated by the Ministry of the Environment to capture regional level pollutants and cannot be relocated to capture the more local pollutants associated with roadway traffic. For this reason staff are recommending that a separate monitoring exercise be undertaken using a new portable monitoring station before and after the Hanlon





improvements are in place. The same monitoring station can be moved around to other areas of concern, such as road construction sites and industrial areas, to carry out additional monitoring.

The residents and stakeholders who raised concerns about air quality in the Hanlon EA process have welcomed the proposed initiative for air quality monitoring.

(b) What practical use can be made of the results and data from air quality monitoring?

City staff routinely collect data in regard to hard services (e.g. roads, water, wastewater, stormwater, transit etc.) and related infrastructure. Such data is used in assessing if the standards for safety, quality, and reliability are being met, and in planning and implementing the maintenance and upgrades of the existing infrastructure. The data is also shared and used by other levels of government and agencies, businesses, consultants, and Guelph residents.

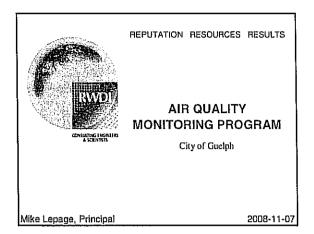
Air quality monitoring will add to the City's database. The data will be available for the general public, the Medical Officer of Health, environmental stakeholders, businesses, and consultants. Specific applications of the data will include:

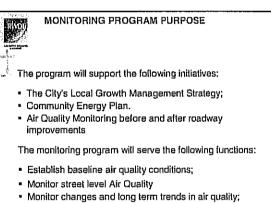
- Complementing the current air quality monitoring at the Exhibition Park and providing more local and area specific information;
- Identification of the nature and intensity of different pollutants in different parts of the City for public information and for use by medical officers to assess potential health implications;
- Identification of causes of local pollutants e.g., traffic volumes, traffic flows, road construction, industrial emissions;
- Assessment of before-and-after air quality changes relating to transportation improvements (e.g., the Hanlon, Stone Road, Kortright Road, York Road etc.);
- Using information about pollutants and air quality changes in the planning and timing of road improvements and construction, and in considering traffic calming measures; and
- Assessment of before-and-after air quality changes relating to major land use changes and other scale projects under the Community Energy Plan, and the use of the data in land use planning and CEP projects.

(c) How long will the Air Quality Monitoring Program last?

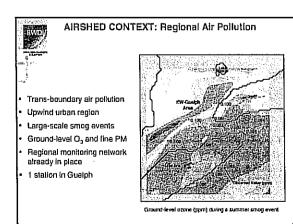
The program is currently proposed as a pilot initiative that will begin in 2009 and last unti 2017. This will enable the monitoring of air quality before and after the proposed Hanlon improvements in the College-Stone-Kortright area. Towards the end of the pilot project, staff will make an assessment of the program and recommend to Council if the program should be extended or terminated. The cost of extending the program will be recovered through future Development Charges By-Law updates. Staff will also explore opportunities for cost sharing the program with Provincial Agencies.

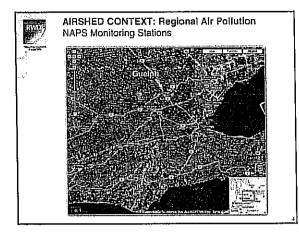


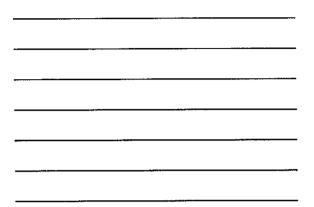


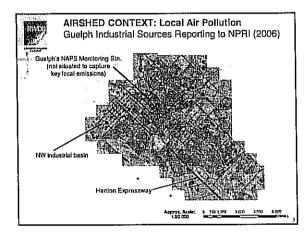


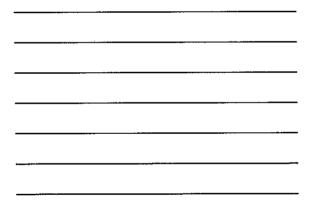
Effectively communicate results to the public.

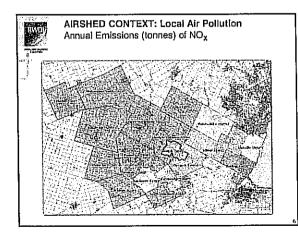


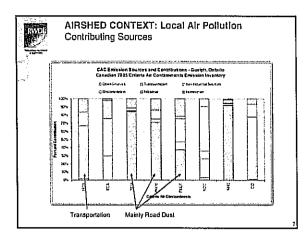


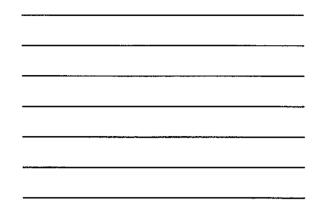


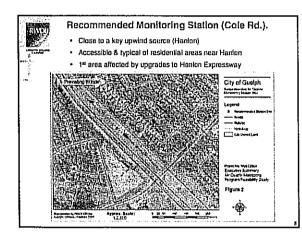


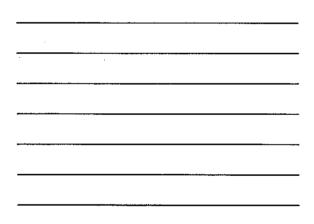




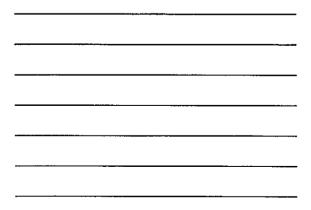


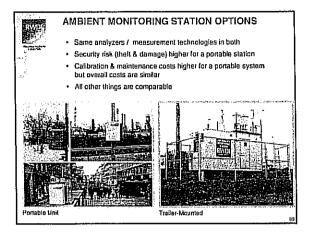


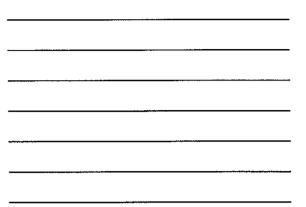


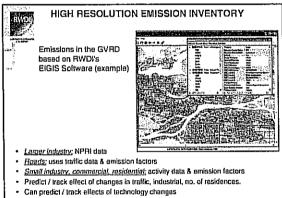


Pollutants c	f Concern	
Priority Pollutants	Oxides of Nilrogen (NO _x)	Key for both transportation and industrial sources; Practical to monitor
	Fine Particulate Matter (PM _{2.5})	Same as above
	Sulphur Dioxide (SO ₂)	Not much emitted by Guelph industries
Non-priority Pollutants	Volatile Organic Compounds (VOC)	Can measure total VOC, but impractical to measure individual species
·	Ground-level Ozone (O ₃)	sufficiently recorded at NAPS station









Policy and Technology Changes

Next Steps

- · Purchase and install air monitor at Cole Rd site
- Commence monitoring in 2009 prior to Hanlon Expressway improvements
- · Develop a City-wide air emissions inventory
- Prepare an annual air quality monitoring report starting in 2010

COMMITTEE REPORT



ТО	Community Development and Environmental Services Committee
SERVICE AREA DATE	Community Design and Development Services November 7, 2008
SUBJECT	EXPANSION OF THE MUNICIPAL REGISTER OF CULTURAL HERITAGE PROPERTIES TO INCLUDE NON- DESIGNATED BURCHER-STOKES PROPERTIES (REVISED)
REPORT NUMBER	08-108

RECOMMENDATION

THAT Report 08-108, dated November 7, 2008 from Community Design and Development Services, regarding the expansion of the *Municipal Register of Cultural Heritage Properties* to include the "non-designated" *City of Guelph Inventory of Heritage Structures* (Burcher-Stokes Properties) be received;

AND THAT the *Municipal Register of Cultural Heritage Properties* be expanded to include the "non-designated" *City of Guelph Inventory of Heritage Structures* (Burcher-Stokes Properties) listed in Attachment 3.

BACKGROUND

In 2007, Council endorsed a three phase process to expand the *Municipal Register* of *Cultural Heritage Properties*. This report addresses the first phase which is the expansion of the Register to include approximately 1,900 cultural heritage resources listed on the *City of Guelph Inventory of Heritage Structures* compiled by Frank Burcher and Peter Stokes during the 1990s hereafter referred to as the Burcher-Stokes Inventory. The second phase involves the development of weighting/ranking criteria for the entire list of cultural heritage resources within the City (approx. 4,000 properties). Phase three involves the application of the criteria to the City's *Architectural Inventory* compiled by Gordon Couling during the 1970s to determine which of these properties should also be included on the Register (approx. 2,100 properties).

The Ontario Heritage Act requires municipalities to keep a Register identifying all properties "designated" by a municipality or by the Minister to have cultural heritage value or interest under Part IV (individual designation) and Part V (district designation) of the Ontario Heritage Act. The Register serves as the official listing of cultural heritage properties identified as being important to the community.

Information to be included in the Register for each designated property includes: legal description; name and address of owner; and a statement explaining the cultural heritage value or interest along with a description of the property's heritage attributes (See Attachment 1).

The Register may be expanded to also include "non-designated" properties that a Council believes to be of cultural heritage value or interest on its Municipal Register under section 27.1.2 of the Ontario Heritage Act. If an owner wishes to remove or demolish a "non-designated" property included on the Municipal Register the owner must provide the City with at least 60 days notice. This time period provides a municipality with additional time to consider the application and decide if the property should be designated. If designated, the heritage elements identified in the designation by-law would be protected and their demolition/removal subject to an approval process prescribed in the Ontario Heritage Act.

For properties not listed on the Municipal Registry, a municipality has 10 working days to consider a residential demolition permit and 20 working days to consider a commercial/industrial demolition permit under the *Ontario Building Code*. These review timeframes are typically inadequate to determine the heritage significance of a property and whether further protection should be applied to elements of the property through designation.

The decision to include a "non-designated" property on the Municipal Register lies with the local Council. However, Council must consult with its Municipal Heritage Committee, i.e., Heritage Guelph, prior to including a "non-designated" property on the Register.

Although the inclusion of a "non-designated" property on the Register does not legally require public notification, it is recommended so that property owners are aware of the Register and understand the implications of their property's inclusion. The only information that needs to be included in the Register for a "nondesignated" listing is a property description so that it can be readily identified. However, a brief rationale is recommended to explain the property's potential cultural heritage value or interest. The proposed content of Register listings for "non-designated" properties is illustrated on Attachment 2.

Municipal Register of Cultural Heritage Properties and the *City of Guelph Heritage Inventory*

The City of Guelph currently has 83 designated properties/structures included in its *Municipal Register of Cultural Heritage Properties*. There are roughly 4,000 additional properties on the *City of Guelph Heritage Inventory* that are not yet designated which could be added to the Municipal Register. Previous counts of 3,000 heritage properties were erroneously reported due to an unknown limitation placed on the number of properties that can be accessed by the City's data system at one time.

The City of Guelph Heritage Inventory of Cultural Heritage Resources consists of two inventories; the Architectural Inventory compiled by Gordon Couling and the City of Guelph Inventory of Heritage Structures compiled by Frank Burcher and

Peter Stokes. The Couling Inventory was developed in the 1970's with a focus on age and stone architecture. Essentially, any building/structure constructed prior to 1927 (Guelph's Centennial) was included on this inventory. During the 1990's, the Burcher-Stokes Inventory was completed to update the Couling Inventory and was expanded to include properties located within the current City boundaries. The Burcher-Stokes Inventory focused on architectural and historical merit. Although there is some duplication of properties on both inventories, the address listings are not the same since different assessment criteria were used. Some properties included in the Couling Inventory are absent from the Burcher-Stokes Inventory and vice-versa. As a result there are approximately 4,000 individual properties on the combined inventory list. In addition, Heritage Guelph occasionally recommends that additional properties be added to the heritage inventory.

As per Phase I of the work plan, this report is recommending that the Burcher-Stokes Inventory be considered for inclusion in the Register at this time on the basis that this recent inventory looked at both architectural and historical merit and has been evaluated to ensure that the listings would meet current legislated designation criteria. The Register expansion would also bring clarity to the demolition process and provide Council with a 60 day review period to determine whether the resource may be removed/demolished or if the designation process should be initiated.

Current Practice

Currently, the *City of Guelph Heritage Inventory* is used by the City as a source of potential designations and is a consideration in the development approval process. The Inventory is included in the City's property tracking system, AMANDA, which serves as a flag for any development or demolition application or query made on a property. Currently, owners become aware of their inclusion on the inventory when they make a building/planning application or inquiry to the City.

The Registry will provide a more readily accessible means for property owners and potential purchasers to become aware of the properties on the Inventory.

Public Consultation

An earlier report was scheduled for the October 10, 2008 Community Development and Environmental Services meeting concerning the expansion of the Municipal Register but was deferred. Notification concerning the October report was quite extensive and included individual notices to all affected property owners and a general notice was included in the newspaper. Over 140 queries were received in response to the notice, demonstrating property owners' concern and interest in the proposed expansion. Concerns were expressed with respect to impacts on property rights, property values, property standards, future additions/modifications, taxes and resale value. A number of owners expressed interest in being designated to protect their site for future generations. Staff advised that the listing of "nondesignated" properties on the Municipal Register simply formalizes a 60 day review period to allow the City to assess whether the heritage resource should be protected through designation or may be demolished. This report serves as an update to the October 2008 report and outlines the quantity and content of concerns expressed. A general notice was included in the newspaper about rescheduling the report and anyone who expressed a concern has been notified of the meeting change. In addition, an open house prior to the CDES meeting was scheduled to provide an informal opportunity for people to express their concerns and learn more about the proposed expansion to the Municipal Register. An information brochure will also be developed explaining what it means to be on the Registry to compliment the existing brochures on individual and district heritage designations.

REPORT

Inclusion of Burcher-Stokes Inventory Properties on the Municipal Register It is recommended that the *Municipal Register of Cultural Heritage Properties* be expanded to include the "non-designated" properties on the Burcher-Stokes Inventory listed in Attachment 3. The Burcher-Stokes Inventory includes approximately 1,900 entries. In order to test the appropriateness of the properties on the inventory for future consideration for designation, a sampling exercise was completed and confirmed that the properties would meet current designation criteria prescribed by the revised *Ontario Heritage Act*.

A few University of Guelph properties have been excluded from this initial expansion of the Municipal Register in order to provide additional time to assess the sites and continue our dialogue with University staff. The sites excluded from Appendix 3 mainly deal with walkways, lanes (which would not be subject to a demolition permit) and a few newer structures.

If approved by Council, the properties will be included in the Register and an appropriate code will be input into the City's AMANDA system so that when a demolition or removal request is made, applicants are informed of the process and the need for the City to respond within a 60 day period.

Council must make a decision and determine if the property should be designated under the *Ontario Heritage Act* or not. If the Council determines, with the advice of Heritage Guelph, that the property should be designated, a notice of intent to designate must be given and the process for designation applied pursuant to the *Ontario Heritage Act*. If the Council decides that the property is not to be protected, the property will be removed from the Municipal Registry and the demolition permit may be issued.

Next Steps

The second phase of the Register expansion project involves establishing weighting /ranking criteria for the properties on the *City of Guelph Inventory of Cultural Heritage Resources* to assist in determining priorities for both individual and district heritage designations. The criteria will also be used to determine which Cultural Heritage Resources should be added to the Registry in addition to the Burcher-Stokes listings added previously in phase one. Consulting services will be required to develop the weighting/ranking criteria.

The third phase will involve the analysis of the Couling Inventory properties, that are not on the Burcher-Stokes Inventory, and whether they should be included on

the Municipal Register. This will be done by applying the criteria and weighting methodology developed in Phase II.

The long term aim is to evaluate all the properties on the Municipal Registry to determine if they should be individually designated or included in a heritage district.

Conclusion

The inclusion of the Burcher-Stokes Inventory properties on the Municipal Register will signal a strong level of commitment to heritage protection within the City. It also provides additional time for Council to consider the heritage value of those properties included on the Municipal Register, that are the subject of a demolition permit, and determine whether the property should be designated or permitted to be demolished.

CORPORATE STRATEGIC PLAN

The expansion of the *Municipal Register of Cultural Heritage Properties* is integral to achieving the City's Strategic Goal 4, "a vibrant and valued arts, cultural and heritage identity". The Register will also influence Goal 1, "an attractive, well-functioning and sustainable city".

FINANCIAL IMPLICATIONS

The City has included \$25,000 in the Operating Budget (2009) for professional consulting fees with approximately \$20,000 set aside for Phase 2 of the Expansion of the Municipal Register.

DEPARTMENTAL CONSULTATION

As required under Section 27.1.3 of the *Ontario Heritage Act*, Heritage Guelph has been consulted regarding the inclusion of the Burcher Stokes properties on the Municipal Register and has approved their inclusion using the phased approach presented above which was endorsed by Council on July 16, 2007. The Register and its expansion has involved Information Services and Community Design and Development Services. Direction regarding the project approach, register format, content, creation, maintenance and communication strategy has been provided by Community Design and Development. Assistance has also been provided by Heritage Guelph members, the City's Municipal Heritage Committee. Pursuant to the *Ontario Heritage Act*, the Register will be kept in the Clerk's Office, Information Services.

COMMUNICATIONS

A comprehensive Communications Plan has been developed to inform individual property owners and the public of cultural heritage resources within the City of Guelph and policies governing their protection. The Communications Plan is meant to help clarify the process and inform people of the implications of a Register listing and property designation. In 2007, the following communication activities were completed: two public open houses on the Municipal Register in December; and participation and displays at community heritage events throughout the year (e.g. Spotlight on Heritage, Doors Open Guelph, Art on the Street). Information brochures/bulletins were also distributed. Information on the Municipal Register has been posted on the City's website and will be included in a public information brochure.

ATTACHMENTS

Attachment 1 - Sample Municipal Register Entry for Designated Property Attachment 2 - Sample Municipal Register Entry for Non-Designated Property Attachment 3 - Non-Designated Properties to be Listed in the Municipal Register

Prepared By/

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Attachment 1 Sample Municipal Register Entry for Designated Property

16 Oxford Street

Address: 16 Oxford Street

By-law: (1983)-11359 **Legal Description:** Part Lot 641, Plan 8 **Current Owner:** David Leger and Jennifer Leger

Designated Portions

The designation covers the Oxford Street façade and the rest of the original brick structure, while excluding rear additions of later date. Features of the Oxford Street façade are, more specifically:

- a) The deep, four-columned verandah with railings of turned balusters.
- b) The central enclosed entry vestibule of wood and glass.
- c) Two bow windows under the verandah.
- d) Three upper floor windows, surmounted by brick arches, with fitted shutters.
- e) Gable end of roof over the easterly half of the façade.

The brick side-walls, side window openings and roof, of intersecting gable form, are the recognized parts of the rest of the original structure.

Property History

This two storey house was built of cream-coloured brick on a stone foundation about 1871. Originally it faced Nelson Crescent but was relocated circa 1912. Its façade retains considerable character with its twin bow windows and enclosed entry vestibule beneath the wide verandah. For ninety years it was the home of the family of George Williams, prominent Wyndham street merchant. The house forms a significant visual anchor for the residential streetscape to the west.

The designation covers the Oxford Street façade and the rest of the original brick structure, while excluding rear additions of later date.



Attachment 2 Sample Municipal Register Entry for Non-Designated Property

Photo	Prop	erty Address	Legal Address	Significant Features	Build Date
	21	Aberdeen St.	Pt Lot 6, Plan 29	Neo-Classic Vernacular; 1 1/2 storey; 2 bay; gable roof to street; tooled sills; hammer dressed lintels; pedimented lintel to lower row; bolection-moulded panelled and glass door; transom over; twin rows to lower opening; later gable-roofed entrance porch.	c. 1875
	61	Albert Street	Pt Lot 24, Pt Lot 25, Plan 37	Ontario Cottage, 3 bay, hammer dressed quoins and lintels, tooled sills, (modified door) with transom, 2/2 sash, side rendered with ashlar- pattern stucco.	c. 1880
	12	Albert Street	Pt Lot 11, Plan 37	Edwardian, 2 storey and attic, 2 bay, gable to street, rusticated stone sills and lintels, 1/1 sash, panelled and glass door, transom, original verandah with turned posts, bracketed, keyhole windows with rusticated brick architraves.	c. 1906
		Albert Street	Lot 12, Plan 37	Ontario Cottage, 3 bay, 'white' brick flush quoins and segmental arches, 1/1 sash, panelled and glazed door with horizontal bead-edged and convex profile centre panel, (later entrance porch).	c. 1880
	20	Albert Street	Pt Lot 13, Plan 37	Neo-Classic Vernacular, 1 storey and loft (made into attic with modern Palladian windows in large gabled, board & batten front dormer), later Victorian elaborate panelled and glazed door, plain transom above, bush-hammered and tool-margined flush architrave to openings including lintels, tooled sills, bush-hammered and tooled plinth band course, (repointed flush), (windows renewed).	c. 1860
	24	Albert Street	Pt Lot 13, Plan 37	Neo-Classic Vernacular, 1 ½ storey, 3 bay, gable roof, tooled sills, hammer dressed lintels, 6/6 sash, panelled and glazed door, 1 storey, 1 bay South extension up ½ floor, very small flag lot, faced Gordon Street.	c. 1855

Attachment 3 Non-Designated Properties to be Listed in the Municipal Register

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130 Dufferin St.188-194 Edinburgh99/101 Essex St.19 Fountain St. W130 Dufferin St.310 Edinburgh Rd. N310 Edinburgh Rd. N35/37 Fountain St. W130 Dufferin St.310 Edinburgh Rd. N310 Edinburgh Rd. S106 Essex St.35 Galt St.130 Durham St.37 Edinburgh Rd. S122 Essex St.35 Galt St.130 Durham St.93 Edinburgh Rd. S7 Exhibition St.35 Galt St.27/29 Durham St.95/97 Edinburgh Rd. S19 Exhibition St.35 Galt St.37 Durham St.95/97 Edinburgh Rd. S19 Exhibition St.264 Exhibition St.37 Durham St.254 Edinburgh Rd. S226 Exhibition St.22 Galt St.37 Durham St.302-306 Edinburgh264 Exhibition St.18 Extra St.79 Durham St.998 Edinburgh Rd. S264 Exhibition St.18 Gadstone Ave.70 Durham St.998 Edinburgh Rd. S81 Farquhar St.113 Glasgow St. N74 Durham St.29 Edwin St.111 Farquhar St.113 Glasgow St. N70 Durham St.29 Edwin St.111 Farquhar St.27 Glasgow St. N74 Durham St.10 Edwin St.15 Fergus St.27 Glasgow St. N74 Durham St.10 Edwin St.15 Fergus St.27 Glasgow St. N74 Durham St.10 Elizabeth St.15 Fergus St.27 Glasgow St. N74 Durham St.10 Elizabeth St.12 Forbes Ave.59 Glasgow St. N74 Durham St.12 Elizabeth St.12 Forbes Ave.59 Glasgow St. N74 Durham St.12 Elizabeth St.12 Forbes Ave.59 Glasgow St. N <th> 150 Dufferin St. 196 Dufferin St. 13 Durham St. 19 Durham St. 23 Durham St. 27/29 Durham St. 27/29 Durham St. 37 Durham St. 63 Durham St. 63 Durham St. 64 Durham St. 70 Durham St. 74 Durham St. 74 Durham St. 74 Durham St. 74 Durham St. 75 Durham St. 74 Durham St. 74 Durham St. 75 Durham St. 74 Durham St. 74 Durham St. 75 Durham St. 74 Durham St. 75 Durham St. 76 Durham St. 76 Durham St. </th> <th>Rd. N 310 Edinburgh Rd. N 37 Edinburgh Rd. S 49 Edinburgh Rd. S 93 Edinburgh Rd. S 95/97 Edinburgh Rd. S 375 Edinburgh Rd. S 375 Edinburgh Rd. S 254 Edinburgh Rd. S 302-306 Edinburgh Rd S. 998 Edinburgh Rd. S 6 Edmonton Dr. 21 Edwin St. 23 Edwin St. 29 Edwin St. 41 Edwin St. 10 Edwin St. 20 Edwin St. 32 Edwin St. 32 Edwin St. 16 Elizabeth St. 178 Elizabeth St. 412 Elizabeth St. 21 Elora St.</th> <th> 115 Essex St. 86 Essex St. 106 Essex St. 122 Essex St. 7 Exhibition St. 19 Exhibition St. 135 Exhibition St. 135 Exhibition St. 297 Exhibition St. 297 Exhibition St. 264 Exhibition St. 275 Farquhar St. 111 Farquhar St. 72 Farquhar St. 118-120 Farquhar St. 118-120 Farquhar St. 26 Fergus St. 26 Fergus St. 28 Ferndale Ave. 21 Forbes Ave. 14 Forbes Ave. 84 Forbes Ave. 61 Forest St. </th> <th>35/37 Fountain St. W G 23 Galt St. 35 Galt St. 43 Galt St. 47 Galt St. 52/54 Galt St. 72 Galt St. 80 Galt St. 11 Garth St. 8 Garth St. 18 Gladstone Ave. 1/3 Glasgow St. N 11/13 Glasgow St. N 15/19 Glasgow St. N 29/31/33 Glasgow St. N 35/37/39 Glasgow St. N 43 Glasgow St. N 43 Glasgow St. N 59 Glasgow St. N 63 Glasgow St. N 63 Glasgow St. N 73 Glasgow St. N 75/79 Glasgow St. N</th>	 150 Dufferin St. 196 Dufferin St. 13 Durham St. 19 Durham St. 23 Durham St. 27/29 Durham St. 27/29 Durham St. 37 Durham St. 63 Durham St. 63 Durham St. 64 Durham St. 70 Durham St. 74 Durham St. 74 Durham St. 74 Durham St. 74 Durham St. 75 Durham St. 74 Durham St. 74 Durham St. 75 Durham St. 74 Durham St. 74 Durham St. 75 Durham St. 74 Durham St. 75 Durham St. 76 Durham St. 76 Durham St. 	Rd. N 310 Edinburgh Rd. N 37 Edinburgh Rd. S 49 Edinburgh Rd. S 93 Edinburgh Rd. S 95/97 Edinburgh Rd. S 375 Edinburgh Rd. S 375 Edinburgh Rd. S 254 Edinburgh Rd. S 302-306 Edinburgh Rd S. 998 Edinburgh Rd. S 6 Edmonton Dr. 21 Edwin St. 23 Edwin St. 29 Edwin St. 41 Edwin St. 10 Edwin St. 20 Edwin St. 32 Edwin St. 32 Edwin St. 16 Elizabeth St. 178 Elizabeth St. 412 Elizabeth St. 21 Elora St.	 115 Essex St. 86 Essex St. 106 Essex St. 122 Essex St. 7 Exhibition St. 19 Exhibition St. 135 Exhibition St. 135 Exhibition St. 297 Exhibition St. 297 Exhibition St. 264 Exhibition St. 275 Farquhar St. 111 Farquhar St. 72 Farquhar St. 118-120 Farquhar St. 118-120 Farquhar St. 26 Fergus St. 26 Fergus St. 28 Ferndale Ave. 21 Forbes Ave. 14 Forbes Ave. 84 Forbes Ave. 61 Forest St. 	35/37 Fountain St. W G 23 Galt St. 35 Galt St. 43 Galt St. 47 Galt St. 52/54 Galt St. 72 Galt St. 80 Galt St. 11 Garth St. 8 Garth St. 18 Gladstone Ave. 1/3 Glasgow St. N 11/13 Glasgow St. N 15/19 Glasgow St. N 29/31/33 Glasgow St. N 35/37/39 Glasgow St. N 43 Glasgow St. N 43 Glasgow St. N 59 Glasgow St. N 63 Glasgow St. N 63 Glasgow St. N 73 Glasgow St. N 75/79 Glasgow St. N
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55 Edgehill Dr.14-46 Elora St.79 Forest St.117 Glasgow St. N32 Edgehill Dr.34 Elora St.233 Forestell Rd.123 Glasgow St. N34 Edgehill Dr.170 Emma St.29 Foster Ave.127 Glasgow St. N75 Edinburgh Rd. N174 Emma St.35 Foster Ave.133 Glasgow St. N	32 Edgehill Dr. 34 Edgehill Dr.	34 Elora St. 170 Emma St. 174 Emma St.	233 Forestell Rd. 29 Foster Ave.	123 Glasgow St. N 127 Glasgow St. N

143 Glasgow St. N 151/153 Glasgow St. N 159 Glasgow St. N 187 Glasgow St. N 193 Glasgow St. N	345 Gordon St. 359 Gordon St. 1647 Gordon St. 1949 Gordon St. 2187 Gordon St. 2-6 Gordon St.	19 Green St. 25-27 Green St. 31 Green St. 37/39 Green St. 45 Green St. 59 Green St.	47 Inkerman St. 6 Inkerman St. 12 Inkerman St. 100 Inkerman St. 33 Islington Ave. J
215 Glasgow St. N 221 Glasgow St. N 12 Glasgow St. N 12-20 Glasgow St. N	26 Gordon St. 72 Gordon St. 218-220 Gordon St. 324 Gordon St.	28 Green St. 32 Green St. 56 Green St. 60 Green St.	11 Jackson St. 23 Jackson St. 22 James St. E 10 James St. W
22 Glasgow St. N 26-40 Glasgow St. N 30 Glasgow St. N	330 Gordon St. 332 Gordon St. 336 Gordon St. 358 Cordon St.	25 Grove St. 31 Grove St. 45 Grove St. 73 Grove St.	30 James St. W 18 Jane St. 95-117 Johnson St.
42-60 Glasgow St. N 42 Glasgow St. N 48 Glasgow St. N 54 Glasgow St. N	358 Gordon St 776 Gordon St. 1428 Gordon St. 1640 Gordon St.	73 Grove St. 118 Grove St. 176/178 Grove St. H	101/103 Johnson St. K 8 Kathleen St.
60 Glasgow St. N 78 Glasgow St. N 108 Glasgow St. N	1756 Gordon St. 1858 Gordon St. 1912 Gordon St.	25 Harcourt Dr. 35 Harcourt Dr. 20 Harcourt Dr.	14 Kathleen St. 18 Kathleen St. 26 Kathleen St. 50 Kathleen St.
112 Glasgow St. N 120 Glasgow St. N 126 Glasgow St. N 136 Glasgow St. N	2054 Gordon St. 2162 Gordon St. 2270 Gordon St. 270 Grange Rd.	24 Harcourt Dr. 45 Hardy St. 51 Harrison Ave. 40 Harrison Ave.	64 Kathleen St. 72 Kathleen St. 78 Kathleen St.
144 Glasgow St. N 150 Glasgow St. N 154 Glasgow St. N	300 Grange Rd. 25/27 Grange St. 29/31 Grange St.	132 Harts Ln. 61 Hearn Ave. 63 Hearn Ave.	102/104 Kathleen St. 9/11 Kent St. 17 Kent St. 25 Kent St.
160 Glasgow St. N 178 Glasgow St. N 188 Glasgow St. N 192 Glasgow St. N	37/39/41 Grange St. 37 Grange St. 39 Grange St. 41 Grange St.	73 Hearn Ave. 77 Hearn Ave. 87 Hearn Ave. 62 Hearn Ave.	45 Kent St. 59 Kent St. 73 Kent St.
198 Glasgow St. N 202 Glasgow St. N 208/210 Glasgow St.	53 Grange St. 71-83 Grange St. 71 Grange St.	68 Hearn Ave. 70 Hearn Ave. 72 Hearn Ave.	81 Kent St. 85 Kent St. 68/70 Kent St. 76 Kent St.
N 224 Glasgow St. N 228 Glasgow St. N 236 Glasgow St. N	73/75 Grange St. 77 Grange St. 79/81 Grange St. 83 Grange St.	7 Heather Ave. 13 Highview Pl. 18 Honey Cres. 49 Hooper St.	80 Kent St. 10 Kerr St. 14 Kerr St. 3 King St.
11 Glasgow St. S 15 Glasgow St. S 17 Glasgow St. S 47 Glasgow St. S	109 Grange St. 117 Grange St. 123 Grange St. 135 Grange St.	34 Hooper St. 11 Howitt St. 23 Howitt St. 33 Howitt St.	13 King St. 45 King St. 101 King St. 127 King St.
56/58 Glasgow St. S 15 Gordon St. 19/21 Gordon St. 197 Gordon St.	6 Grange St. 66 Grange St. 140 Grange St. 2/4 Grant St.	37 Howitt St. 57 Howitt St. 120 Huron St. 125 Huron St.	157 King St. 163 King St. 181 King St.
325 Gordon St. 329 Gordon St. 335 Gordon St.	8 Grant St. 12 Grant St. 11 Green St.	41 Hyland Rd.	193 King St. 203 King St. 34 King St.

52 King St. 114 King St. 120 King St.	72 Liverpool St. 80 Liverpool St. 86 Liverpool St.	M 23 a,b,c MacDonnell St.	43 McTague St. 49 McTague St. 51 McTague St.
124 King St. 132 King St.	124 Liverpool St. 128 Liverpool St.	51-55 MacDonnell St.	57 McTague St. 65 McTague St.
134/136 King St.	206 Liverpool St.	89 MacDonnell St.	73/75 McTague St.
138/138A King St. 154/156 King St.	208-214 Liverpool St.	20-26 MacDonnell St.	6/8 McTague St. 14 McTague St.
188 King St.	224 Liverpool St. 15/15A London Rd.	28-32 MacDonnell	22 McTague St. 26 McTague St.
198 King St. 210 King St.	E	St. 44 MacDonnell St.	30 McTague St.
9 Kirkland St.	19 London Rd. E	72-76 MacDonnell	36 McTague St. 42 McTague St.
17 Kirkland St. 25 Kirkland St.	25/27 London Rd. E 29 London Rd. E	St. 82 MacDonnell St.	60 McTague St.
37 Kirkland St.	14 London Rd. E	88 MacDonnell St.	35/37/39/41 Meadowview Ave.
47 Kirkland St. 57 Kirkland St.	18 London Rd. E 25 London Rd. W	90 MacDonnell St. 92-96 MacDonnell	47 Meadowview Ave.
67 Kirkland St.	29 London Rd. W 31/33 London Rd. W	St.	100 Memorial Crst. 106-112 Memorial Crst.
12 Kirkland St. 16/18 Kirkland St.	37/39 London Rd. W	98 MacDonnell St. MacDonnell St.	132 Memorial Crst.
38 Kirkland St.	41 London Rd. W 51 London Rd. W	(Bridge)	13 Merion St. 29-39 Merion St.
42 Kirkland St. 66/68 Kirkland St.	55 London Rd. W	MacDonnell St. (Rail Viaduct)	33 Merion St.
26 Kron Dr.	59 London Rd. W 175 London Rd. W	99 Maltby Rd. W	57 Merion St. 27 Merritt Blvd.
L 134 Lane St.	193 London Rd. W	19 Manitoba St. 29 Manitoba St.	32 Merritt Blvd.
45 Lemon St.	195 London Rd. W 197 London Rd. W	75 Manitoba St.	49 Metcalfe St. 140 Metcalfe St.
51 Lemon St. 24 Lemon St.	16/18 London Rd. W	48 Manitoba St. 60 Manitoba St.	236 Metcalfe St.
46 Lemon St.	20 London Rd. W 26 London Rd. W	66 Manitoba St.	41 Mitchell St. 14 Mitchell St.
56 Lemon St. 3 Liverpool St.	36 London Rd. W	74 Manitoba St. 65 Maple St.	24 Mitchell St.
15 Liverpool St.	42 London Rd. W 50 London Rd. W	34 Maple St.	40/42 Mitchell St. 27 Mont St.
23/25 Liverpool St. 33 Liverpool St.	76 London Rd. W	66 Maple St. 104 Maple St.	33 Mont St.
37 Liverpool St.	128 London Rd. W 140 London Rd. W	124 Maple St. 7 Maplewood Dr.	59 Mont St. 69 Mont St.
41 Liverpool St. 71/73 Liverpool St.	19 Lyon Ave.	13 Marcon St.	75 Mont St.
77/79 Liverpool St.	21 Lyon Ave. 23-33 Lyon Ave.	14 Marcon St. 6 Margaret St.	12 Mont St. 20 Mont St.
83 Liverpool St. 117 Liverpool St.	23 Lyon Ave.	40 Margaret St.	28 Mont St.
129 Liverpool St.	33 Lyon Ave. 59 Lyon Ave.	31 Margaret St. 37 Margaret St.	44 Mont St. 5 Monticello Crst.
135 Liverpool St. 18 Liverpool St.	51-63 Lyon Ave.	63/65 Martin Ave.	2 Monticello Crst. 21 Monticello Crst.
22 Liverpool St.	12 Lyon Ave. 24 Lyon Ave.	15 McTague St. 21/23 McTague St.	23 Monticello Crst.
26/28 Liverpool St. 42 Liverpool St.	50 Lyon Ave.	29 McTague St.	112 Morris St.
68 Liverpooi St.	52 Lyon Ave. 70 Lyon Ave.	35 McTague St.	N

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5-7 Neeve St.	28 Norfolk St.	37 Norwich St. E	43 Ontario St.
11 Neeve St.	72 Norfolk St.	41 Norwich St. E	49 Ontario St.
33 Neeve St.	122 Norfolk St.	111 Norwich St. E	55 Ontario St.
35 Neeve St.	150 Norfolk St.	129 Norwich St. E	65 Ontario St.
83 Neeve St.	186 Norfolk St.	18 Norwich St. E	73 Ontario St.
	190 Norfolk St.	20 Norwich St. E	79 Ontario St.
101-103 Neeve St.			93 Ontario St.
109 Neeve St.	206 Norfolk St.	30 Norwich St. E	
115 Neeve St.	Northumberland St.	34 Norwich St. E	131 Ontario St.
123-141 Neeve St.	61/63	40 Norwich St. E	155 Ontario St.
129 Neeve St.	Northumberland St.	110 Norwich St. E	2-8 Ontario St.
159/161 Neeve St.	67/69	114 Norwich St. E	20 Ontario St.
167/169 Neeve St.	Northumberland St.	126 Norwich St. E	28 Ontario St.
195 Neeve St.	73 Northumberland	132 Norwich St. E	38 Ontario St.
14 Neeve St.	St.	1-9 Norwich St. W	44 Ontario St.
22 Neeve St.	79 Northumberland	17 Norwich St. W	50 Ontario St.
24 Neeve St.	St.	21 Norwich St. W	68/70/72 Ontario St.
26 Neeve St.	83 Northumberland	25/27 Norwich St. W	88 Ontario St.
30 Neeve St.	St.	31 Norwich St. W	104-110 Ontario St.
34A/34B Neeve St.	89 Northumberland	12 Norwich St. W	120 Ontario St.
36 Neeve St.	St.	32/34 Norwich St. W	132 Ontario St.
90-100 Neeve St.	99 Northumberland	44 Norwich St. W	7 Orchard Crs.
132 Neeve St.	St.	50 Norwich St. W	21 Oxford St.
	127/129	35/37 Nottingham	29 Oxford St.
156/158 Neeve St.	Northumberland St.	St.	31 Oxford St.
172 Neeve St.		45 Nottingham St.	39/41 Oxford St.
174 Neeve St.	32 Northumberland	-	61 Oxford St.
202/206/210 Neeve	St.	47 Nottingham St.	65 Oxford St.
St.	38 Northumberland	115 Nottingham St.	
11 New St.	St.	14 Nottingham St.	75 Oxford St.
10/12 New St.	40 Northumberland	16 Nottingham St.	79/81 Oxford St.
20 New St.	St.	50 Nottingham St.	83/85 Oxford St.
35 Niska Rd.	58/60	68 Nottingham St.	111 Oxford St.
49 Norfolk St.	Northumberland St.	104/106 Nottingham	123/125 Oxford St.
75 Norfolk St.	62/64	St.	135 Oxford St.
99 Norfolk St.	Northumberland St.	114 Nottingham St.	145 Oxford St.
109 Norfolk St.	70 Northumberland	0	36 Oxford St.
111-113/115 Norfolk	St.	15/17 Oliver St.	38 Oxford St.
St.	74 Northumberland	21/23 Oliver St.	42 Oxford St.
119/121 Norfolk St.	St.	33/35 Oliver St.	66/68 Oxford St.
123 Norfolk St.	76/78	8 Oliver St.	72 Oxford St.
131 Norfolk St.	Northumberland St.	10 Oliver St.	80 Oxford St.
137 Norfolk St.	86 Northumberland	14 Oliver St.	82 Oxford St.
143 Norfolk St.	St.	5-9 Omar St.	110 Oxford St.
147 Norfolk St.	88 Northumberland	59 Omar St.	130 Oxford St.
153 Norfolk St.	St.		P
161 Norfolk St.	108/110	7/9 Ontario St.	-
177 Norfolk St.	Northumberland St.	15 Ontario St.	305B/307B Paisley Rd.
183 Norfolk St.	120 Northumberland	19 Ontario St.	387 Paisley Rd.
187 Norfolk St.	St.	23/25 Ontario St.	9/11/13 Paisley St
191/193 Norfolk St.	33 Norwich St. E	35 Ontario St.	15/17 Paisley St.
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21 Paisley St.	20 Park Ave.	41 Quebec St.	1 Richardson St.
25 Paisley St.	24/26 Park Ave.	20 Quebec St.	41/43 Richardson St.
27 Paisley St.	28 Park Ave.	30/32 Quebec St.	101 Riverview Dr.
29 Paisley St.	40 Park Ave.	34/36 Quebec St.	143 Riverview Dr.
35 Paisley St.	46 Park Ave.	38/42 Quebec St.	153 Riverview Dr.
47 Paisley St.	50 Park Ave.	44/46 Quebec St.	177 Riverview Dr.
61 Paisley St.	54 Park Ave.	50 Quebec St.	62 Robinson Ave.
65 Paisley St.	60/62 Park Ave.	1 Queen St.	S
77 Paisley St.	64 Park Ave.	5 Queen St.	15 Sherwood Dr.
101 Paisley St.	11/13 Pearl St.	29 Queen St.	31 Sherwood Dr.
119 Paisley St.	21 Pearl St.	35 Queen St.	22 Sherwood Dr.
121 Paisley St.	23 Pearl St.	39 Queen St.	
125/127 Paisley St.	12 Pearl St.	43 Queen St.	43 Short St.
131 Paisley St.	16 Pearl St.	67 Queen St.	44 Short St.
155 Paisley St.	19 Powell St. E	73 Queen St.	35 Skov Crst.
·	20 Powell St. E	75 Queen St.	20 Sloan Ave.
193/195 Paisley St. 205/207 Paisley St.	17 Powell St. W	85 Queen St.	37/39 Southampton St.
• •	29 Powell St. W	107 Queen St.	150 Speedvale Ave. E
209/211 Paisley St.	35/37 Powell St. W	109 Queen St.	212 Speedvale Ave. E
18 Paisley St.	22 Powell St. W	113 Queen St.	85 Speedvale Ave. W
52/54/56 Paisley St.	28 Powell St. W	117 Queen St.	93 Speedvale Ave. W
88 Paisley St.	30 Powell St. W	121 Queen St.	111 Speedvale Ave. W
138 Paisley St.		-	245 Speedvale Ave. W
186 Paisley St.	34 Powell St. W	14 Queen St.	463 Speedvale Ave. W
196 Paisley St.	54 Powell St. W	20-26 Queen St.	38 Speedvale Ave. W
236 Paisley St.	56-68 Powell St. W	52 Queen St.	92 Speedvale Ave. W
23-29, 35 Palmer St.	58 Powell St. W	62 Queen St.	660 Speedvale Ave. W
35 Palmer St.	64 Powell St. W	64 Queen St.	35 Spring St.
55 Palmer St.	7 Preston St.	72 Queen St.	55 St. Arnaud St.
107 Palmer St.	9 Preston St.	80 Queen St.	71 St. Arnaud St.
6/8 Palmer St.	47 Preston St.	92 Queen St.	70/72 St. Arnaud St.
10 Palmer St.	59 Preston St.	100 Queen St.	80 St. Arnaud St.
40 Palmer St.	69 Preston St.	102 Queen St.	56 St. George's Sq.
84 Palmer St.	77 Preston St.	108 Queen St.	527 Stone Rd. E
112 Palmer St.	44 Preston St.	114-118 Queen St.	480 Stone Rd. E
122 Palmer St.	48 Preston St.	120 Queen St.	1 Stuart St.
144 Palmer St.	54 Preston St.	R	7 Stuart St.
154 Palmer St.	66 Preston St.	21-41 Raglan St.	13 Stuart St.
7 Park Ave.	76/78 Preston St.	63 Raglan St.	45 Stuart St.
15 Park Ave.	Q	28 Raglan St.	101 Stuart St.
29 Park Ave.	5/7 Quebec St.	34 Raglan St.	112 Stuart St.
39 Park Ave.	9 Quebec St.	74-80 Raglan St.	120 Stuart St.
45 Park Ave.	11-13 Quebec St.	74 Raglan St.	7-25 Suffolk St. E
49 Park Ave.	15 Quebec St.	1 Regent St.	10 Suffolk St. E
55/57 Park Ave.	17 Quebec St.	17 Regent St.	13 Suffolk St. W
61 Park Ave.	27 Quebec St.	23/25 Regent St.	31 Suffolk St. W
63 Park Ave.	29 Quebec St.	30 Regent St.	37 Suffolk St. W
71 Park Ave.	31-35 Quebec St.	32-46 Regent St.	41/43 Suffolk St. W
10 Park Ave.	37 Quebec St.	48 Regent St.	
14 Park Ave.			

45/47-49/51 Suffolk St. W 57 Suffolk St. W 61 Suffolk St. W 75 Suffolk St. W 91 Suffolk St. W 103 Suffolk St. W 109 Suffolk St. W 115 Suffolk St. W 119 Suffolk St. W 129 Suffolk St. W 133 Suffolk St. W 145 Suffolk St. W 145 Suffolk St. W 295 Suffolk St. W 297 Suffolk St. W 297 Suffolk St. W 10 Suffolk St. W 20 Suffolk St. W 10 Suffolk St. W 12 Suffolk St. W 138 Suffolk St. W 34 Suffolk St. W 34 Suffolk St. W 38 Suffolk St. W 38 Suffolk St. W 38 Suffolk St. W 39 Suffolk St. W 30 Suffolk St. W 114/116 Suffolk St. W 130 Suffolk St. W 130 Suffolk St. W 140 Suffolk St. W 130 Suffolk St. W 140 Suffolk St. W 22 Suffolk St. W 246 Suffolk St. W 254 Suffolk St. W 255 Suffolk St. W 254 Suffolk St. W 254 Suffolk St. W 254 Suffolk St. W 255 Suffolk St. W 254 Suffolk St. W 255 Suffolk St. W 254 Suffolk St. W 255 Suffolk St. W 255 Suffolk St. W 256 Suffolk St. W	20 Sultan St. 22/24 Sultan St. 45 Surrey St. E 53 Surrey St. E 81 Surrey St. E 83 Surrey St. E 101-103 Surrey St. E 117 Surrey St. E 129 Surrey St. E 131 Surrey St. E 133 Surrey St. E 104 Surrey St. E 104 Surrey St. E 104 Surrey St. E 108 Surrey St. E 120-122 Surrey St. E 120-122 Surrey St. E 130/132 Surrey St. E 43/45 Surrey St. W 18 Sydenham St. 48 Sydenham St. 48 Sydenham St. 48 Sydenham St. E 27 Tiffany St. E 21 Tiffany St. E 21 Tiffany St. E 52 Tiffany St. E 52 Tiffany St. E 11 Tiffany St. W 35 Tiffany St. W 35 Tiffany St. W 40 Tiffany St. W 51 Tiffany St. W 51 Tiffany St. W 51 Tiffany St. W 53 Tiffany St. W 53 Tiffany St. W 54-62 Tiffany St. W 54 Tiffany St. W 54 Tiffany St. W 55 Tiffany St. W 54 Tiffany St. W 54 Tiffany St. W 55 Tiffany St. W 56 Tiffany St. W 56 Tiffany St. W 57 Tiffany St. W 56 Tiffany St. W 57 Tiffany St. W 56 Tiffany St. W 57 Tiffany St. W 56 Tiffany St. W	57 Toronto St. 63 Toronto St. 95 Toronto St. 2-4 Toronto St 26 Toronto St. 32-50 Toronto St. 132-50 Toronto St. 106 Toronto St. 110 Toronto St. 110 Toronto St. 110 Toronto St. U 17 University Ave. E 14 University Ave. E 14 University Ave. W University of Guelph Animal Science & Nutrition Blackwood Hall Bull Ring Creelman Hall Crop Science D. M. Rutherford Family Conservatory Dairy Barn East Dairy Barn East Dairy Barn East West Link Dairy Barn Receiving Shed Dairy Barn Receiving Shed Dairy Barns (Complex) Day Hall Drew Hall Food Science (Dairy Building) H.L. Hutt Building Hales McKay Memorial Shelter J.D. MacLachlan Building Johnston Green Johnston Hall Macdonald Hall Macdonald Institute	MacNaughton Building MacNaughton Building Courtyard Maids Hall McLaughlin Library Mills Hall Moreton Lodge Portico OAC Centennial Arboretum Centre O.V.C. Main Building Raithby House Reynolds Building Trent Building University Centre War Memorial Hall Watson Hall Zavitz Hall V 185 Victoria Rd. N 206 Victoria Rd. N 206 Victoria Rd. N 268 Victoria Rd. N 1023 Victoria Rd. S W 281 Water St. 66 Water St. 70/72 Water St. 182 Water St. 300 Water St. 1 Waterloo Ave. 9 Waterloo Ave. 25 Waterloo Ave. 35 Waterloo Ave. 35 Waterloo Ave. 35 Waterloo Ave. 35 Waterloo Ave. 35 Waterloo Ave. 31 Waterloo Ave. 33 Waterloo Ave. 133 Waterloo Ave. 143 Waterloo Ave. 173 Waterloo Ave. 173 Waterloo Ave. 179 Waterloo Ave. 179 Waterloo Ave. 179 Waterloo Ave. 179 Waterloo Ave. 179 Waterloo Ave. 175 Waterloo Ave.
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191 Waterloo Ave.	28-30 Wilson St.	381-383 Woolwich	390 Woolwich St.
225 Waterloo Ave.	32-32A Wilson St.	St.	392 Woolwich St.
233 Waterloo Ave.	36-38 Wilson St.	385 Woolwich St.	394 Woolwich St.
237 Waterloo Ave.	10 Wolfond Crst.	421 Woolwich St.	400 Woolwich St.
287 Waterloo Ave.	16 Wood St.	431 Woolwich St.	406 Woolwich St.
299 Waterloo Ave.	20 Wood St.	447 Woolwich St.	410 Woolwich St.
317 Waterloo Ave.	133 Woodlawn Rd. E	457 Woolwich St.	414 Woolwich St.
321 Waterloo Ave.	19 Woodycrest Dr.	467 Woolwich St.	416 Woolwich St.
371 Waterloo Ave.	Woolwich St.	581 Woolwich St.	424/426 Woolwich St.
485 Waterloo Ave.	59 Woolwich St.	595 Woolwich St.	430/432 Woolwich St.
26 Waterloo Ave.	63-67 Woolwich St.	657 Woolwich St.	436 Woolwich St.
36/38 Waterloo Ave.	69 Woolwich St.	659 Woolwich St.	440 Woolwich St.
56 Waterloo Ave.	99 Woolwich St.	665 Woolwich St.	448 Woolwich St.
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60 Waterloo Ave.	115-117 Woolwich	705 Woolwich St.	458 Woolwich St.
64 Waterloo Ave.	St.	74 Woolwich St.	464 Woolwich St.
68 Waterloo Ave.	123 Woolwich St.	84 Woolwich St.	468 Woolwich St.
70/72 Waterloo Ave.	133 Woolwich St.	100-104 Woolwich	472 Woolwich St.
88 Waterloo Ave.	173 Woolwich St.	St.	476 Woolwich St.
88/90 Waterloo Ave.	175 Woolwich St.	106/108 Woolwich	480 Woolwich St.
92/94 Waterloo Ave.	179-181 Woolwich	St.	494 Woolwich St.
98 Waterloo Ave.	St.	110/112 Woolwich	504 Woolwich St.
108 Waterloo Ave.	185 Woolwich St.	St.	554 Woolwich St.
110 Waterloo Ave.	193 Woolwich St.	150 Woolwich St.	568 Woolwich St.
118 Waterloo Ave.	199 Woolwich St.	170-172 Woolwich	604 Woolwich St.
			624 Woolwich St.
128 Waterloo Ave.	207 Woolwich St.	St.	
162 Waterloo Ave.	215 Woolwich St.	176 Woolwich St.	632 Woolwich St.
168 Waterloo Ave.	229 Woolwich St.	182 Woolwich St.	762 Woolwich St.
170 Waterloo Ave.	231 Woolwich St.	200 Woolwich St.	1-5 Wyndham St. N
194 Waterloo Ave.	255 Woolwich St.	208/208A Woolwich	19-25 Wyndham St. N
218 Waterloo Ave.	259 Woolwich St.	St.	27 Wyndham St. N
222 Waterloo Ave.	265 Woolwich St.	210 Woolwich St.	29-35 Wyndham St. N
310 Waterloo Ave.	275 Woolwich St.	214 Woolwich St.	37-43 Wyndham St. N
3 Watson Rd. S	279 Woolwich St.	240 Woolwich St.	65 Wyndham St. N
410 Watson Pkwy. S	289 Woolwich St.	294 Woolwich St.	91 Wyndham St. N
501 Wellington St.	297 Woolwich St.	304 Woolwich St.	93 Wyndham St. N
Wellington St.	305 Woolwich St.	312 Woolwich St.	97-99 Wyndham St. N
Wellington St.	307 Woolwich St.	328-332 Woolwich	101-109 Wyndham St.
15 Westmount Rd.	311 Woolwich St.	St.	N
	315 Woolwich St.	336 Woolwich St.	101-103 Wyndham St.
21 Westmount Rd.			· · · · · · · · · · · · · · · · · · ·
68 Westmount Rd.	319 Woolwich St.	340 Woolwich St.	
147 Westmount Rd.	323/325 Woolwich	344 Woolwich St.	105 Wyndham St. N
151 Westmount Rd.	St.	348 Woolwich St.	107-109 Wyndham St.
60 Westwood Rd.	341 Woolwich St.	360 Woolwich St.	N
19 William St.	349 Woolwich St.	364 Woolwich St.	115-121 Wyndham St.
404 Willow Rd.	355 Woolwich St.	368 Woolwich St.	N
408 Willow Rd.	363 Woolwich St.	372 Woolwich St.	123-125 Wyndham St.
16-18 Wilson St.	367 Woolwich St.	376 Woolwich St.	N
24-26 Wilson St.	373 Woolwich St.	380 Woolwich St.	123 Wyndham St. N
22 Wilson St.		386 Woolwich St.	125 Wyndham St. N
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137-145 Wyndham St. N 137 Wyndham St. N 141 Wyndham St. N 145 Wyndham St. N 2 Wyndham St. N 8-10 Wyndham St. N 16-18 Wyndham St. N 20 Wyndham St. N 98 Wyndham St. N 102 Wyndham St. N 110-114 Wyndham St. N 120-126 Wyndham St. N 128-134 Wyndham St. N 138 Wyndham St. N	146-150 Wyndham St. N 160-164 Wyndham St. N 166 Wyndham St. N 7 Wyndham St. S 15 Wyndham St. S 15 Wyndham St. S 41 Wyndham St. S 43 Wyndham St. S Y 15 Yarmouth 51-59 Yarmouth 51-59 Yarmouth 54/56 Yarmouth 62 Yarmouth 68 Yarmouth 68 Yarmouth 74-76 Yarmouth 82 Yarmouth 11 Yeadon Dr. 121 York Rd. 125 York Rd. 137 York Rd.	401 York Rd. 785 York Rd. 895 York Rd. 1123 York Rd. York Rd. 115 York Rd. 50-58 York Rd. 56 York Rd. 90 York Rd. 92 York Rd. 94/96 York Rd. 156-160 York Rd. 156-160 York Rd. 156 York Rd. 156 York Rd. 168-172 York Rd. 170 York Rd. 272 York Rd. 346-350 York Rd. 346/350 York Rd. 348/350 York Rd. 364-382 York Rd. 364 York Rd.	440 York Rd. 123 Yorkshire St. N 125 Yorkshire St. N 127 Yorkshire St. N 145 Yorkshire St. N 149/151 Yorkshire St. N 153-159 Yorkshire St. N 2 Yorkshire St. N 10 Yorkshire St. N 20 Yorkshire St. N 32 Yorkshire St. N 32 Yorkshire St. N 32 Yorkshire St. N 46 Yorkshire St. N 116/118 Yorkshire St. N 31 Yorkshire St. S 59/61 Yorkshire St. S 71/73 Yorkshire St. S 40 Yorkshire St. S
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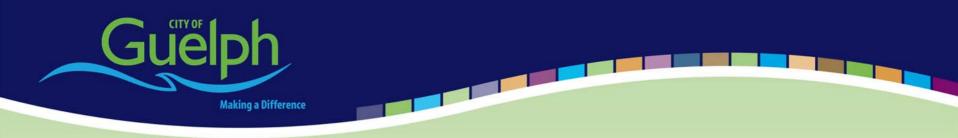
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Expansion of the Municipal Register of Cultural Heritage Properties

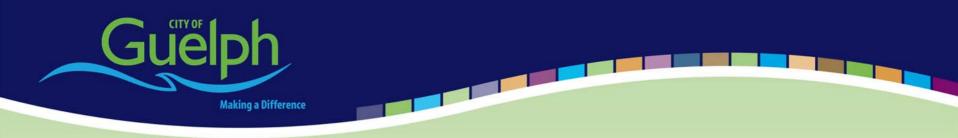


Making a Difference



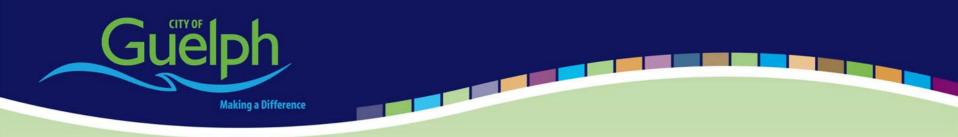
The Municipal Register Background

- Under the Ontario Heritage Act the Clerk must keep a current, publicly accessible register of properties of cultural heritage value or interest in the municipality
- The Municipal Register must include all properties designated under the Ontario Heritage Act
 - legal description
 - name and owner address
 - statement of cultural heritage value



The Municipal Register Background

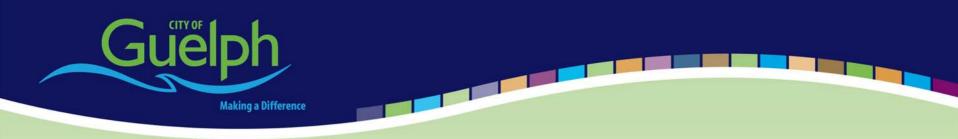
- Council may expand the Municipal Register to include "non-designated" properties a municipality believes to be of cultural heritage value or interest
 - property identifier



Guelph's Cultural Heritage Resources

Under the Official Plan, the City, through its municipal heritage committee, identifies heritage resources by compiling and updating an inventory and using it as a reference in planning and heritage conservation matters

- Current Inventory of Cultural Heritage Resources 4,000
- Properties Designated Under the Ontario Heritage Act 83



Guelph's Cultural Heritage Resources

Burcher Stokes Inventory

- Compiled during the 1990s by heritage consultants Frank Burcher and Peter Stokes as an inventory of all cultural heritage resources in the City – buildings, fountains, walls, barns, carriage houses, etc.
- Includes a photograph, build date, significant features, etc.
- Entries verified to ensure they meet at least one criteria for designation under Ontario Heritage Act Regulations 9/06
 - -Design or physical value
 - -Historical or associative value
 - -Contextual value



Guelph's Cultural Heritage Resources

Couling Inventory

- Compiled during the mid 1970s by Professor Gordon Couling as an architectural inventory
- Focus on age of structures (100 years) and heavily weighted towards limestone construction

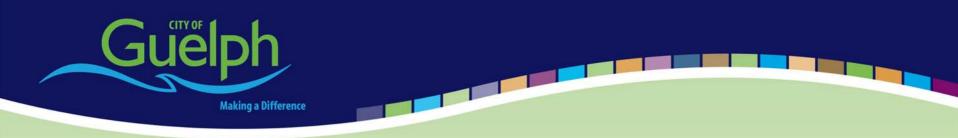
Heritage Guelph Additions

 Occasionally recommends the addition of properties brought to their attention by interested individuals and stakeholder parties



Expanding the Register What Does it Mean

 Entitles the City under the Ontario Heritage Act to a 60 day review period for demolition/removal requests concerning listed properties



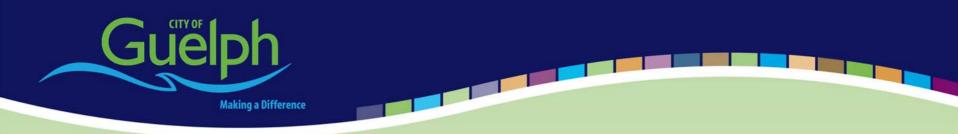
Expanding the Register What it Does not Mean

- A change to the decision being made for cultural heritage resources under threat of demolition/removal
- A change to the inventory of cultural heritage resources maintained by the City
- Properties are being designated
- Demolition/removal requests will be denied
- Impact properties already reviewed as part of a demolition/removal request
- The City will take the entire 60 day review period
- Impacts on property values, taxes, other approvals/changes to properties



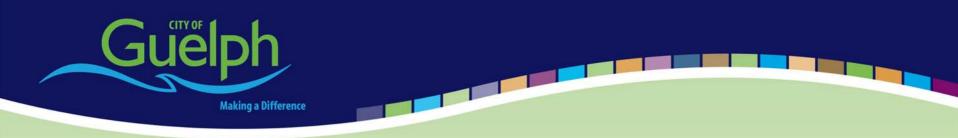
Expanding the Register Why

- Provides City with a 60 day review period for demolition/removal requests – enable City to make a well informed decision about the loss/protection of its cultural heritage resources
- Formalizes review timeframes for demolition/review requests involving listed cultural heritage resources
- Increase efficiency of current process
- Provides an easily accessible public listing of cultural heritage resources



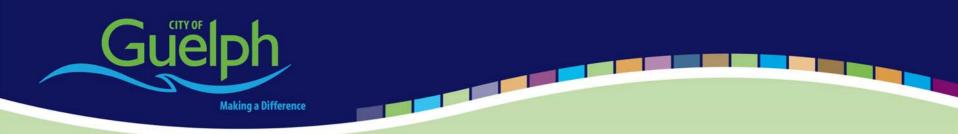
Expanding the Register Impact on Owners

- May mean more time taken to review demolition/removal requests
- Improved efficiency of city review process and resources
- Provides protection that in your community the City has 60 days to make a well informed decision about the loss/protection of cultural heritage resources
- Provides an easily accessible public listing of cultural heritage resources



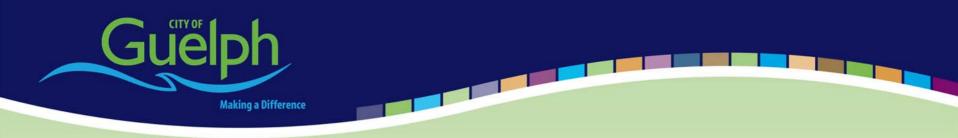
Expanding the Register The Process

- Phase I of the Expansion is to include Burcher Stokes Inventory
- Phase II develop evaluation and ranking criteria to apply to entire Cultural Heritage Resource Inventory
- Phase III apply criteria to Couling Inventory and additional inventory sites to determine which properties to include in Municipal Register



Expanding the Register Phase I Rationale

- An efficient means of providing sufficient time to further assess the cultural heritage value of properties under threat of demolition/removal
- The Burcher Stokes Inventory represents approximately 1,900 properties – half of the City's Inventory of Cultural Heritage Resources
- The recent inventory has been evaluated to ensure listings meet current legislated designation criteria
- Brings clarity and formalizes the review process for demolition applications involving listed properties



Public Consultation

Legislation requires Council to consult with Heritage Guelph

Workplan - CDES Report	July 2, 2007
Communication Materials	July 2007
Website, Brochures, Provincial Newsletter	
Public Open House	December 11
Notices sent to all property owners & published	& 13, 2007
CDES Expansion Report	October 10,
Notices sent to all property owners & published	2008
Response to public inquiries	October 2008
Open House & Revised Expansion Report	November 7, 2008



Public Response

- Over 100 people attended Dec 2007 Open Houses with approx. 40 requests for additional information
- Over 140 inquiries handled in response to October 2008 Committee Meeting Notice

Concerns Expressed

- Impact on property values, alteration requests, property standards, taxes
- What properties are affected
- Are you designating my property
- Who decides who is included in the Municipal Register



Report Recommendation

- CD&ES Report 08-108 be received
- That the Municipal Register of Cultural Heritage Properties be expanded to include the "non-designated" City of Guelph Inventory of Heritage Structures (Burcher-Stokes Properties) listed in Attachment 3



Expansion of the Municipal Register of Cultural Heritage Properties



Making a Difference

PRESENTATION BY PAUL ROSS, CHAIR, ON BEHALF OF HERITAGE GUELPH TO COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES COMMITTEE, NOVEMBER 7, 2008 RE: EXPANSION OF MUNICIPAL REGISTER OF CULTURAL HERITAGE PROPERTIES.

MADAM CHAIR AND MEMBERS OF THE COMMITTEE.

I AM APPEARING TODAY TO REPRESENT HERITAGE GUELPH, YOUR MUNICIPAL HERITAGE ADVISORY COMMITTEE.

AS YOU HAVE HEARD FROM JOAN IN HER PRESENTATION, YOU ARE BEING ASKED TO RECEIVE AND ENDORSE THE EXPANSION OF THE MUNICIPAL REGISTER OF CULTURAL HERITAGE RESOURCES BY ADDING NON-DESIGNATED PROPERTIES LISTED IN THE BURCHER-STOKES INVENTORY TO THE EXISTING MUNICIPAL REGISTER, AS IS PROVIDED FOR IN THE ONTARIO HERITAGE ACT.

THIS PROPOSAL IS RECOMMENDED AND SUPPORTED BY HERITAGE GUELPH. IT IS A NECESSARY STEP IN HERITAGE GUELPH'S WORKPLAN WHICH SEEKS TO PRORITIZE THE PROPERITES ON THE INVENTORIES/REGISTER TO DETERMINE WHICH ONES ARE WORTHY OF FUTURE DESIGNATION, EITHER INDIVIDUALLY OR IN HERITAGE DISTRICTS, AND WHICH CAN PERHAPS BE ELIMINATED FROM THE LIST.

THIS PROCESS WILL TAKE SOME TIME, BUT HERITAGE GUELPH NEEDS THE REGISTRY AS A FOUNDATION FOR THIS WORK.

EXPANDING THE REGISTRY IN NO WAY IMPLIES THAT THE PROPERTIES BEING ADDED WILL AUTOMATICALLY BE DESIGNATED, EITHER NOW OR IN THE FUTURE. NEITHER DOES IT SIGNIFICANTLY ALTER CURRENT CITY PROCEDURES RELATING TO DEMOLITION OR ALTERATION OF IDENTIFIED PROPERTIES.

THE MUNICIPAL HERITAGE REGISTER IS NOTHING TO BE AFRAID OF. WHEN IT COMES RIGHT DOWN TO IT, THE ONLY DIFFERENCE BETWEEN BEING ON THE REGISTER AND BEING ON THE BURCHER-STOKES INVENTORY IS 60 DAYS NOTICE VS.THE CURRENT 10 OR 20 DAYS NOTICE. THAT'S IT.

IT IS ALSO IMPORTANT TO REMEMBER THAT THE ONLY PROPERTY OWNERS WHO WILL AFFECTED BY THIS MEASURE ARE THOSE WHO WISH TO ENTIRELY DEMOLISH A PROPERTY WHICH IS LISTED ON THE REGISTER. IF THEY WISH TO PARTIALLY DEMOLISH, OR ALTER A PROPERTY ON THE REGISTER, NOTHING CHANGES FROM THE CURRENT CITY PROCEDURES. OUR EXPERIENCE SHOWS THAT REFUSAL OR APPROVAL OF DEMOLITION OF HERITAGE RESOURCES IDENTIFIED ON THE INVENTORIES HAS BEEN OCCURING FOR YEARS BEFORE THE MUNICIPAL REGISTER EXISTED.

IN FACT, MORE PROPERTIES ON THE INVENTORIES HAVE BEEN DEMOLISHED OR ALTERED IN GUELPH OVER THE PAST FIVE YEARS THAN HAVE BEEN DESIGNATED UNDER THE HERITAGE ACT. THIS WILL NOT CHANGE WITH THE CONVERSION OF THE BURCHER/STOKES INVENTORY TO A REGISTRY

THE HERITAGE INVENTORY LISTS, WHICH ARE THE BASIS FOR THE CREATION OF THE MUNCIPAL HERITAGE REGISTER, HAVE BEEN PUBLICLY AVAILABLE AT THE GUELPH PUBLIC LIBRARY AND CITY HALL FOR YEARS. UNLIKE MANY OTHER MUNICIPALITIES, GUELPH IS FORTUNATE TO HAVE SUCH AN EXTENSIVE RECORD OF ITS BUILT HERITAGE RESOURCES, PREPARED BY PROMINENT EXPERTS IN THE FIELD.

THE ENDORSEMENT OF THE MUNICIPAL REGISTER BY THIS COUNCIL IS REQUIRED TO MORE FORMALLY RECOGNIZE WHAT HAS ALWAYS BEEN AN INFORMAL PROCESS.

THE ADOPTION OF THE MUNICIPAL HERITAGE REGISTER IS A STEP TOWARDS OPENNESS AND TRANSPARENCY AND I ENCOURAGE THIS COMMITTEE AND COUNCIL TO ADOPT IT, AND PROPERTY OWNERS TO EMBRACE IT, CELEBRATE IT AND SUPPORT IT.

THANK YOU FOR YOUR ATTENTION. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS.

Cultural Heritage Buildings: comment

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I have four things I would like to convey to this committee:

1) I do not believe my house is culturally significant. To me this indicates that the standards for inclusion may not be chosen carefully.

2) The Burcher and Stokes list seems to be fraught with error.

3) The declaration of homes or neighbourhoods to be of historical and cultural interest should be accompanied by a public explanation of what makes them "interesting".4) Care should be taken that a declaration of historical interest would not cause undue hardship on the owners of the properties.

If you were to scan the City of Guelph web site you would presume that the Municipal Register of Cultural Heritage Properties would include beautiful homes made of quality materials that will last for generations. My home does not meet that description. My house is a simple single storey wood frame house with aluminium siding. The back door has a concrete pad instead of a porch and at the front there is an "old" porch that is made of nominal 4x4s, 2x4s and 1x1s. This lumber is significantly newer than the building. The only historical import to be found in the porch is the fact that it shows a change in the standard of lumber since the house was built. Both outside doors have been replaced. The doors do not match. The windows are old and have aluminium storms on them. My house serves adequately as shelter from the elements but it is *not* culturally significant.

Secondly, the Burcher and Stokes list has made several inaccurate observations about my house. For instance, the assessment says I have three bay windows. I have nothing of the sort. (I do, however, have four quite old single hung windows that I'd like to have replaced!) It also says my house was built circa 1845, whereas my tax receipt says my house was built in 1927. If the assessment is this inaccurate for my home, is it possible there are other errors on the list? The answer is a resounding yes. For instance it notes bay windows on other houses on my section of the street. These houses do not have bay windows either.

While I believe it is critically important to preserve the historic architecture of a place and to use it as a way to remember the local history, it is equally important to make the history available to the residents of the city. If my house can be declared an important artefact of Guelph's cultural history I would like to know why it is so designated and have the public to have easy access to the same information To my eye, the neighbour hood is a mish-mash of architectural styles, severely lacking amenities, and has received next to no beautifying or preservation projects from the city. A quick scan of the neighbourhood can reveal that "the ward" has been the home of many family businesses; for instance, close to my home (at the corner of Arthur and Ontario) there are the relics of several stores. Many of these buildings are not part of the register. What kind of history is the register trying to preserve? What are the standards of selection? I do not believe that age is an adequate standard.

Finally, I live in a "poor" neighbourhood. Many homes are rental homes, many others are owned by homeowners who could not afford to buy in what most of us might call a "culturally significant" neighbourhood (such as Exhibition Park or even Arthur Street North). . There is no status to be gained by living in a working class home; people usually choose these homes because they are affordable. I wonder how placing my home on a registry of potentially historically significant buildings will impact my pocket book. I am sure I am not alone in this concern. If my house is placed on the registry does it mean that I will have to make a special application to move or demolish my home that others would not have to make? And does that also mean that I will have yet another fee to pay should I choose to do some badly needed renovations on my home? If city council feels that it is important to preserve working class neighbourhoods as well as upper class ones it will have to take into account the financial circumstances of the residents It is important the city does not add extra expenses to the maintenance of these homes. If this classification does affect the cost of ownership it will serve to drive home owners out of the area and increase the percentage of rental homes. The spin off from this could be quite significant in the long term development of St Patrick's Ward since rental homes are usually in a greater state of disrepair than homes that are lived in by the owners.

Thank you for taking the time to read this letter. I hope the committee will go back to the drawing board and find a fair and appropriate way to judge what is historically important.

Adriane Armour 138 Arthur St South 519 515-0382 November 3, 2008.

Heritage Guelph, Community Design and Development Services, 50 Carden Street, Guelph, ON, N1E 3A1.

Attention: The City Clerk's Office and Ms. Joan Jylanne, Senior Policy/Heritage Planner, Design and Development Services, City of Guelph

Dear Ms. Jylanne and the City Clerk's Office:

Re: Expansion of the Municipal Register of Cultural Heritage Properties to Include Non-Designated Burcher-Stokes Properties

The following paragraphs outline under subheadings the purpose, values, policy, research, information need/questions, summary, conclusions and recommendations of Clay and Hoffman associated with the proposed changes to Guelph's Municipal Register of Cultural Heritage Properties.

<u>Purpose</u>

This letter has two general purposes as follows:

- As a request to address the Community Development and Environmental Services Committee (CDES) and Guelph City Council at meetings which include agendas addressing the Municipal Register of Cultural Heritage Properties and that directly affect 84 Callander Drive located in the City of Guelph.
- To request additional information and to make recommendations.

<u>Values</u>

The questions posed within this letter are based on a value stated generally as - the proponent of a particular action is responsible for the provision of information relating to the direct and indirect effects associated with the action. In this instance, related to proposed changes in Guelph's Municipal Register of Cultural Heritage Properties, the proponent is the CDES and the City of Guelph.

The second value is that the proponent will provide information that has been replicated. In the absence of replication, information used in the decision-making process will be traceable/trackable and will be fully available (transparent).

<u>Policy</u>

Decisions related to the designation of properties are largely based on the Planning and Heritage Acts, the Provincial Policy Statement (PPS, 2005) and Ontario Regulation 10/06.

The PPS (2005) outlines the Province's expectations with respect to Cultural Heritage and Archaeological Resources in section 2.5. Subsection 2.5.1 states that <u>significant built heritage resources</u> and <u>cultural heritage landscapes</u> will be conserved. Significant is defined as important in terms of amount, content, representation or affect and built heritage resources are defined as one or more buildings, structures, monuments, installations, or remains associated with architectural, cultural, social, political, economic, or military history, and identified as being important to a community. Cultural heritage landscape means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

However, policies within the PPS were not intended to be interpreted in separate components as outlined in Part III. The PPS (2005) states more broadly its goals and objectives in the *Preamble* and *Vision*

components that the province's ...resources provide economic, environmental and social benefits. Additionally, the need to consider multifaceted components in the planning process was part of previous policy. For example, the PPS (1997) states that Ontario's long-term economic prosperity, environmental health and social well-being depend on managing change and promoting efficient cost-effective development and land use patterns which stimulate economic growth and protect the environment and public health; [as well as] protecting resources for their economic use and/or environmental benefits.

The criteria used to distinguish *cultural heritage value or interest of provincial significance* described in *Ontario Regulation 10/06, are* almost equally as broad as the PPS (2005) and are stated as follows:

1. (1) The criteria set out in subsection (2) are prescribed for the purposes of clause 34.5 (1) (a) of the Act. O. Reg. 10/06, s. 1 (1).

(2) A property may be designated under section 34.5 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest of provincial significance:

1. The property represents or demonstrates a theme or pattern in Ontario's history.

2. The property yields, or has the potential to yield, information that contributes to an understanding of Ontario's history.

3. The property demonstrates an uncommon, rare or unique aspect of Ontario's cultural heritage.

4. The property is of aesthetic, visual or contextual importance to the province.

5. The property demonstrates a high degree of excellence or creative, technical or scientific achievement at a provincial level in a given period.

6. The property has a strong or special association with the entire province or with a community that is found in more than one part of the province. The association exists for historic, social, or cultural reasons or because of traditional use.

7. The property has a strong or special association with the life or work of a person, group or organization of importance to the province or with an event of importance to the province.

8. The property is located in unorganized territory and the Minister determines that there is a provincial interest in the protection of the property.

Heritage policy has therefore been interpreted within this letter to include physical, social and economic components.

<u>Research</u>

Clay and Hoffman were provided with a copy of the inventory sheet for 84 Callander Drive and completed Internet searches related to legislation, policy, economic impact assessment and other impact studies related to designated and non-designated properties. The research did not provide the facts related to the effects of owning a designated or non-designated property listed as part of a Municipal Register of Cultural Heritage Properties. In order to make reasoned and reasonable decisions about the inclusion of our property in the Register, we need additional information. Information requirements are outlined in the form of questions in the following section.

Information Needs/Questions

Given the criteria listed in Regulation 10/06:

- What criteria were used to identify properties to be included on the list of Burcher-Stokes?
- How were the criteria weighted?
- What information bases were used to provide context for, and the importance of, the properties on the non-designated list?
- How were information bases that provided context and importance related to scale (that is, to the neighbourhood, the City of Guelph, the County Wellington and the Province of Ontario)?
- What statistical methods were used to assist in differentiating the more important properties from the less important properties?

Given the phraseology related to minimizing cost, financial well-being, cost-effective development and protecting resources for economic benefits in the PPS:

- What cost-benefit analyses have been completed to indicate the benefits and costs/disbenefits to the property owner if their property is included within the Municipal Register list?
- What cost- benefit analyses have been completed to indicate the benefits and costs/disbenefits to the City of Guelph if a specific property is included or all of the properties are included within the Municipal Register?
- Does the City of Guelph support the value that the costs of any action should be borne in direct proportion to the benefits received as a result of that action? Will support of this value result in economic well-being and economic prosperity?
- What estimate of the opportunity costs to any individual property owner or to all parties associated with the 60 day review period has been made by the City of Guelph?

Given that planning is a process:

- Why is the City of Guelph unable to complete a cultural heritage inventory and a traceable/trackable/transparent analysis to clearly identify which properties have heritage value? In other words, why is the non-designated list required?
- What public opinion surveys has Guelph completed which provide information on the relative importance of heritage conservation and on the willingness of those who support that conservation to pay the full costs associated with heritage conservation?
- If a development application is made or a demolition permit is sought, and the City is to make an
 informed decision to determine if the property warrants long term protection, what information will
 be required and how will they obtain that information? In other words, in gathering information
 about residential properties, what information is accepted as proprietary; and what legislation or
 policy outlines right of access or alternatively, suspension of any form of regulation related to
 trespass, when government or its representatives seek information related to proposed as well
 as designated heritage properties?
- It would appear that being on the list of non-designated properties is in fact the first step leading to formal designation. If this is so, is it not reasonable for the City to indicate this and be very clear about what criteria put a property on the list?
- On the basis of the fact that private residential properties, public and institutional properties are
 part of the same non-designated list and are subject to the same legislation and regulations, it
 would appear that all of these kinds of properties are being considered in the same manner.
 Why are private residential properties being treated the same way as public and institutional
 properties?
- Of the methods available to preserve unique residential properties and residential neighbourhoods, why is the heritage resources legislation and regulation the best way to achieve that preservation?

Summary, Conclusions and Recommendations

Our limited review of the literature including legislation, regulation and policy, has left a number of unanswered questions. We are of the opinion that the responsibility for the provision of the information related to these questions lies with the City of Guelph. Most importantly, we have been unable to ascertain exactly why the list of non-designated properties is necessary. If the City considers these non-designated properties to have possible heritage potential and that these properties warrant long term protection via formal designation under the Ontario Heritage Act, why is the City not developing a more concrete process to establish this without putting the properties on a vague public list that leaves the City and property owners unsure of their status?

None of the aforementioned information or questions outlined in this letter should be interpreted as a rejection of the need for, and importance of, heritage resource conservation (generally and/or specifically). The problems that we have identified are related to the provision of factual information and the application of that information in a predictable and fair process.

Therefore, our recommendation is that the City of Guelph <u>not</u> take the approach of adding nondesignated properties to the Municipal Register. Alternatively, the City should design and complete a heritage inventory using criteria related to Ontario Regulation 10/06 and that the relative importance and number of those criteria should be ascertained by mathematical analysis as well as public opinion surveys. The public opinion surveys should include information on cost benefit to assist respondents in making reasoned and reasonable responses. Finally, financial programs should be designed to ensure that those who benefit from heritage resource conservation pay the costs associated with that heritage resource conservation.

Thank you for your attention to this letter. We look forward to your responses to our questions.

Sincerely, Linda E. Clay and Michael K. Hoffman

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Tuesday, November 4, 2008

City of Guelph City Clerks Office 59 Carden Street Guelph, Ontario N1H 3A1

Blair Cleveland

Subject: expansion of the Municipal Register of cultural heritage properties

To who it may concern:

I am unable to attend the November 7, 2008 CDES Committee meeting and would like to bring to the attention of those involved in the decision making process some information which should be considered before proceeding with the expansion of the Municipal Register.

Summary of Concerns:

- 1) People need to be informed that they are buying buildings on the Heritage Inventory.
- 2) The expanded Municipal Register and the Heritage Inventory could negatively effect the marketability of properties.
- 3) The Heritage Inventory is potentially over emphasizing the historic significance of these properties and is not being managed appropriately.

My property at 47 Alice Street is currently on the inventory of heritage properties and the property may be included in the expanded Municipal Register. However, my story is an interesting case because I have been directly affected by serious restrictions in trying to develop the property. Furthermore, I would not want anyone else who owns property that is on this inventory to go through what I am experiencing.

I have been denied a permit for upgrading the property for off-street parking, which would require the removal of an accessory building that has sat vacant for more than 38 years, is in a state of disrepair and too costly to restore.

The heritage committee has started a process to designate the house and accessory building "historic" which I do not want to occur. As a result, I may end up with property that is a burden to me, of no usefulness and a building I am presently paying property tax.

So, will you please read the main concerns discussed below and proceed cautiously when making your decision to expand the Municipal Registry? It may be premature to expand this list without giving serious consideration on how it is being properly managed.

Discussion of main concerns:

- At the CDES meeting, May 9, 2008 a motion was carried to begin work on a communication process to advise real estate companies about the Heritage Inventory, and that the staff explore the possibility of registering the Heritage properties on title. However, after talking recently with the Senior Policy Planner, I discovered there is no plan of action in place, yet, only, thoughts of an information course for realtors. I was also told the city has no control over these circumstances and the HI can't appear on title. This is very worrisome because, people are unwittingly getting caught-up in buying property listed HI and there is no system in place to protect and inform property buyers.
- 2) There are no tax incentives, or money grants available for property owners who have buildings that are listed on the Heritage Inventory, but the city wants these buildings protected and not torn-down. The costs involved in restoring, repairing and maintaining these buildings is a lot more costly than the average home in Guelph. It could be perceived that the city is more focused on maintaining a list, than helping people who could be burdened with a property that is in need of repairs, or who wants to develop their property but will be faced with bylaw restrictions. It would be a shame if properties included on the list were to be looked upon as unnecessarily expensive to maintain, and therefore decrease in value and marketability.
- 3) I have spoken with many people in my neighbourhood and they are very concerned about how their property is going to be affected by its inclusion on the Municipal Registry. Many were not even aware that their house was on the list, or that when they saw the description on the Internet, is was incorrect and not accurate in properly describing their property. The list, therefore, needs to be managed appropriately, it must be fair in not over emphasizing the historic significance of the property, or an owner could be dealing with over valued property that could result in a higher tax evaluation.

In closing, I just wanted to say I have been directly affect by Heritage Guelph in my ownership of 47 Alice Street. I am presently involved with a legal issue to not have my property designated historic and I feel the heritage committee has shown a lack of empathy towards property owners. I am suggesting the CDES report be referred back to staff since no action has been put in place for creating an information system to better inform the realty agents, potential buyers of HI properties, or owners of HI properties.

Sincerely,

Blair Cleveland

BERNARDI PRECAST, INC.

412 Elizabeth Street Guelph, Ontario N1E 2Y1

INFORMATION SHEETS

October 31, 2008

City of Guelph Mayor and Council 59 Carden Street City Hall Guelph, Ontario N1H 3A1

Re: Municipal Register of Heritage Properties 412 Elizabeth Street

Dear Mayor and Council:

The purpose of this letter is to express our concerns, and objections, to the inclusion of 412 Elizabeth Street on the Municipal Register of Cultural Heritage Properties. Although to a certain extent flattered by the possible designation, we do not believe the property should be included for a variety of reasons.

As explained to us, the purpose of the expanded Register is to provide the City a 60-day review window should a demolition or removal be requested. Significantly, it is not the building, but rather the display of our product, which is the designated "structure" found worthy of distinction. The significant features listed in the Burcher-Stokes Inventory page for the property is described as "exotic display or romantic garden statuary, fountains, planters and other features; somewhat transitory, but worthy of record." A copy is attached for your ease of reference.

The "structure," or more aptly described in our case, the product at issue, is not a permanent display. Rather, it is sold and replenished with a different product on a daily basis. Indeed the product, as shown on the inventory page, is different than what appears today, and that which appears today is likely different than that which will be there tomorrow.

The designation concerns us as it affects the very product we manufacture and sell. The future may find a need to replace, or move the product to a different location, either for cosmetic, marketing, to avoid damage or for some other unforseen reason. I am told that, in reality, the City is not likely to object to any of these restrictions over these products. That, however, begs the question as to why then they should be designated on the Registry.

RECEIVED City of Guelph NOV 0 6 2000 Office of the Mayor

City of Guelph Mayor and Council Page Two October 31, 2008

If these were permanent structures, we might concede that the City would have an interest in designation. But that is not the case. They are our products for sale and consequentially object to any designation which might restrict our rights to sell, transfer, move or otherwise deal with those products.

We intend on continuing with producing this product, which we are flattered has caught someone's eye, but respectfully suggest that inclusion of those products in the City's Registry would not serve any purpose but to either restrict what we can do with those products, or, at a minimum, give us unnecessary concern of such restrictions. Either way, since the products are transitory, there is no benefit to the City in inclusion of the property in the Registry.

Thank you in advance for your consideration.

Sincerely,

Bernardi Precast. Inc. Peter Bernardi

Encl.

****RECORD IN HERITAGE

CITY OF GUELPH INVENTORY OF HERITAGE STRUCTURES

ROLL NO. 2308010008074000000

DEFINED AREA MAP #

ADDRESS: 412 Elizabeth St

STRUCTURE NAME:

ORIGINAL OWNER: Bernardi Pre-cast

DESIGNER: (Architect (A) Engineer (E) Landscape Architect (L)) PHOTO DATE: Oct 26, 1999

INVENTORY DATE: Jan 8, 2000

CONST. DATE:

BUILDER:

ORIGINAL USE: Garden ornament yard

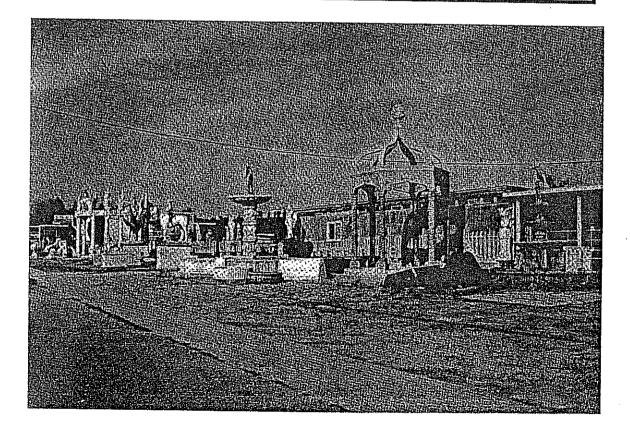
PRESENT USE: Display yard

CURRENT OWNER & ADDRESS: Bernardi Pre-cast 412 Elizabeth St.

HERITAGE DESIGNATION:

CONSTRUCTION MATERIALS: Various cast stone & concrete.

SIGNIFICANT FEATURES: Exotic display or romantic garden statuary, fountains, planters and other features; somewhat transitory, but worthy of record.





Robin-Lee Norris

Direct Line: 519.780.4638 Direct Fax: 519.822.1583 RNorris@milierthomson.com

October 9, 2008

Private and Confidential

Community Development and Environmental Services Committee 59 Carden St. Guelph, ON N1H 3A1

Attention: Joan Jylanne

Dear Ms. Jylanne:

Re: W. C. Wood Corporation Ltd., 5 Arthur Street South, 0 Arthur Street South, and 0 Duke Street, Guelph

Please be advised that we have been retained by W. C. Wood Corporation, Ltd. with regard to a notice they received from the City relating to the Inventory of Heritage Structures. The notice was received this week and indicated since the Company owned property that was already in the Registry, they were receiving notice of the intention to expand the Registry. Unfortunately the notice that came out was not specific as to the inclusions. On behalf of the Company, we wish to make it clear that although the Company does not wish to dispute the current inclusion of a portion of their property within the Registry, being that portion currently designated, they do dispute the inclusion of any further portion of the property noted above in the Registry as part of the Guelph Inventory of Heritage Structures.

If the intent of the City is to expand the portion of the above noted properties being included in the Registry either as designated or as part of an Inventory of Heritage Structures, please contact the undersigned and provide detailed information as to the type and nature of the inclusion and set a time for the Company to speak to the City directly about that change.

Affiliations Worldwide

Please note that the failure of the City to give clear unambiguous notice in connection with this Inventory of Heritage Structures brings into question the validity of such notice.

Yours very truly, Miller Thomson LLP

) irr Per

Robin-Lee Norris RAN/ss

W. C. Wood Corporation, Attn: D. Wood c. D. Black

Edmonton

London

Kitchener-Waterloo



Robin-Lee Norris

Direct Line: 519.780.4638 Direct Fax: 519.822.1583 RNorrls@millerthomson.com

October 9, 2008

Private and Confidential

Community Development and Environmental Services Committee 59 Carden St. Guelph, ON N1H 3A1

Attention: Joan Jylanne

Dear Ms. Jylanne:

Re: David and Christine Wood, 37 Grange Street, Guelph, ON

Please be advised that we have been retained by Christine and David Wood to object to the inclusion of the above noted property in the City of Guelph Inventory of Heritage Structures. Any possible historical significance the property might have has been diminished entirely by the number and types of alterations already made to the building and property. To name just a few of the changes, please note that the roof line has been altered with the addition of skylights, the shingles have been replaced with aluminium ones, the back windows have been replaced including the addition of aluminium frames, the second and third floors have been renovated fully inside, a garage has been added although efforts have been made to have it look historic in style and the back entranceway, butler pantry and kitchen have been significantly altered. To add this property now to the Heritage Structural Inventory makes no sense, and the City's right to do so is specifically disputed by Mr. and Mrs. Wood.

Unfortunately your notice was not received by the Woods until October 6th, 2008 giving them no time to make arrangements to attend tomorrow to speak. In addition, the notice did not provide them with any detail as to why you were including their property and on that basis we take the position that the notice is defective.

On their behalf we specifically request a detailed outline as to why the City is considering including this property in the Inventory of Heritage Structures together with an opportunity to speak with the Committee regarding same.

Yours very truly, Miller Thomson LLP

'ssen Per:-

Robin-Lee Norris RAN/ss

c. David and Christine Wood D. Black

Toronto Vancouver Calgary

Edmonton

London Kitchener-Waterloo

Montréal



Robin-Lee Norris

Direct Line: 519.780.4638 Direct Fax: 519.822.1583 RNorris@millerthomson.com

File: 067617.0004

October 9, 2008

Private and Confidential

City of Guelph City Hall 59 Carden St. Guelph, ON N1H 3A1

Attention: Joan Jylanne

Dear Ms. Jylanne:

Re: William Gazer, 94 Maple Street, Guelph, ON

Please be advised that we are the solicitors for Bill Gazer who is the owner of property at 94 Maple Street, in the City of Guelph. Mr. Gazer has advised us that he received from you a notice indicating that his property is being considered for inclusion on the Inventory for Heritage Structures. It is less than two years ago that Mr. Gazer and I made a presentation to your Heritage Committee where we pointed out the error in the Heritage Inventory information prepared by Mr. Burcher and Mr. Stokes. That inventory showed that this home as being much older and of different significance than in fact it was. Mr. Gazer's father built the home in the late 1940's. It was not designed by any particular architect and came as a result of plans created by Mr. Gazer's mother and father. It is not of any historic significance, either its land or the building and we strongly oppose any attempt to include the property again in the Heritage Inventory. We had the property removed from the Heritage Inventory based on the inaccuracy of the information that had been provided to the City when the inventory was completed. Please confirm in writing that this property will not be included in the inventory.

Unfortunately your notice was not received by Mr. Gazer until October 6th, 2008 giving him no time to make arrangements to attend tomorrow to speak. In addition, the notice did not provide him with any detail as to why you were including his property and on that basis we take the position that the notice is defective.

On his behalf we specifically request a detailed outline as to why the City is considering including this property in the Inventory of Heritage Structures together with an opportunity to speak with the Committee regarding same.

Yours very truly, Miller Thomson LLP

bres Per:

Robin-Lee Nortis RAN/ss

c. D.Black B. Gazer

Toronio Vancouver Calgary

London

Kitchener-Waterloo

Montréal



Robin-Lee Norris

Direct Line: 519.780.4638 Direct Fax: 519.822.1583 RNorris@millerthomson.com

File: 067617.0004

October 9, 2008

Private and Confidential

Community Development and Environmental Services Committee 59 Carden St. Guelph, ON N1H 3A1

Attention: Joan Jylanne

Dear Ms. Jylanne:

Re: Marilyn Gifford, 57 Cambridge Street, Guelph, ON

Please be advised we have been retained by Marilyn Gifford to dispute the inclusion of the above noted property in the City of Guelph Inventory of Heritage Structures. Unfortunately, the notice sent to Mrs. Gifford did not provide any reason for her property being included, nor was the notice sent in a timely fashion. It was only received at the beginning of the week which did not permit her an opportunity to actually attend at the City to obtain more information or attend at the meeting tomorrow morning. She suspects that the individuals you had doing the inventory mistook the 20 year old renovation adding a front peak to their house so that the house would look Ontario Gothic as being an original heritage feature. Mrs. Gifford believes that that is the feature that led to the property being included incorrectly in the Inventory of Heritage Structures and we would ask that it be removed from the inventory.

In the event that your Committee does not wish to remove this dwelling from the Inventory of Heritage Structures, we request that we be given full details as to why it is being included and an opportunity to speak to the Committee directly once we have all of the pertinent details.

Yours very truly, Miller Thomson LLP

deun Per

Robin-Lee Norris RAN/ss

c. M. Gifford D. Black

Toronto Vancouver Calgary Edmonton London Kitchener-Waterloo Guelph Markham Montréal

COMMITTEE REPORT



ТО	Community Development and Environmental Services Committee
SERVICE AREA DATE	Environmental Services November 7, 2008
SUBJECT	Award of Contract for a New Dust Collection System at the Materials Recovery Facility (MRF)
REPORT NUMBER	the Flatenais Recovery Facility (FIRE)

RECOMMENDATION

"THAT the contract of Trade Mark Industrial Inc. be accepted and that the Mayor and Clerk be authorized to sign the agreement for Contract No. 08-035 for a new dust collection system at the Materials Recovery Facility (MRF), for a total tendered price of \$471,508 (plus GST) with actual payment to be made in accordance with the terms of the contract."

BACKGROUND

The Materials Recovery Facility (MRF) at the Waste Resource Innovation Centre (WRIC) has a dust collection system that is required under the site's Certificate of Approval (Air) in order to maintain acceptable indoor air quality and control dust emissions from the plant. The current system meets the requirements of the Certificate of Approval.

A recent indoor air testing program has determined that the dust collection system needs to be upgraded as it no longer meets the National Fire Protection Associations (NFPA) standards for managing dust within a confined, non-ventilated space. Continued use of the current system is not recommended due to the levels of dust currently being generated within the Material Recovery Facility.

REPORT

The City released a formal request for proposal (RFP) in early 2008 which closed on March 25, 2008. One response was received from Trade Mark Industrial Inc. in the amount of \$471,508 (plus GST).

Staff met with representatives from Trade Mark Industrial Inc., who at that time recommended that it would be more practical and efficient for the City to purchase a new unit containing the requisite modifications rather than attempting to retrofit the existing unit. Trade Mark also required the City to determine which type of unit would best suit our application.

As a result, the City engaged RWDI, air management consultants, to undertake an extensive comparison of the units available and to rate them based on a number of factors, including but not limited to: operating specifications, preventative maintenance requirements, and the different ways in which the systems collected dust (i.e. bags versus filters). Staff not only looked at the viability of the collection unit itself, but also asked the consultant to perform air flow tests, to assess current pick-up points, and to redesign duct work in order to maximize the system's efficiency and to increase the volume of dust captured within the facility.

Staff also met with representatives of Trade Mark to review the proposed replacement of the disk screen and the installation of the glass recovery system in order to ensure that those equipment upgrades would not have a negative impact on the dust collection system. Staff decided that it would be more prudent to finalize the decision after the glass and disk screen infrastructure were installed and commissioned, as the new infrastructure would have a direct impact on amount of dust generated within the facility. The glass and disk screen equipment are now installed and fully commissioned.

CORPORATE STRATEGIC PLAN

5.6 Organizational excellence in planning, management, human resources and people practises; recognized as a top employer in the community.

FINANCIAL IMPLICATIONS

The funding shortfall (\$254,658) will be reallocated from the Material Recovery Facility section of the approved 2008 Solid Waste Equipment Replacement Budget (see attached funding summary).

DEPARTMENTAL CONSULTATION

The Finance Department has been consulted and agrees with the funding option.

COMMUNICATIONS

N/A

ATTACHMENTS

Appendix "A" – Funding Summary

Prepared By:

Catherine Beaver Supervisor of Plants and Maintenance 519-822-1260, ext. 2054

Endorsed By: Dean Wyman Manager of Solid Waste Resources 519-822-1260, ext. 2053 dean.wyman@guelph.ca

Récommended By: Janet L. Laird, Ph.D. Director of Environmental Services 519-822-1260, ext. 2237 janet.laird@guelph.ca

Budget and Financing Schedule

JDE Project number:	WM0034
Project name:	Contract for Dust Collection System at Materials Recovery Facility (MRF)
Contract number:	08-035
Date:	October 10, 2008

	a da falla da ante de como de la como de la Como de la como de la c	External Financing			Internal Financing		
	Total Cost	Subsidy	Dev't	Developer/	Current Revenues		en de la constante de la const La constante de la constante de
A. Budget Approval	GUSL	Junsing	Charges	Other	Revenues	Reserve	Debt
WM0031 WRIC Equipment Replacement 06 - Dust Collector	110,000	a	n	0	<u> </u>	110.000	
WM0031 WRIC Equipment Replacement 07 - Dust Collector	100,000	0	0	0	0	110,000	0
WM0034 WRIC Equipment Replacement 08 - Dust Collector	50.000	0	0	0	0	100,000	
WM0031 WRIC Equipment Replacement 05 - Air Compressor		0	0	0	U	50,000	U U
	31,500	0	0	0	U	31,500	0
WM0031 WRIC Equipment Replacement 06 - Pumping Station	111,000	U	0	0	U	111,000	0
WM0031 WRIC Equipment Replacement 07 - Push Wall	39,400	0	U	0	0	39,400	0
WM0034 WRIC Equipment Replacement 08 - Baler Infeed Conveyor		0	0	0 j	0	48,500	0
WM0034 WRIC Equipment Replacement 08 - Baler	25,000	0	0	0	0	25,000	0
Budget Approval	515,400	0	0	0	0	515,400	0
B. Budget Requirement							1
Tender Price - Trade Mark Industrial Inc.	474 500						
	471,508		-		_		_
City Share	471,508	0	0	0	0	471,508	0
plus: Expenditures to Date	43,892	0	0	0	0	43,892	0
plus: Committed Funds	0	0	0	0	0	0	0
TOTAL BUDGET REQUIREMENT	515,400	0	0	0	0	515,400	0
<u>C. Surplus / (Deficit)</u>	0	0	0	ο	0	0	0
D. Revised project budget	515,400	0	0	0	0	515,400	0

NOTE: The upgrades to the air compressor were handled through the operating budget that year, the push wall was repaired under budget leaving a surplus, the baler infeed parts were purchased with the funds allocated to the transfer conveyors while still remaining on budget, the pumping station funds can be reallocated in future years.

COMMITTEE REPORT



ТО	Community Development and Environmental Services Committee
SERVICE AREA DATE	Environmental Services November 7, 2008
SUBJECT	New Municipal Hazardous Special Waste Program and Agreement with Stewardship Ontario
REPORT NUMBER	Agreement with Stewardship Ontario

RECOMMENDATION

"THAT Council authorize the Mayor and Clerk to sign an Agreement with Stewardship Ontario to receive funding through the Municipal Hazardous or Special Waste (MHSW) Program Plan established by Stewardship Ontario under the Waste Diversion Act, 2002, and any subsequent related agreements."

BACKGROUND

The City of Guelph is committed to community and municipal leadership in municipal solid and household hazardous waste management. In building upon past successes, and with the goal of achieving greater waste diversion rates throughout the City, staff are pleased to provide the following report briefly summarizing the new Municipal Hazardous or Special Waste (MHSW) program managed and funded by Stewardship Ontario, and the opportunity for funding and assistance to be provided by Stewardship Ontario to the City under the program.

REPORT

On December 12, 2006, the Ontario Government's Minister of the Environment required Waste Diversion Ontario to develop a waste diversion program for municipal hazardous or special waste and required Stewardship Ontario to act as the industry funding organization for the program. On February 19, 2008, the Municipal Hazardous or Special Waste (MHSW) Program Plan was approved by the Ontario Minister of the Environment and was launched on July 1, 2008.

The City currently receives funding from Stewardship Ontario under the Blue Box Program Plan. The MHSW Program Plan will provide similar industry funding to assist municipalities with the cost of management of MHSW materials under the Waste Diversion Act. In order for the City of Guelph to qualify to receive funding through Phase 1 of the Municipal Hazardous or Special Waste (MHSW) Program Plan, the City is required to enter into an agreement with Stewardship Ontario.

The City currently operates a household hazardous waste (HHW) depot to collect HHW for proper disposal and/or recycling. The costs for the HHW program are financed through the Solid Waste Resource Division's annual operating budget, as approved by Council.

Starting July 1, 2008, industries that produce and/or distribute targeted Phase 1 material will be responsible for steward fees that will be used to finance the MHSW Program Plan costs for the recycling and/or proper disposal of the resulting waste materials. Municipalities will continue to be responsible for the cost of collecting MHSW waste through HHW programs.

Phase 1 of the MHSW program includes the following waste materials:

- Paints and stains and their containers;
- Solvent such as thinners for paint, lacquer and contact cement, paint strippers and degreasers, and their containers;
- Used oil filters;
- Oil containers of 30 litres or less for a wide range of oil products such as engine and marine oils, and hydraulic, power steering and transmission fluids;
- Single use, dry cell batteries such as alkaline-manganese, zinc-carbon, lithium and button cell batteries (e.g. non-rechargeable batteries that are meant to be removed and replaced by the consumer);
- Automotive antifreeze (engine coolant) and related containers;
- Pressurized containers such as propane tanks and cylinders;
- Fertilizers, for example, plant food or plant nutrients containing nitrogen, phosphorus, potassium, and fungicides, herbicides, insecticides and pesticides and their containers.

In the first year of the program, the following steps will be taken by the City of Guelph to meet the MHSW collection and accessibility targets:

- A promotion and education (P&E) plan for Phase 1 waste materials will be developed to increase awareness.
- At the same time, industry will be encouraged to implement or expand takeback programs through private operators.

The MHSW Program Plan also provides increased funding to municipalities for promotional and education (P&E) costs for the safe disposal MHSW. The City's and Stewardship Ontario's promotion and education campaigns are expected to result in a higher volume of MHSW being brought to the City's HHW Depot for recycling and/or proper disposal.

Details on amount of funding have been determined through negotiations with Stewardship Ontario on the agreement. The highlights of the agreement are as follows:

The three-year term of this agreement shall commence as of July 1st, 2008 and shall be automatically renewed for up to two further one-year terms, unless either party notifies the other in advance to the contrary. Notwithstanding the above, the agreement can be terminated under specified conditions.

The City of Guelph will be reimbursed 100% for the cost of disposal of all sourceseparated Phase 1 Municipal Hazardous or Special Waste, and on a pro-rated basis for the cost of co-mingled Phase 1 Municipal Hazardous or Special Waste. In order to receive this funding, the City must ensure that all waste reduction, reuse and recycling options are utilized when available. The City will also receive incentive fees for the operation of our paint-plus reuse program.

The MHSW Program Plan also identifies Phase 2 waste materials that Waste Diversion Ontario will need to include in the plan upon notification by the Minister. Phase 2 waste materials include the following items:

- Batteries (other than single use dry cell, i.e. rechargeable);
- Aerosol containers;
- Portable fire extinguishers;
- Fluorescent light bulbs and tubes;
- Pharmaceuticals;
- Sharps, including syringes; and
- Switches that contain mercury, thermostats, thermometers, barometers, or other measuring devices that contain mercury.

The Stewardship Ontario funding agreement for Phase 1 MHSW will assist the City in recuperating some of its operating expenditures while increasing the proper management of MHSW. Participation in Phase 2 will require an amendment to the agreement, or a separate agreement with Stewardship Ontario.

CORPORATE STRATEGIC PLAN

- 1. An attractive, well-functioning and sustainable city.
- 5. A community-focused, responsive and accountable government.
- 6. A leader in conservation and resource protection/enhancement.
- 6.4 Less waste per capita than any comparable Canadian city.
- 6.5 Less energy per capita use than any comparable Canadian city.

FINANCIAL IMPLICATIONS

The 2008 budget for contracted hazardous waste management is \$141,200. Preliminary estimates show that Phase 1 MHSW materials, as defined by Waste Diversion Ontario, constitute approximately 25-30% of the household hazardous waste stream. Funding to the City in 2008 (July 1, 2008 – December 31, 2008) is estimated at \$42,000 with annual reimbursements thereafter estimated at \$84,000.

DEPARTMENTAL CONSULTATION

Corporate Services – Legal Services Finance Department – Purchasing, Risk Management

COMMUNICATIONS

N/A

ATTACHMENTS N/A

Prepared By: Bill Shields Supervisor, Governance and Compliance 519-822-1260, ext. 2058

Endorsed By: Dean Wyman Manager of Solid Waste Resources 519-822-1260, ext. 2053 dean.wyman@guelph.ca

Recommended By: Janet L. Laird, Ph.D. Director of Environmental Services 519-822-1260, ext. 2237 janet.laird@guelph.ca

COMMITTEE REPORT



то	Community Development and Environmental Services Committee
SERVICE AREA DATE	Environmental Services November 7, 2008
SUBJECT	Lake Erie Source Protection Committee - Terms of Reference
REPORT NUMBER	

RECOMMENDATION

"THAT Council direct Waterworks staff to continue to coordinate drinking water source protection projects with respect to the City's water supply systems, subject to the provision of sufficient and sustainable funding from the MOE to the City to complete all the work outlined in the Terms of Reference;

AND THAT Council not "elevate" (i.e. include) other drinking water systems into the scope of source protection planning, at this time;

AND THAT Council not exempt existing municipal residential drinking water systems, wells, or intakes within Guelph;

AND THAT Council requests that the following wells be included in the drinking water source protection plan: Arkell 14, Arkell 15, Scout Camp, Edinburgh, Smallfield, and Sacco."

BACKGROUND

Ontario's Clean Water Act and its associated regulations have resulted in the formation of the Lake Erie Source Protection (LESP) Region and the Lake Erie Source Protection (LESP) Committee. The LESP Committee has been tasked by the Province with developing three major documents: a Terms of Reference, an Assessment Report and a Source Protection Plan. These documents will form the basis of the drinking water source protection program for the Grand River Watershed. The first step in the process for the LESP Committee was the preparation of draft Terms of Reference, which outline the work that needs to be done to complete the Assessment Report and the Source Protection Plan as well as the roles and responsibilities. Development of the draft Terms of Reference required the committee to work with source protection authorities (i.e. Grand River Conservation Authority) and municipalities, including Guelph, to ensure that all

parties understand the nature and scope of responsibilities assigned in the Terms of Reference. The draft Terms of Reference were completed in the fall of 2008 while the Assessment Report and Source Protection Plan will be completed by 2010 and 2012, respectively. The draft Terms of Reference has been circulated for public comments (see link below).

Additional details on the Clean Water Act, the Terms of Reference regulation, the LESP Region, the LESP Committee and the Terms of Reference can be found at the following links:

http://www.ene.gov.on.ca/en/water/cleanwater/index.php (MOE's Clean Water Act site)

http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_070287_e.htm (Terms of Reference Regulation)

<u>http://www.sourcewater.ca/</u> (Lake Erie Source Protection Region Site) <u>http://www.sourcewater.ca/index/document.cfm?Sec=5&Sub1=0&sub2=0</u> (Lake Erie Source Protection Committee Site)

http://www.sourcewater.ca/index/document.cfm?Sec=7&Sub1=7&sub2=0 (Grand River Watershed Draft Terms of Reference)

In addition, the Ontario Ministry of the Environment (MOE) has produced a guidance manual on the preparation of the Terms of Reference.

An Information Report was provided to Council on the Clean Water Act in May 2007 and a subsequent report was provided in August, 2007 on the Source Protection Committee. As a result of the August report, Council appointed the Director of Environmental Services to represent Guelph on the Source Protection Committee.

REPORT

The LESP Committee has notified the City of Guelph (letter dated February 27, 2008 to the City Clerk and CAO, Attachment 1) of its intention to prepare the draft Terms of Reference. The LESP Committee has requested that Guelph respond to the following questions:

- 1. To what level does your Municipality wish to participate in future technical studies and/or source protection planning work?
- 2. Does your Council wish to pass a resolution that would "elevate" other drinking water systems into the scope of source protection planning?
- 3. Does your Council wish to pass a resolution requesting exemption for existing municipal residential drinking water systems, wells, or intakes within your municipality that will be decommissioned within the next five years?
- 4. Are there planned municipal residential drinking water systems within your municipality that should be addressed in the Source Protection Plan?

Additional details on each of these questions are provided in the attached correspondence. With the release of the draft Terms of Reference, Environmental Services Department, Waterworks Division has reviewed these questions and herein provides its response. (Please note that although the attached letter requests a response by May 1st, this deadline was extended to the fall of 2008 following the release of the draft Terms of Reference.)

To what level does your Municipality wish to participate in future technical studies and/or source protection planning work?

Waterworks staff have lead the City's drinking water source protection projects and have worked in partnership with the GRCA to conduct various investigations. These projects were related directly to the City's water supply systems (i.e. groundwater/ surface water vulnerability analysis, identifying issues and threats inventories). The City has received funding from the MOE to complete these source protection projects and the City will continue to lead on these projects, assuming that similar funding will be provided for future technical studies and source protection planning work.

Staff recommends this approach as it provides the greatest control and oversight by the municipality and allows staff to understand first hand the technical details and source protection issues. This approach will also enable staff to implement the Source Protection Plan when the municipality assumes responsibility for implementing portions of the Plan. Staff recommends that Waterworks, with support from other departments, continue to coordinate projects related specifically to its water supply systems. For other studies such as significant groundwater recharge areas and highly vulnerable aquifers, the Source Protection Authority should retain the lead with technical input provided by the City. Similarly, source protection projects related to City planning should be coordinated by Community Design and Development Services.

The draft Terms of Reference contains the draft Work Plan for the City of Guelph Assessment Report. The City of Guelph draft Work Plan is provided as Attachment 2.

Does your Council wish to pass a resolution that would "elevate" other drinking water systems into the scope of source protection planning?

As described in the Notification letter (Attachment 1), other drinking water systems may include wells or intakes that service public facilities such as schools or community centres or clusters of private wells in hamlets and subdivisions (i.e. non-municipal residential drinking water systems). The letter also provides precautions that the responsibilities associated with elevated systems will be defined in a forth-coming guidance manual from the MOE. If this guidance has significant implications to the City, staff will report back to Committee.

Waterworks staff recommends that the City not elevate (i.e. include) any systems at this time. The City is not aware of public facilities that are not serviced by the municipal water supply system or of non-municipal residential drinking water systems that lie within the City boundaries. Most of the City lies within current groundwater protection areas for our existing water supply wells and therefore, the few private wells that exist within the City will benefit from the Source Protection Plan without the City assuming responsibilities for the protection of these wells.

Does your Council wish to pass a resolution requesting exemption for existing municipal residential drinking water systems, wells, or intakes within your municipality that will be decommissioned within the next five years?

It is a goal of the City's Water Supply Master Plan to optimize our existing water supply sources. Therefore, we do not intend to decommission any existing municipal drinking water systems within the next five years. However, Waterworks staff are conducting feasibility studies through the WSMP to consider returning several existing systems to service. In the unlikely event that the studies show that this is not feasible for one or more wells, these systems may need to be removed from the existing drinking water system in the future.

Therefore staff do not recommend a resolution to exempt any component of our water supply systems at this time.

Are there planned municipal residential drinking water systems within your municipality that should be addressed in the Source Protection Plan?

"Planned" systems are water supply systems that are approved under the Environmental Assessment Act. The Arkell Class Environmental Assessment project which will add two new bedrock wells to the City's water supply system would qualify. These wells should be included in the Source Protection Plan.

The Scout Camp well was also approved through a Class Environmental Assessment in 1995, but the well was not developed as a water supply source because of water quality (hydrogen sulphide) and other issues. The Scout Camp well was identified in the Water Supply Master Plan and should also be included in the Source Protection Plan. Similarly, the City's water supply system also includes the Edinburgh well, the Smallfield well and the Sacco well. These wells are currently off-line while Waterworks staff conduct feasibility studies to address water quality and treatment issues with each well.

In addition, Waterworks staff are is in the middle of a Class EA project to add additional water supply capacity in the Southwest Quadrant, but this project is not finished and therefore does not meet the eligibility requirements.

Staff recommends that a Council resolution be provided to the LESP Committee indicating that the Arkell 14 well, Arkell 15 well, Scout Camp well, Edinburgh well, Smallfield well and Sacco well be included in the Terms of Reference.

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

Technical studies related to the development of the Assessment Report are expected to be funded by the MOE. In the long-term, implementation of the Source Protection Plan may require funding from the City.

DEPARTMENTAL CONSULTATION

Planning and Development Services have reviewed this report and have been copied on correspondence from the LESP Region and LESP Committee.

COMMUNICATIONS

N/A

ATTACHMENTS

- 1. Letter to Municipal and County CAO and Clerks of the Lake Erie Source Protection Region, dated February 27, 2008.
- Excerpt from the Draft Terms of Reference, Appendix A, Section A.6.3.9 City of Guelph

Prepared By: Dave Belanger, M.Sc., P.Geo. Water Supply Program Manager 519-822-1260, ext. 2186 dave.belanger@guelph.ca

Recommended By: Janet L. Laird, Ph.D. Director of Environmental Services 519-822-1260, ext. 2237 janet.laird@guelph.ca



Grand River Conservation Authority

Telephone (519) 621-2761 Fax (519) 621-4844 Internet: http://www.grandriver.ca

LAKE ERIE SOURCE PROTECTION REGION

February 27, 2008

To: Municipal and County CAOs and Clerks of the Lake Erie Source Protection Region

RE: DRINKING WATER SOURCE PROTECTION - TERMS OF REFERENCE

We wish to advise your municipality about the upcoming preparation of Terms of Reference for drinking water source protection activities in the Lake Erie Source Protection Region.

This letter serves as your official notice under Ontario Regulation 287/07 that the Lake Erie Region Source Protection Committee is commencing preparation of the Terms of Reference for developing Source Protection Plans.

You may receive or have already received similar letters from our neighbouring Source Protection Areas and Regions as they are also beginning to prepare Terms of Reference. The attached map shows the location of Lake Erie Region.

Background

Ontario's *Clean Water Act* and some of its Regulations, which passed in July 2007, prompted the formation of the Lake Erie Region Source Protection Committee. The Committee was appointed in December 2007 and their mandate is to develop a Source Protection Plan to help ensure the protection of clean and plentiful municipal drinking water sources. Seven of the 24 committee members are municipal representatives.

Over the past three years, the Kettle Creek, Catfish Creek, Long Point Region, and Grand River Conservation Authorities have been working closely with local municipalities and others on background scientific research which will form the foundation of local source protection plans.

The next step is for the Source Protection Committee to prepare a Terms of Reference document in 2008. Once drafted, this document will go through municipal and public review and comment prior to being submitted to the Ministry of the Environment (MOE) for approval. Once approved, Terms of Reference can be amended by resubmitting a revised version to the MOE for approval.

Purpose of the Terms of Reference

The purpose of the Terms of Reference is to formulate a work plan to complete two key documents: a technical Assessment Report by 2010 and a Source Protection Plan by 2012. The scope of work, everyone's roles and responsibilities, and costs will be itemized within the Terms of Reference.

Four Questions for Municipalities

Since Municipalities are key partners in drinking water source protection, we require your initial input to develop a draft Terms of Reference.





Each of the four questions, if applicable to your municipality, will require municipal council resolutions before the Terms of Reference are submitted to the Ministry of the Environment (MOE) in the fall 2008. However, the early indication of your intentions by May 1st would be appreciated.

1. To what level does your Municipality wish to participate in future technical studies and/or source protection planning work?

The Clean Water Act gives municipalities the first "right-of-refusal" to undertake drinking water source protection technical and planning work related to the municipal drinking water wells and intakes within their municipality. Where municipalities do not wish to lead these tasks, conservation authorities will undertake them on behalf of the municipality.

Of the 19 municipalities in the Lake Erie Region who own municipal residential drinking water systems, nine municipalities have been administering their own technical studies with grant funding from the Ministry of the Environment; the Grand River Conservation Authority has been administering projects on behalf of six municipalities; two municipalities have asked for GRCA assistance in administering projects from time to time; neighbouring CAs have been administering studies for two municipalities to this point.

Administering projects	Administering some projects	Requested CA assistance
Waterloo Region	Twp of Centre Wellington	Southgate Twp
City of Guelph	Mun. of Central Elgin	E Luther Grand Valley
Oxford County		Amaranth Twp
County of Brant		E Garafraxa Twp
City of Brantford		Mapleton Twp
City of Hamilton		Guelph Eramosa Twp
Haldimand County		Other CA administering
Norfolk County		Wellington North
Elgin Area Primary Water Board (City of London)		Perth East

Municipal water services and planning staff have been meeting with CA staff approximately monthly for the past two years as the Municipal Water Services Technical Group, to keep each other informed and coordinate the work. Your municipality's contact person on the Municipal Water Services Technical Group will be able to answer many of your questions about Source Protection planning, what we currently know about the work that needs to be done to develop a Source Protection Plan, the status of the technical work for your municipality, and the information that the municipality needs to provide for the SPC Terms of Reference.

The Terms of Reference will set out the various work that needs to be done (technical, planning, and consultation) to develop a Source Protection Plan, who is going to take responsibility for doing that work, and what that work is estimated to cost. If your municipality is intending to do some or all of the work components related to municipal drinking water wells and intakes in your municipality, an early indication of your intentions would be appreciated by May 1st for the assembly of the draft Terms of Reference in May. This early information can be provided via your contact on the Municipal Water Services Technical Group or other staff member.

In addition, the submission of the final draft Terms of Reference to the Ministry of Environment in the fall 2008 must be accompanied by a resolution from your municipality's council agreeing to take responsibility for the work assigned to your municipality in the Terms of Reference.

If your municipality does not own a municipal residential drinking water system and are not directly involved in technical studies related to residential drinking water wells and intakes, you may still have a planning role. You may participate, for example, in the development of policies for wellhead protection areas, intake protection plans, highly vulnerable aquifer areas and significant groundwater recharge areas that affect your municipality, or in developing policies to address existing drinking water quality issues.

2. Does your Council wish to pass a resolution that would "elevate" other drinking water systems into the scope of source protection planning?

While the focus of this program is municipal residential drinking water systems, a municipality may elevate other systems to be included in the Source Protection Plan. This is described in Section 8(3) of the *Clean Water Act*, 2006 and O. Reg. 286/07. These other systems may include:

- intakes and wells that service facilities such as community centers and schools; and
- clusters of private intakes and wells such as hamlets, rural subdivisions, and shoreline communities.

Further guidance regarding the elevation of these systems will be forthcoming from the MOE. The guidance will outline possible implications for municipalities should they chose to elevate such systems (e.g. costs, other responsibilities). The MOE is advising municipalities to wait until they have received and read this guidance before passing council resolutions to elevate systems.

3. Does your Council wish to pass a resolution requesting exemption for existing municipal residential drinking water systems, wells, or intakes within your municipality that will be decommissioned within the next five years?

The source protection plan is intended to address only those municipal residential drinking water systems, wells, and intakes that will remain in service past 2012. If the use of all or parts of a municipal drinking water system are to discontinue during the next five years, a council resolution to that effect is required.

4. Are there planned municipal residential drinking water systems within your municipality that should be addressed in the Source Protection Plan?

The source protection plan is intended to address any planned municipal residential drinking water systems. To be defined as "planned", a future system must be approved under the Environmental Assessment Act or have been the preferred solution under a completed environmental assessment process, as described in O.Reg. 286/07 Section 1a) and 1b). If this is the case in your municipality, a council resolution must be provided to state this intention.

Anticipated Timeline for the Preparation and Approval of Draft Terms of Reference (ToR)

Feb 2008	Initial discussions with municipalities
Apr 2008	Second phase regulations under the Clean Water Act posted for comment on the EBR Registry and MOE holds roundtable consultations
May 2008	Municipal and CA staff assemble components of the first draft Terms of Reference (TOR)
Jun-Aug 2008	Lake Erie Region SPC considers draft TOR
Jul 2008	Second phase of regulations and technical guidance are available
Aug-Oct 2008	Municipal & public review of draft TOR - comments submitted to SPC
Oct-Nov 2008	SPC submits TOR to Source Protection Authorities (SPAs)
Oct-Nov 2008	Municipal & public review of draft TOR – comments and council resolutions submitted to SPAs
Dec 2008	Submission to MOE
Jan 2009	Review and approval by MOE

Thank you for your ongoing cooperation and assistance with drinking water source protection. We look forward to working with your municipality as we develop the draft Terms of Reference in 2008.

If you have any questions or comments, please contact Lorrie Minshall at 519-620-7575 or Iminshall@grandriver.ca.

If you have a municipal staff person involved with the Municipal Water Services Technical Group, that person may be able to answer many of your questions.

We are also happy to meet with municipal staff and councils to discuss the Terms of Reference. Please contact Lorrie if you are interested.

Sincerely,

applying

Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee

mie Minshall

Lorrie Minshall, P.Eng., Source Protection Program Director, Lake Erie Source Protection Region

cc.

Lake Erie Region Management Committee members Municipal Water Services Technical Group Adjacent Source Protection Area/Regions Keith Willson, Ontario Ministry of the Environment

A.6.3.9 City of Guelph

A.6.3.9.1 City of Guelph Assessment Report

Task	Costs for work completed or In Progress	Estimated Costs for remaining work	Start Date & Estimated Completion Date	Assigned Lead	Comments
Delineating and applying vulnerability scores to Intake Protection Zones		\$20,800	2007-Jun-01 to 2009-Mar-31	City of Guelph	 Revise characterization of Eramosa River Intake to be consistent with other surface water intakes within Lake Erie Region. Finalize scoring for IPZs
					- Early consultation on vulnerable area delineation and scoring.
Delineating and applying vulnerability scores to all Wellhead Protection Areas	\$165,500	\$55,300	2007-Jun-01 to 2009-Mar-31	City of Guelph	 Wellhead Protection Areas were delineated using a numerical groundwater model (FEFLOW). Vulnerability was calculated using a modified version of the Intrinsic Susceptibility Index and vulnerability scoring was completed with consideration for preferential pathways.
					- Delineate WHPA Zone E for Carter Well (GUDI).
			I		 Finalize scoring for WHPAs
					 Early consultation on vulnerable area delineation and scoring.
Identifying Issues, inventorying threats and assessing Hazards in Wellhead Protection Areas and Intake Protection Zones	\$166,900	\$313,200	2007-Jun-01 to 2009-Sep-30	City of Guelph	 Water quality trends and issues were assessed. Updating list based on new definition and thresholds. issues may need to be re- investigated based on the Assessment Report regulations and technical rules. Land use activities that are or would be drinking water threats will be listed.
					 Activities and conditions that are significant drinking water threats will be identified based on the technical rules for the Assessment Report.

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Task	Costs for work completed or In Progress	Estimated Costs for remaining work	Start Date & Estimated Completion Date	Assigned Lead	Comments
Assess risk in Wellhead Protection Areas and Intake Protection Zones	\$35,900	\$297,200	2007-Jun-01 to 2009-Sep-30	City of Guelph	 Where significant threats in wellhead protection areas and other vulnerable areas are identified but there is uncertainty associated with either the hazard or vulnerability score, refinement of the risk assessment will be undertaken, to the extent that time and available resources permit and in accordance with methods described in Assessment Report regulations and technical rules: synthesizing information from MOE District files; land owner surveys; site investigations to confirm significant threats (activities & conditions). Includes local area engagement, outreach and creation of communication products that support the Assessment Report process.
TOTAL	\$368,300	\$686,500			

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A.6.3.9.2 City of Guelph Source Protection Plan

Task	Costs for work completed or In Progress	Estimated Costs for remaining work	Start Date & Estimated Completion Date	Assigned Lead	Comments
Policy development to address drinking water threats (where required and/or permissible in Act/Regs)	\$0	\$207,400	2010-Jan-20 to 2012-Feb-29	City of Guelph	 Investigate local choices for policy approaches to address drinking water threats Includes local area engagement, outreach and creation of communications products that support the source protection plan process. Task scope will be refined when more information and direction are available.
Policy development for monitoring drinking water threats or issues (where required, advisable and/or permissible in Act & Regs)	\$0	\$19,500	2010-Jan-20 to 2012-Feb-29	City of Guelph	 Investigate local choices for policy approaches for monitoring drinking water threats Task scope will be refined when more information and direction are available.
Establishing timelines for policy implementation	\$0	\$0	2011-Sep-01 to 2012-Feb-29	City of Guelph	 Task scope will be refined when detailed requirements and guidance are available.
Other Source Protection Plan Preparation Task	\$0	\$0	2010-Jan-20 to 2012-Aug-20	GRCA	 Guelph WHPAs cross into the Township of Guelph-Eramosa within the Grand River SP Area. Ensure that consultation takes place to develop policies acceptable to each municipality.
Other Source Protection Plan Preparation Task	\$0	\$0	2010-Jan-20 to 2012-Aug-20	GRCA	 Guelph WHPAs cross into the Township of Puslinch within the Grand River SP Area. Ensure that consultation takes place to develop policies acceptable to each municipality.
TOTAL	\$0	\$226,900			

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REPORT OF THE EMERGENCY SERVICES, COMMUNITY SERVICES & OPERATIONS COMMITTEE

November 24, 2008

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

Your Emergency Services, Community Services & Operations Committee beg leave to present their NINTH REPORT as recommended at its meeting of November 12, 2008.

CLAUSE 1 THAT a By-law to continue and regulate the Guelph Fire Department, to be known as the Guelph Fire Department Establishing & Regulating By-law be approved.

> AND THAT a By-law authorizing the Guelph Fire Department to leave the boundaries of the City of Guelph to provide services in various circumstances, including to continue in the participation in the Mutual and Automatic Aid Program for the County of Wellington, and to provide services under the Fire Protection Agreement between The Corporation of the City of Guelph and The Corporation of the Township of Guelph/Eramosa, be approved.

- CLAUSE 2 THAT the Power of Entry By-law attached as Appendix A to the Director of Operations report of November 12, 2008 be approved.
- CLAUSE 3 THAT an application for a special event permit to serve alcohol at a wedding to be held on Saturday, July 18th, 2008 at Goldie Mill Park be approved;

AND THAT the applicant be given permission to erect a temporary fence that would block the lower pedestrian path along the top of the bank at the river and erect a tent within the fenced area to host their wedding dinner. The tent will measure approximately 30 ft by 70 ft and will require issuance of a building permit.

AND THAT matters regarding special events be referred to staff for consideration under the "delegation of authority" review.

- CLAUSE 4 THAT traffic signals be provided at the intersection of Starwood Drive and Grange Road subject to Ken Danby school providing student patrols and subject to budget approval for 2009.
- CLAUSE 5 THAT the Emergency Services, Community Services and Operations Committee report of November 12, 2008, entitled `Guelph Farmers' Market Operating Review' be received;

AND THAT staff be directed to draft a new by-law for the consideration of Council, to regulate the Guelph Farmers' Market based on the recommendations contained in the report dated November 12, 2008;

AND THAT staff be directed to incorporate revisions as contained in the report dated November 12, 2008 to the operating policies/procedures.

All of which is respectfully submitted.

Councillor Maggie Laidlaw, Chair Emergency Services, Community Services & Operations Committee

COMMITTEE REPORT



ТО	Emergency Services, Community Services and Operations Committee
SERVICE AREA DATE	Emergency Services 2008-11-12
SUBJECT	Guelph Fire Department Establishing & Regulating By- law, and Mutual and Automatic Aid By-law
REPORT NUMBER	

RECOMMENDATION

"THAT a By-law to continue and regulate the Guelph Fire Department, to be known as the Guelph Fire Department Establishing & Regulating By-law, be approved";

"AND THAT a By-law authorizing the Guelph Fire Department leave the boundaries of the City of Guelph to provide services in various circumstances, including to continue in the participation in the Mutual and Automatic Aid Program for the County of Wellington, and to provide services under the Fire Protection Agreement between The Corporation of the City of Guelph and The Corporation of the Township of Guelph/Eramosa, be approved"

BACKGROUND

In March of 2006 the Guelph Fire Department (GFD) committed to becoming an accredited fire department through the Commission on Fire Accreditation International (CFAI). The Commission's mandate is to assist and improve fire and emergency service agencies internationally by achieving organizational and professional excellence through self-assessment and accreditation. This process will provide continuous quality improvement and enhancement of service delivery to the community.

REPORT

One of the many requirements in becoming an accredited agency is to demonstrate that the agency/fire department has been legally established, and that all agreements, By-laws etc. are up-to-date. The establishment of a Fire Department is also a requirement under the Fire Protection and Prevention Act (FPPA).

Although GFD was last legally established through By-law back in 1970, there have since been substantial changes to the authority (e.g. transfer of authority from the Municipal Act to the FPPA to establish fire safety public education and other fire protection services, delegation of authority from Fire Chief to conduct fire investigations, Mutual and Automatic Aid agreements, appointment of Fire Chief for two or more fire departments etc.) now provided under the FPPA, services provided to the community, and to the overall structure of the Department. In order to provide an all encompassing reflection of these changes, GFD feels it is necessary to repeal and replace its current E & R By-law, and Mutual and Automatic Aid Bylaw. The new E & R By-law will also include a GFD Organizational Chart, Mission Statement, and list of Core Services.

Highlights:

E & R By-law:

- now includes Organizational Chart, Mission Statement, Core Services
- clarifies delegation of authority in absence of Fire Chief, Deputies, and officers
- cost recovery for demolishing, or securing buildings damaged by fire
- permits Fire Chief to act for other municipalities pursuant to an agreement authorized by Council (such as for Guelph-Eramosa)
- authorizes Fire Chief to hire replacement members or a member for a new position approved by Council (except Deputy Chiefs, which are to be appointed by Council)
- sets out the responsibilities and powers of the Fire Chief
- includes details of working conditions, probation, discipline, termination, etc.
 of firefighters by the Fire Chief
- provides that the Fire Department may not leave the municipal boundaries except in certain circumstances (as set out below)

Mutual Aid and Automatic Aid By-law:

- authorizes the Fire Department to leave municipal boundaries in order to provide services in the following circumstances:
 - Property of the municipality or within the municipality is threatened
 - Persons, property or environment within the municipality are threatened and there is no other fire department for the area
 - o In a municipality with which an agreement has been entered into
 - o On a property for which an agreement has been entered into
 - o To participate in the Mutual Aid Plan or any similar plan
 - Where the Fire Chief determines appropriate, when immediate action is required to preserve life or property

The adoption of the revised By-laws and accompanying Schedules will ensure GFD is up-to-date and satisfies the compliance mandate of the CFAI and FPPA.

CORPORATE STRATEGIC PLAN

- 2. A healthy and safe community where life can be lived to the fullest
- 5. A community-focused, responsive, and accountable government

FINANCIAL IMPLICATIONS

No Financial Implications

DEPARTMENTAL CONSULTATION

Legal Services

COMMUNICATIONS

ATTACHMENTS

None

(Ch)

Prepared By: Lyle Quan Deputy Chief - Administration 519-824-6590 x 2123 lyle.quan@guelph.ca

Recommended By: Shawn Armstrong Director of Emergency Services 519-824-6590 x 2125 shawn.armstrong@guelph.ca

COMMITTEE REPORT



TO Emergency Services, Community Services and Operations Committee

SERVICE AREA Operations DATE November 12, 2008

Power of Entry Bylaw

SUBJECT REPORT NUMBER

RECOMMENDATION

"THAT the Power of Entry Bylaw attached as Appendix A to the Director of Operations report of November 12, 2008 be approved by Council."

BACKGROUND

Currently a large number of City Bylaws do not have a section that provides for entry onto private lands and this limits the ability of staff to effectively enforce these bylaws.

REPORT

In consultation with the City's Legal Department and based on best practices from other municipalities, it is recommended that Council pass a Power of Entry Bylaw. This Bylaw (attached as Appendix A) gives clear authority for staff to enter onto private property where warranted for the purpose of carrying out an inspection to ensure that the City's By-laws, directions, orders and conditions of a licence are being complied with. The Bylaw also provides clear guidelines for both staff and the public regarding staffs' authority and limitations when entering onto private lands for the purpose of such an inspection.

The <u>Municipal Act 2001</u> S.O. 2001 c.25 authorizes municipalities to enter private lands for the purpose of carrying out an inspection subject to certain limitations. This Power of Entry Bylaw complies with the powers, duties and limitations contained in that statute.

CORPORATE STRATEGIC PLAN

A healthy and safe community where life can be lived to the fullest.

FINANCIAL IMPLICATIONS

n/a

DEPARTMENTAL CONSULTATION

Legal Services

COMMUNICATIONS

n/a

ATTACHMENTS

Appendix A - Power of Entry Bylaw

Prepared By:

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Recommended By: Derek J. McCaughan

Director, Operations 519 822-1260 ext 2018 Derek.McCaughan@guelph.ca

Recommended By: Bob Chapman Manager, Traffic and Parking 519 822-1260 ext 2275 Bob.Chapman@guelph.ca

THE CORPORATION OF THE CITY OF GUELPH

BY-LAW NUMBER (2008) -

Being a By-law regulating the power of entry onto land

WHEREAS Section 436, Subsection (1) of the <u>Municipal Act, 2001</u>, S.O. 2001, c. 25, as amended, provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection;

AND WHEREAS sections 435, 437 and 438 of the <u>Municipal Act, 2001</u>, S.O. 2001, c. 25, as amended, set out additional powers and restrictions in regard to the power of entry;

AND WHEREAS The City of Guelph wishes to pass a By-law allowing for the entry on land for the purpose of carrying out an inspection to ensure that its By-laws, directions, orders and conditions of a licence are being complied with;

AND WHEREAS this by-law applies to any City of Guelph by-laws without power of entry provisions passed pursuant to the <u>Municipal Act, 2001</u>, S.O. 2001 c. 25, as amended or its predecessors;

NOW THEREFORE the Council for The Corporation of the City of Guelph hereby ENACTS AS FOLLOWS:

<u>TITLE</u>

This by-law shall be known and may be cited as the "Power of Entry Bylaw." In the text of the by-law, it is referred to as "this by-law."

1. <u>DEFINITIONS</u>

In this by-law:

- 1.3 "Land" includes buildings, structures and dwellings.
- 1.4 "Officer" means a by-law enforcement officer, police officer, chief fire official or designate or any City of Guelph employee authorized by Council to enforce a provision(s) of any City of Guelph By-law, provincial statute or federal statute.
- 1.5 "Occupier" means any person, firm or corporation having control over any portion of the building or property under consideration and includes the persons in the building or property.
- 1.6 "Municipality" means the Corporation of the City of Guelph.

2. <u>ENTRY AND INSPECTION</u>

- 2.1 An Officer may at any time, enter onto land for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - 2.1.1 A by-law of the Municipality passed under the <u>Municipal Act</u>, <u>2001</u>, S.O. 2001, c. 25, as amended or its predecessor.
 - 2.1.2 A direction or order of the Municipality under the <u>Municipal</u> <u>Act, 2001</u>, S.O. 2001, c. 25, as amended, or made under a by-law of the Municipality passed pursuant to the <u>Municipal</u> <u>Act, 2001</u>, S.O. 2001, c. 25, as amended, or its predecessor.
 - 2.1.3 A condition of a licence issued under a by-law of the municipality passed under the <u>Municipal Act, 2001</u>, S.O. 2001, c. 25, as amended, or its predecessor.
 - 2.1.4 An order made under Section 431 of the <u>Municipal Act</u>, <u>2001</u>, S.O. 2001, c. 25, as amended.

3. <u>RESTRICTIONS</u>

- 3.1 Every occupier shall permit the Officer to inspect any Land for the purposes as set out in Section 2.1 of this by-law.
- 3.2 Notwithstanding any provision of this by-law, an Officer shall not enter or remain in any room or place actually being used as a dwelling, unless:
 - (a) the consent of the occupier is obtained, with the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of an order issued under Section 438 of the <u>Municipal Act, 2001</u> S.O. 2001, c. 25., as amended or a warrant issued under Section 439 of the <u>Municipal Act,</u> <u>2001</u> S.O. 2001, c. 25, as amended or a warrant under Section 386.3 of the <u>Municipal Act, 2001</u> S.O. 2001, c. 25, as amended;
 - (b) an order under Section 438 of <u>Municipal Act, 2001</u> S.O.
 2001, c. 25, as amended, is obtained;
 - (c) a warrant issued under Section 439 of the <u>Municipal Act</u>, <u>2001</u> S.O. 2001, c. 25, as amended, is obtained;

- (d) a warrant issued under Section 386.3 of the <u>Municipal Act</u>, <u>2001</u> S.O. 2001, c. 25, as amended, is obtained;
- (e) the delay necessary to obtain an order under Section 438 of the <u>Municipal Act, 2001</u> S.O. 2001, c. 25, as amended, to obtain a warrant under Section 439 of the <u>Municipal Act,</u> <u>2001</u> S.O. 2001, c. 25, as amended, or a warrant under Section 386.3 of the <u>Municipal Act, 2001</u> S.O. 2001, c. 25, as amended or to obtain the consent of the occupier would result in an immediate danger to the health or safety of any person; or
- (f) the Municipality has given the occupier of Land notice of its intention to enter as required under Section 435(2) of the <u>Municipal Act, 2001</u> S.O. 2001, c. 25, as amended, and the entry is authorized under Section 79, 80 or 446 of the <u>Municipal Act, 2001</u> S.O. 2001, c. 25, as amended.

4. INSPECTION POWERS

- 4.1. For the purposes of an inspection, an Officer may:
 - 4.1.1 require the production for inspection of documents or things relevant to the inspection;
 - 4.1.2 inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - 4.1.3 require information from any person concerning a matter related to the inspection; and
 - 4.1.4 alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 4.2 A sample taken under Section 4.1.4 shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities.
- 4.3 If a sample is taken under Section 4.1.4 and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken.
- 4.4 A receipt shall be provided for any document or thing removed under Section 4.1.2 and the document or thing shall be promptly returned after the copies or extracts are made.

4.5 Copies of or extracts from documents and things removed under this Section 4 and certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the originals.

5. <u>OBSTRUCTION</u>

- 5.1 No person shall Obstruct or attempt to Obstruct any Officer or other person, who is exercising a power or performing a duty under this By-law or any other City of Guelph By-law or the <u>Municipal Act, 2001</u>, S.O. 2001, c. 25, as amended or its predecessor.
- 5.2 Without limiting section 5.1, "Obstruct" includes:
 - 5.2.1 to hinder or mislead;
 - 5.2.2 to knowingly provide false information or make a false claim or statement;
 - 5.2.3 to prevent, bar or delay or attempt to prevent, bar or delay entry or inspection by an Officer, or any person under his or her direction;
 - 5.2.4 to prevent, bar or delay or attempt to prevent, bar or delay any person, including an Officer, from carrying out his or her duties or exercising his or her powers, including but not limited to the removal of documents or things relevant to the inspection, or the taking of any tests, samples or photographs necessary for the purposes of the inspection;
 - 5.2.5 to prevent, bar or delay or attempt to prevent, bar or delay any person, including an Officer, from exercising his or her authority pursuant to an order issued by a provincial judge or justice of the peace under Section 438 of the <u>Municipal Act</u>, <u>2001</u>, S.O. 2001, c. 25, as amended; and
 - 5.2.6 to fail to provide, upon request by an Officer, any information, documents or things relevant to an inspection.
- 5.3 Without limiting sections 6.1 and 6.2, every person who is alleged to have contravened any of the provisions of any City of Guelph By-law shall identify themselves to an Officer upon request and failure to do so shall be deemed to have Obstructed the Officer in the execution of his or her duties contrary to Section 5.1 of this Bylaw.

6. ORDERS AND REMEDIAL ACTIONS

- 6.1 In addition to any other provision of this By-law, and subject to the provisions of the Act, a provincial judge or justice of the peace may issue an order authorizing an Officer and any person under his or her direction to enter onto or into any premises, including a room or place actually being used as a dwelling, for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - 6.1.1 any provision of this By-law;
 - 6.1.2 a direction or order of an Officer or of the municipality made under this By-law or made under the Act in relation to the subject- matter of this By-law;
 - 6.1.3 a condition of a Licence issued under this By-law; and
 - 6.1.4 an order made under Section 431 of the Act in relation to the subject-matter of this By-law,

and to exercise powers described in Section 4 of this By-law, where the provincial judge or justice of the peace is satisfied by evidence under oath that the inspection is reasonably necessary and the Officer has been prevented or is likely to be prevented from doing anything set out in Section 2.1 or 4.1 of this By-law.

- 6.2 An Officer named in an order described in Section 6.1, and any person under his or her direction named therein, may, in accordance with the order, enter onto or into the Land described therein including any room or place actually being used as a dwelling, which is described therein, to undertake the said inspection, and may, for that purpose, exercise any power set out in the order.
- 6.3 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the person who contravened the By-law to discontinue the contravening activity, known as an Order to Discontinue Activity, requiring the person who contravened the by-law, or who caused or permitted the contravention, or the owner or occupier of the Land on which the contravention occurred, to discontinue the contravention.
 - 6.3.1 An order under subsection 6.3 shall set out,

(a) reasonable particulars of the contravention adequate to identify the contravention and the municipal address on which the contravention occurred;

(b) the date by which there must be compliance with the order; and

- (c) the date on which the order expires.
- 6.3.2 No Person shall fail to comply, in whole or in part, with an order issued under subsection 6.3.
- 6.4 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the person who contravened the By-law to do work to correct the contravention, known as a Work Order.
 - 6.4.1 An order under subsection 6.4 shall set out,

(a) reasonable particulars of the contravention adequate to identify the contravention and the municipal address of the property on which the contravention occurred;

(b) the work to be done and the date by which the work must be done; and

- (c) the date on which the order expires.
- 6.4.2 An order under subsection 6.4 may require work to be done even though the facts which constitute the contravention of the By-law were present before this By-law making them a contravention came into force.
- 6.4.3 No Person shall fail to comply, in whole or in part, with an order issued under subsection 6.4.

7. <u>PENALTY</u>

- 7.1 Any person who contravenes any of the provisions of this bylaw is guilty of an offence and upon conviction is liable to a maximum fine of \$100,000.00.
- 7.2 Upon conviction, in addition to any other remedy and to any penalty imposed by this by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 7.3 Where a person fails to do a matter or thing as directed or required by an Officer or other person pursuant to this by-law or other City of Guelph by-law or the <u>Municipal Act, 2001</u>, S.O. 2001, c. 25, as amended, the matter or thing may be done by the Municipality at

that person's expense which associated costs may be added to the tax roll of the person to be collected in the same manner as property taxes.

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8. <u>VALIDITY AND SEVERABILITY</u>

Every provision of this by-law is declared to be severable from the remainder and if any provision of this by-law shall be declared invalid by a court of competent jurisdiction such declaration shall not affect the validity of the remainder.

9. <u>CONFLICTS</u>

- 9.1 This By-law shall apply in addition to the provisions of any other City By-law and the <u>Municipal Act, 2001</u>, S.O. 2001 c. 25, as amended, provided that in the event of conflict, the provisions of any other City By-law or the <u>Municipal Act, 2001</u>, S.O. 2001 c. 25, as amended, shall be paramount over this by-law, provided such provisions are not contrary to law.
- 9.2 Nothing in this By-law shall limit any other statutory or common law rights or powers of the Municipality or any Officer to enter on Land.

10. EFFECTIVE DATE

This by-law shall come into full force and take effect on the date of passing.

Passed this ____ day of _____, 2008

Karen Farbridge - Mayor

Lois A. Giles - Clerk

APPENDIX A

THE CORPORATION OF THE CITY OF GUELPH

BY-LAW NUMBER (2008) -Being a By-law regulating the power of entry onto land

WHEREAS Section 436, Subsection (1) of the <u>Municipal Act, 2001</u>, S.O. 2001, c. 25, as amended, provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection;

AND WHEREAS sections 435, 437 and 438 of the <u>Municipal Act, 2001</u>, S.O. 2001, c. 25, as amended, set out additional powers and restrictions in regard to the power of entry;

AND WHEREAS The City of Guelph wishes to pass a By-law allowing for the entry on land for the purpose of carrying out an inspection to ensure that its By-laws, directions, orders and conditions of a licence are being complied with;

AND WHEREAS this by-law applies to any City of Guelph by-laws without power of entry provisions passed pursuant to the <u>Municipal Act, 2001</u>, S.O. 2001 c. 25, as amended or its predecessors;

NOW THEREFORE the Council for The Corporation of the City of Guelph hereby ENACTS AS FOLLOWS:

<u>TITLE</u>

This by-law shall be known and may be cited as the "Power of Entry By-law." In the text of the by-law, it is referred to as "this by-law."

1. DEFINITIONS

In this by-law:

- 1.3 "Land" includes buildings, structures and dwellings.
- 1.4 "Officer" means a by-law enforcement officer, police officer, chief fire official or designate or any City of Guelph employee authorized by Council to enforce a provision(s) of any City of Guelph By-law, provincial statute or federal statute.
- 1.5 "Occupier" means any person, firm or corporation having control over any portion of the building or property under consideration and includes the persons in the building or property.
- 1.6 "Municipality" means the Corporation of the City of Guelph.

2. ENTRY AND INSPECTION

- 2.1 An Officer may at any time, enter onto land for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - 2.1.1 A by-law of the Municipality passed under the <u>Municipal Act</u>, 2001, S.O. 2001, c. 25, as amended or its predecessor.
 - 2.1.2 A direction or order of the Municipality under the <u>Municipal</u> <u>Act, 2001</u>, S.O. 2001, c. 25, as amended, or made under a bylaw of the Municipality passed pursuant to the <u>Municipal</u> <u>Act, 2001</u>, S.O. 2001, c. 25, as amended, or its predecessor.
 - 2.1.3 A condition of a licence issued under a by-law of the municipality passed under the <u>Municipal Act, 2001</u>, S.O. 2001, c. 25, as amended, or its predecessor.

COMMITTEE REPORT



ТО	Emergency Services, Community Services and Operations Committee
SERVICE AREA DATE	Community Services November 12, 2008
SUBJECT	Notification and Recommendation of a Special Event at Goldie Mill

RECOMMENDATION

THAT an application for a special event permit to serve alcohol at a wedding to be held on Saturday, July 18, 2009 at Goldie Mill Park be approved;

AND THAT the applicant be given permission to erect a temporary fence that would block the lower pedestrian path along the top of the bank at the river and erect a tent within the fenced area to host their wedding dinner. The tent will measure approximately 30 ft by 70 ft and will require issuance of a building permit.

BACKGROUND

On October 17, 2008, Facility Booking staff received a special event application to reserve the ruins at Goldie Mill Park as the venue for their upcoming wedding ceremony and dinner. The event set-up will commence on Friday, July 17, with the actual event starting at 3:00 pm on July 18, and will conclude at 9:00 pm the same day. The wedding party and guests will then move to the Guelph Youth Music Centre for the reception. The expected attendance at the wedding is approximately 160 guests.

Staff met with the applicants on October 17, 2008, to confirm the specific operational requirements to host the event, as well as the specific limitations of site, i.e. prohibition of amplified sound at the site, requirements to fence off the area and perform utility locates prior to driving any tent stake or T-bar into the ground, as well as the limitations for available parking and staffs' ability to respond to last minute/overnight graffiti or vandalism at the mill.

REPORT

The ruins have been reserved in the past for special events and in accordance with the Alcohol Risk Management Policy; the event requires Council approval based on the organizer's request to serve alcohol. Staff has confirmed with the organizer the requirement to use Smart-Serve trained bartenders and have Event Staff from the City on-site while alcohol is served. Alcohol will be served between the hours of 3:00 pm and 9:00 pm on July 18. In order to effectively fence off and secure the area to allow for the consumption of alcohol, the lower pedestrian path along the river would be blocked off. The public would still have right of passage using the upper path between the Guelph Youth Music Centre and the ruins.

CORPORATE STRATEGIC PLAN

The special event relates to the strategic corporate goals of:

Personal and Community Well-being: A healthy and safe community where life can be lived to the fullest; supported by the strategic objective of a complete community with services and programs for children, youth and adults of all ages.

Government and Community Involvement: A community-focused, responsive and accountable government; supported by the strategic objective of a consultative and collaborative approach to community decision making.

FINANCIAL IMPLICATIONS

N/A

DEPARTMENTAL CONSULTATION

Community Services staff have consulted with: Operations/Parks staff Building Department staff Fire Prevention Officer

COMMUNICATIONS

N/A

ATTACHMENTS

N/A

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Prepared By: Kelley McAlpine Supervisor of Facility Booking 519-822-1260 X 2667 Kelley.mcalpine@guelph.ca

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Recommended By: Ann Pappert Director of Community Services 519-822-1260 X 2665 Ann.pappert@guelph.ca

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Recommended By: Rob Mackay Manager of-Recreation 519-822-1260 X 2664 rob.mackay@guelph.ca

COMMITTEE REPORT



ТО	Emergency Services, Community Services & Operations Committee
SERVICE AREA DATE	Operations November 12 th , 2008
CURIECT	Kon Danby Public School Traffic Concerns "Undate

SUBJECT REPORT NUMBER Ken Danby Public School Traffic Concerns -Update

RECOMMENDATION

"THAT the Emergency Services, Community Services & Operations Committee Report Ken Danby Public School Traffic Concerns - Update be received."

BACKGROUND

The report "Ken Danby Public School Traffic Concerns", attached as Appendix A, was presented at the October 12, 2008 Emergency Services, Community Services & Operations Committee meeting. Committee direction to staff was:

"THAT staff be directed to review the traffic concerns at the intersection of Grange Road and Starwood Drive;

AND THAT staff approach the principal of the school to try to work out a resolution regarding school patrols and report back to the Committee at the next meeting."

REPORT

On October 23, 2008, staff in conjunction with the Ward Councillors and a neighbourhood spokesperson, conducted additional observations of elementary-aged children crossing the intersection of Grange Road at Starwood Drive. These observations were conducted during school crossing periods, both morning and afternoon, to determine whether or not the children were being given the right of way by motorists and if there were any unsafe/undesirable interactions occurring between pedestrians and motorists.

Observations confirmed that motorists were properly yielding to pedestrians and no conflicts between vehicles and pedestrians were observed. Based on our observations in June, September and October of this year, staff are of the opinion that the current School Patrollers provide adequate assistance to the Holy Trinity School children during the period of time that corresponds with their bell time periods.

Further, when there were no School Patrollers present to cross the Ken Danby School students, whose bell times start earlier than Holy Trinity, staff did not observe any problems with the operation of this intersection or conflicts between pedestrians and motorists during the study period.

Ken Danby School Patrollers

Staff invited the school principal, Karen Acton, to attend a meeting to discuss the issue of school patrols however she was unable to attend. In lieu of her attendance, staff received correspondence, as attached in Appendix B.

While our studies continue to indicate this intersection is operating properly and no form of additional pedestrian assistance is technically justified, staff do acknowledge elementaryaged students attending Ken Danby School are not afforded the added shepherding of school patrollers at this intersection.

The School Patroller Program is a partnership between the School, Guelph Police Service and the City. Ultimately, it is a volunteer program that is only successful when the partners are in agreement on where patrollers should be stationed. By design, each partner has a 'veto' which can be exercised if they have concerns regarding the safety of the children. Despite staff observations and findings, the school's Principal remains unconvinced of the relative safety at this location and has maintained the School's position of not stationing patrollers at this location.

In conclusion, staff will continue to regularly monitor the traffic patterns at this intersection to ensure we are aware when the pedestrian environment changes significantly and then act accordingly.

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

N/A

DEPARTMENTAL CONSULTATION

Guelph Police Service Ken Danby Public School, Karen Acton, Principal

COMMUNICATIONS

Residents and the principal of the new school have been advised that this matter is being presented to the Emergency Services, Community Services and Operations Committee on November 12th, 2008.

ATTACHMENTS

Appendix A – Oct. 12/08 ECO Report – Ken Danby Public School Traffic Concerns Appendix B – Correspondence from Principal of Ken Danby School

Mh **Prepared By:**

Anna McKee, C.E.T. Supervisor, Traffic Investigations 519-837-5628 ext. 2044 anna.mckee@guelph.ca

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Recommended By: Derek J. McCaughan Director, Operations Department 519-837-5628 ext. 2018 derek.mccaughan@guelph.ca

Recommended B⁄y: Bob Chapman Manager, Traffic and Parking 519-837-5612 ext. 2275 bob.chapman@guelph.ca

COMMITTEE REPORT



APPENDIX A

TO Emergency Services, Community Services & Operations Committee

SERVICE AREAOperationsDATEOctober 15th, 2008

SUBJECT Ken Danby Public School Traffic Concerns REPORT NUMBER

REPORT NUMBER

RECOMMENDATION

"THAT the Ken Danby Public School Traffic Concerns report of the Director of Operations dated October 15th, 2008 be received."

BACKGROUND

Ken Danby Public School is a new elementary public school that opened in September 2008 on Grange Road adjacent to the existing Holy Trinity Catholic School. (Appendix A illustrates the school location) Parents of children required to cross the intersection of Grange Road and Starwood Drive to attend this new school have voiced concern for the safety of their children. A petition for traffic signals and an adult crossing guard at this intersection was received by the Operations Department on July 29, 2008, signed by 143 residents which is attached as Appendix B.

Currently and prior to the opening of Ken Danby School, students from Holy Trinity School have been safely crossing this intersection with the assistance of two student patrollers from Holy Trinity School.

REPORT

Both Grange Road and Starwood Drive are classified as collector roadways and mainly abut residential development on either side. Students living west of either school are expected to walk on either side of Grange Road and cross at the existing all-way stop-controlled intersection at Starwood Drive. From there, the students walking on the north side of the street are then expected to cross Grange Road at the existing pedestrian signal located on Grange Road between Holy Trinity and Ken Danby Schools.

Staff conducted observations (June & September 2008) of elementary-aged children crossing the intersection of Grange Road at Starwood Drive during school crossing periods to determine whether or not the children were being given the right of way by motorists. Observations indicate motorists were indeed properly

yielding to pedestrians. No conflicts were observed between vehicles and pedestrians. Further, collision data reveals only three (3) collisions have occurred within this intersection in the past 5 years, none of which involved pedestrians. Based on these observations, staff is of the opinion that the current School Patrollers provide adequate assistance to pedestrians wishing to cross and that an Adult Crossing Guard is not technically required at this location.

Staff also conducted analysis on the need for traffic signals at this location based on existing traffic as well as forecasting 2% growth each year over the next 5 years. This analysis revealed that traffic signals are not currently warranted and would not likely be warranted until sometime past 2013.

In conclusion, our studies have indicated this intersection is operating properly and that no form of additional pedestrian assistance is technically justified.

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

N/A

DEPARTMENTAL CONSULTATION

Guelph Police Service Upper Grand District School Board

COMMUNICATIONS

Residents and the principal of the new school have been advised that this matter is being presented to the Emergency Services, Community Services and Operations Committee on October 15th, 2008.

ATTACHMENTS

Appendix A – Map showing location of Ken Danby Public School Appendix B - Petition for traffic lights and adult crossing guard

Prepared By:

Anna McKee, C.E.T. Supervisor, Traffic Investigations 519-837-5628 ext. 2044 anna.mckee@guelph.ca

Recommended By:

Bob Chapman Manager, Traffic and Parking 519-837-5612 ext. 2275 bob.chapman@guelph.ca

Recommended By:

Derek J. McCaughan Director, Operations Department 519-837-5628 ext. 2018 derek.mccaughan@guelph.ca



Appendix A Ken Danby Public School

Appendix B

Blank petition for traffic lights and adult crossing guard at the intersection of Grange Road at Starwood Drive

November 4th 2008

To whom it may concern:

This letter is being written on behalf of the School Council from Ken Danby Public School. We are a new but committed Council that are interested in the safety of our students. We have are writing this letter due to our concern regarding the intersection at Grange and Starwood.

The issue of the intersection of Grange and Starwood was first brought forward at the Ken Danby Public School "Parent Information Night" which was held on April 8, 2008, prior to the school being complete. Parents shared their concerns of children walking to school and crossing at the intersection without assistance. This intersection, being a four-way stop, is very busy, confusing and dangerous. This is partially due to the lack of driver knowledge of how a four-way intersection works. At our first School Council meeting held on September 18, 2008, this dangerous issue was brought up again by other parents voicing the same concerns and mentioning the petition that was being forwarded to the city signed by hundreds of community members.

Ken Danby Public School does not currently have student safety patrols at this intersection, and it was agreed by the School Council that it is not safe for student patrols to be crossing other students. Parents that live in the area agree that it is dangerous intersection and that there have been numerous accidents in the past involving vehicles. As School Council, we feel very strongly that it is not a safe intersection for children, or their caregivers, who are walking to school and are forced to cross in fear of drivers who do not fully realize the rules of the road. We do not support children patrolling the intersection and being put in the difficult position of being responsible to help other children across the street. It would be a tragedy if it takes a student being injured at this intersection in order for positive change to occur.

We, as School Council, ask that for the immediate safety of our children and their caregivers, that either:

- 1) Adult crossing guards be placed at this intersection
- 2) Traffic lights be installed

We feel that this will help our children be safe and give us all sound mind when sending our children to school.

Thank you for your consideration of this matter,

Ken Danby Public School, School Council Co-chair

APPENDIX

KEN DANBY PUBLIC SCHOOL

525 Grange Road Guelph, Ontario, N1E 7C4 519-836-4545

Principal: K. Acton

Office Co-Ordinator: C. McCallum

Re: Request for an Adult Crossing Guard or Traffic Lights at the Grange/Starwood intersection

October 20th 2008

To the City of Guelph, Traffic Services Department:

I am writing this letter in support of the parent community at Ken Danby P.S. Many individuals have brought forward their concerns regarding their children crossing at the Grange and Starwood intersection. They feel that it is a difficult and dangerous crossing and are worried about the safety of their children as they walk to school. Being a new school with almost no bussed students, we have been heavily promoting a "Walk to School" philosophy as a healthy and environmentally friendly mode of transport. We also enthusiastically participated in the International Walk to School Day on October 8th.

Due to the number of parent concerns, Ken Danby P.S. was not comfortable placing student safety patrols at the Grange/Starwood intersection when school started in September and we notified the City of Guelph, Traffic Services Department and the Guelph Police, School Safety Division of our decision. As you know, this intersection has five lanes one direction (one being a left-hand turn lane), and it is also a four-way stop. This type of intersection is hard enough for adult drivers and adult pedestrians to navigate. A four way stop with five lanes makes it a very difficult guarding situation, as students are not supposed to direct car traffic or interact with drivers in any way, yet this is what they are expected to do. Figuring out "whose turn it is" is difficult, especially when some impatient drivers jump the queue. I don't think there are any other student safety patrollers in our Board that are crossing students at a four way stop that has five lanes, especially one with a confusing left-hand turn.

We are aware that the neighbouring school has put patrollers at this intersection (at their bell times which do not overlap with ours), but they only cross on one side (two patrollers), not the two sides we would need (four patrollers) because our boundary includes the north side of Grange Rd. Their patrollers started back when the subdivisions were not as heavily built up as they are now. In the past year there has been incredible growth with more construction currently underway, which has greatly increased the number of vehicles in this area. A number of parents have let me know that they have witnessed increasing confusion and numerous near-accidents at this intersection. Young student safety patrollers in grade five or six should not be put in the difficult position of crossing other students in this type of situation.

It appears that in the interest of student safety, placing adult crossing guards at this intersection until lights can be installed is warranted.

Sincerely,

Karen Acton, Principal

فيعوما مرديع فالمواد فعري التعادف

From: Deb Leworthy Posted At: November 12, 2008 9:29 AM Posted To: OPE- Reception Conversation: starwood / grange signal lights Subject: starwood / grange signal lights

Hello,

I am a parent of school age children attending Ken Danby PS.

I just read an article in today's paper about the need for a street light at Grange and Starwood. I agree with the Ken Danby School Council and I have been meaning to write a letter to express my concern about children crossing at the Starwood/Grange intersection.

It is very busy in the mornings and many children are walking to school without an adult. I walk my children to school every day and I have seen several incidences where a child has started to cross and a car proceeds into the intersection. I believe traffic lights are needed to keep a tragic accident from happening. I think some lights are on sensors so they only change when a car is actually there, that may help when it is not busy. If that is not possible, a proper crossing guard at school start and end times would also be helpful.

I also don't think it is a good idea to have students acting as crossing guards near the school. They are too young for that responsibility. I witnessed just yesterday, a child going into the intersection after the light had turned red for her, because one person in a car had waved her across, but the vehicle going the other way didn't see her and started to go. They had to put on their brakes hard. It scared me. The student crossing guard was not there, and it was almost school time.

I believe that this is a situation that needs to be improved, and I have heard many other parents expressing the same concerns.

I hope this comes in time for the meeting making the decision on the problem.

If I have not sent this to the correct email address, please forward to the right department. thank you.

Debbie Leworthy

From: stella mott Posted At: November 12, 2008 10:59 AM Subject: Overnight Parking

Dear Sir or Madam,

After reading the article in the Tribune, I felt I had to email my concerns. The article mentions a random survey; I do not believe that a random survey is appropriate in the circumstances. Not all those polled randomly would be affected either positively or negatively by overnight parking, so their opinion really does not matter in the situation. If they are not affected, they may easily respond that overnight parking is a good thing to offer because it can seem very reasonable if they are not aware of the negative factors.

I own the property at 79 Ontario St. My neighbour has a legal duplex that he lives in and also rents to a tenant. The owner does not provide parking for his tenant, so last year the tenant parked on Short St. which is always overflowing with cars. This summer tenant parked in front of my home. To give him the benefit of the doubt, it was probably to make it easier for the bus to drive straight into the bus stop, rather than maneuvering around a parked vehicle. I can appreciate that; however, I rarely could have friends park in front of my own home because of the tenant vehicle. On weekends it was especially bad since the tenants friends would also park their vehicles in front of my home. Once again, on an occasional basis that is not a big deal, but every day and every weekend. I thought the change would allow my guests to park close to my home but that was not the case.

It was particularly frustrating when we were doing a major patio replacement. I literally had to block off the street with chairs etc so that the trucks delivering or picking up materials could have a place to park in reasonable reach of the work area. Perhaps you might think that I should have made arrangements with the owner or tenant, I tried leaving a note before, but that did not work. Both owner and tenant often have non-regular work hours, so trying to get in touch with them can be difficult. Several times an unexpected delivery/pick-up made it a real hassle. Patene literally had to block off the street because of all the vehicles parked in front of my home and adjacent to it.

My home is isolated in the midst of much rental. I was under the impression that the relaxing of the street parking by-law was to enable visitors to park. In my situation, it is being used by tenants which I do not think is right or fair. The tenant is still parking there despite the passing of the waiver period. I have to carry my garbage further to ensure that the garbage man now sees it and can get at it readily.

If you are going to allow overnight parking, then I think you need to consider how to implement it so that it is not abused by landlords who are too cheap to provide parking for their tenants.

I look forward to a response. Yours sincerely, Mrs. Stella Mott

From: Jeffrey Smith Posted At: November 6, 2008 8:31 PM Conversation: Overnight Parking Pilot Project Subject: Overnight Parking Pilot Project

To whomever it may concern,

I would first like to thank those involved in the overnight parking on residential streets pilot project for being creative and responsive to the community. I can speak for my whole household in saying that we found parking on the street at times when we had friends and relatives to stay and when our driveway had a trailer in it extremely convenient.

I hope that feedback was in general positive and that the result of this project is reflected in the City of Guelph's bylaws and policies.

Thank you for your interest,

Jeff Smith

COMMITTEE REPORT



TO Emergency Services, Community Services and Operations Committee

SERVICE AREAOperationsDATENovember 12, 2008

SUBJECT Guelph Farmers' Market Operating Review REPORT NUMBER

RECOMMENDATION

THAT the Emergency Services, Community Services and Operations Committee Report _____, <u>Guelph Farmers' Market Operating Review</u> be received;

AND THAT staff be directed to draft a new by-law for the consideration of Council, to regulate the Guelph Farmers' Market based on the recommendations contained in the report dated November 12, 2008;

AND THAT staff be directed to incorporate revisions as contained in the report dated November 12, 2008 to the operating policies/procedures.

BACKGROUND

The Guelph Farmers' Market has been a tradition and focal point of the City of Guelph for over 180 years. In 1827 a portion of land was designated and reserved as a public market square with the erection of the first market house in July 1827. The current day market, located on the corner of Gordon St & Waterloo Ave. just south of the original market location, houses up to 100 vendors utilizing inside building space and outdoor market space, weather permitting. Vendors range from primary producers and resellers of agricultural products to home-baked goods and unique artisan products. The Market has developed a loyal clientele base and has an estimated total economic impact in Guelph of \$13.2 million¹

In 2006, Operations assumed responsibility for the operation of the Market. After a brief period, it was evident the Market's policies and procedures were unclear and inconsistently applied. Compounding this situation, the by-law regulating the Market hadn't been updated since the late 1970's.

¹ Based on the 2005 Guelph Farmers' Market Shopper Profile Report, conducted by Jayeff Partners

Consequently, the business relationship between the Market Vendors and City was strained.

To address this, staff undertook a review in partnership with the Vendors with the purpose of updating both the by-law and operating policies and procedures used in the administration of this City-operated facility.

PROCESS

Through comprehensive engagement, staff undertook a process involving direct stakeholder consultation both at the individual level and collective level through their Executive Committee. In addition, the process was further informed through best practice information obtained and shared from:

- Brampton
- Ottawa
- Greater Sudbury
- Thunder Bay
- Cambridge
- Goderich
- 2005 Guelph Farmers' Market Shopper Profile Report
- 2005 Farmers' Markets Ontario Shopper Survey Report

REPORT

A review process commenced in March of 2007 in which numerous communiqués, meetings with the Vendor Executive and workshops with vendors resulted. Existing operational issues were identified and possible resolutions discussed. The Executive Committee members worked in collaboration with City staff and brought forth the perspectives and concerns of their membership while ensuring that recommendations were viable and maintained the integrity and best interest of the Market. Of the numerous issues that were undertaken some of the more contentious topics included:

- Definition of Vendor categories
- Ideal composition of Market Vendors percentage allocation
- Rental space assignment process
- Rental agreements
- Vendor access to Market building
- Payment Terms
- Modifications/alterations to Market property
- Insurance

After more than a year of effort, staff present a list for the consideration of Committee of recommended changes to By-law (1978) – 9769 as outlined in Appendix A and another list of recommended changes to the Market operating policies & procedures as outlined in Appendix B.

While we have not achieved consensus on all recommendations, our focus was and is the ongoing and continued success of the Market. To that end, the recommendations contained herein are, in staff's opinion, fair and reasonable. It is acknowledged that the recommendations, if approved, will impact current vendors. Where possible, staff have been sensitive to the anxiety change brings and have "grandfathered" either temporarily or permanently those current vendors so affected.

CORPORATE STRATEGIC PLAN

Goal 4 – A vibrant and valued arts, culture and heritage identity Objective 4.5, Capitalize on our cultural and heritage assets to build economic prosperity, quality of life and community identity

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

Objective 5.2, A consultative and collaborative approach to community decision making

Objective 5.3, Open, accountable and transparent conduct of municipal business Objective 5.4, partnerships to achieve strategic goals and objectives

FINANCIAL IMPLICATIONS

No financial implications.

DEPARTMENTAL CONSULTATION

N/A

COMMUNICATIONS

All vendors have received a copy of the recommendations being presented and are aware this matter is before Committee on this date.

ATTACHMENTS:

Appendix A: Recommendations for new Market By-law Appendix B: Market Operating Policies & Procedures

Prepared By: Lucy Meyer Supervisor, Administration 519-837-5628 x2019 lucy.meyer@guelph.ca

Recommended By: Derek J. McCaughan Director, Operations 519-837-5628 x 2018 derek.mccaughan@guelph.ca

APPENDIX A

GUELPH FARMERS' MARKET OPERATING REVIEW By-law Recommendations

THE FOLLOWING ARE PROPOSED RECOMMENDATIONS TO BE INCORPORATED WITHIN THE NEW BY-LAW, GOVERNING THE OPERATIONS OF THE GUELPH FARMERS' MARKET.

1. DEFINITION OF VENDOR CATEGORIES

Farmer – producers of farm products (fruit, vegetables, meat, poultry, dairy, fish, grains & seeds, honey, maple products and plants/flowers), who are selling or offering for sale their own products. A minimum of 65% of the products sold must be home grown.

Food Reseller – non producers of consumable food products who sell or offer for sale products purchased from a third party.

Prepared Foods – Food products prepared by the Vendor for consumption for sale at the Market.

Arts & Crafts - Handmade goods produced or created by the Vendor from raw or basic materials which are changed into a significantly different shape, design, form or function using a special skill or manual art. Articles cannot be commercially fabricated or produced in any way.

Other - Community based services & public based interest "non-profit". Fundraiser groups such as cadets, boy scouts are not required to rent a table.

2. RENTAL SPACE ASSIGNMENT PROCESS

Methodology used to determine assignment of table vacancies:

- i. Percentage vacancy noted in composition of Market
- ii. Uniqueness & best interest of the Market
- iii. Term commitment

Methodology used to determine assignment of booth vacancies:

- i. Health Regulations relating to facilities required for operation
- ii. Uniqueness & best interest of the Market
- iii. Term commitment

3. ROLES & RESPONSIBILITIES

Market Clerk

The Market Clerk shall administer and supervise the operation of the market and the enforcement of the By-law, including the following duties:

- Collect rental fees
- Assign rental spaces to vendors. Location and products approved for vending to be listed on rental agreement.
- Execute on behalf of the Corporation the rental contracts for the use of market space
- No selling product either directly or indirectly through a vendor or entering into a trade for rental fees or other services; No direct or indirect interest in the sale or profits of any products sold at the Market
- Market Clerk may not shop at Market while on duty or in uniform

Market Vendor

- The cleanliness of his/her rental space is maintained so that no rubbish, garbage or waste material is deposited on or about the assigned area. This includes providing refuse containers and emptying them at end of Market day.
- Booth vendors are responsible for sweeping & mopping the floor space within their booths
- Compliance with the terms and conditions set forth in the by-law and policies & procedures
- Responsible to obtain all necessary licenses, permits, inspections and certificates for the sale of their products
- Responsible for all expenses associated to any improvements to their vending/rental area

4. VENDOR ACCESS TO MARKET BUILDING

- Vendor access for set up and take down:
 - o 8 am 4 pm, Thursdays & Fridays via Market Clerk
 - o 4 pm Fridays 2 pm Saturdays via keypad entry
- Saturday Market opened and closed by Market Clerk; no vending outside of Market hours (7 am - 12 noon); vendors to have vacated property by 2:00 pm on Saturdays

5. MARKET DAYS & HOURS

 Additional market days and occasional extended hours per calendar year to be available, with the conditions that there be 1-months notice and a commitment of 75% of vendor participation. Executive and Clerks to pre-determine additional dates.

6. RULES REGARDING EQUIPMENT

- All equipment to be CSA (Canadian Standard Association), and/or CLU (CSA equivalent) and City approved **prior** to installation and use
- All wiring and plumbing to vendor rental space to be pre-approved and arranged by Corporation, at the expense of the Vendor
- Equipment to be ESA compliant (Electrical Safety Authority)

7. PAYMENT TERMS

- Payment to be received in **advance** at time of reservation
- Rental fee cheques returned non-sufficient funds subsequent payments to be paid by certified cheque, money order or cash only

8. NOTICE OF NON-OCCUPANCY OF RENTAL SPACE

- Vendor to provide 48 -hour notice of absence; City will rent out space if possible and refund Vendor. If unable to rent out space, Vendor is responsible for rental fee.
- Seven (7) days notification to be provided in written format to the Market Clerk for leaves of absence such as vacation. In the event where the leave is greater than 2 weeks in length, the rental space may be temporarily rented out to another vendor. Vendor is reimbursed unused portion if Clerk was able to rent out space.
- In the event that a Vendor allows their rental space to be vacant for more than 1 market day **without** providing sufficient notice to the Clerk, their contract may be cancelled and their rental spot reassigned. Vendor responsible for rental fee if Clerk is unable to rent out spot.

- Contracts maybe cancelled at any time for breach of any of the provisions in the By-law and/or policies & procedures. The Vendor shall be entitled to a refund for the unexpired portion of the contract term
- A Vendor who wishes to cancel their rental contract must provide 7-days written notification of their intentions to vacate the Market. Upon receiving the notification, the Vendor may request a refund for the unexpired fee portion. A refund shall be conditional upon the Market Clerk receiving reasonable and adequate notice.

9. MODIFICATIONS/ALTERATIONS TO MARKET PROPERTY

 No alterations or changes to building, parking lot and City property without prior written authorization from the City. Vendor able to decorate table by temporarily affixing objects to tables utilizing non-damaging holding devices such as clamps.

10. SELLING OF PRODUCTS NOT PRE-APPROVED

- Vendor contract/agreement to list approved items for sale
- Vendor to submit an application/amendment to vend any new items not listed on the contract
- City reserves the right to approve product lines as seen fit and reserves the right NOT to approve items that a Vendor was previously approved for from a previous year or any new items

11. COMPOSITION OF MARKET EXECUTIVE

- a) Terms of Reference
- Quorum is 4
- If votes are tied, the issue becomes a non-vote City staff cannot vote.
- Committee meetings 4 times per year (every 3 months). Meetings to be cancelled if insufficient agenda items
- Market Clerk or Executive member can facilitate the meeting
- Market Clerk to draft agenda and transcribe meeting minutes. Minutes to be signed by a Vendor Executive and Market Clerk. Copies to be forwarded to the Supervisor of Administration and Director of Operations. Approved minutes to be posted.
- Appeal process:
 - o Vendor approaches Executive
 - Executive table at next quarterly meeting
 - o Issue reviewed and discussed
- Executive responsible for ensuring that the information resulting from an appeal is conveyed to the Vendor.

b) Eligibility of Executive

- Composition to include representative from the following vendor groups: 2 Farmers, 1 Food Reseller, 1 Prepared Food, 1 Arts & Crafts and 1 Other
- Two year term
- In the event of a resignation, the position should default to the second runner up if they are still interested. If no runner up, a new vote will take place.
- Vendor must have been present at Market for at least 12 collective months in the last two years
- Executive members must attend 75% of meetings held in order to maintain status as a Vendor Executive. Meeting dates to be pre-determined to allow for scheduling.

c) Voting Process

- Nominations must be in written format
- Nominations to be supported by 2 vendors and accepted by nominee
- Market Clerk to publish biographies and photos of all nominees, 2 weeks prior to vote
- Voting to take place first week in April
- To be eligible to vote, vendors need to have been at the Market for at least 6 collective months within the past two years
- 1 ballot per vendor contract to be distributed 2 weeks prior to vote
- Counting of votes to be carried out by Market Clerks & a member of the former Vendor Executive, who is not a nominee in the current election
- Count to be signed off by Vendor Executive and Market Clerks
- Successful candidate to be determined by majority of votes
- In the event of a tie, a coin toss will be used to determine the winner.

12. INSURANCE (for Vendor Product)

• Vendors required to maintain \$2,000,000 insurance for product liability, and to supply a certificate as proof of insurance prior to the signing of the contract naming the Corporation of the City of Guelph to be an additional named insured.

13. TRANSFER OF CONTRACTS

• The balance of the term of a vending contract can only be transferred to someone vending with the same business name and same product. If vending food products, must have Health Unit approval.

14. VENDOR CONDUCT

- Smoking not permitted in Market building and in Market parking lot during market hours
- Alcohol and drug use is not permitted on the Market grounds
- Each Vendor shall remain on his/her own market space when selling his/her products. Sales shall be conducted in an orderly business manner. No shouting or other objectionable means, such as hawking through amplified means, for soliciting trade shall be tolerated
- Vendors who bring their young children to the Market, are to ensure that they are supervised at all times and not disrupting customers or other vendors
- Vendors will not be confrontational with other vendors, customers, staff or others. If a Vendor has a problem with any issue it is to be dealt with in a calm and professional manner. Issues between Vendors are to be dealt with outside of Market hours.

15. LABELLING OF FOOD PRODUCTS

- All pre-packaged food products must comply with the Nutrition Labelling requirements stipulated by Canadian Food Inspection Agency.
- All pre-packaged food products, not sold by the individual who prepared and processed the product, must comply with the Nutrition Facts Table requirements as stipulated by Canadian Food Inspection Agency.

16. NON COMPLIANCE & CONSEQUENCES

 Non compliance to regulations and/or policies & procedures will be ensued with a warning for first offense followed by termination of vending contract for second offense.

APPENDIX B

GUELPH FARMERS' MARKET OPERATING REVIEW Operating Policies & Procedures Revisions

THE FOLLOWING ARE PROPOSED REVISIONS TO BE INCOPORATED WITHIN THE GUELPH FARMERS' MARKETING OPERATING POLICIES & PROCEDURES.

1. ARTS & CRAFT JURY

An Arts & Crafts Jury will review new vendor applications and submissions/ requests for vending of additional products (by existing vendors), and conduct assessments on product quality (new & existing vendor products).

The Jury will be comprised of 5 representatives: 1 - Arts & Crafts Vendor Executive, 1 - Arts Council member, 1 - Arts & Crafts Vendor, 1 - member of the Public and a second member of the Vendor Executive Committee.

Monthly evaluation meetings will be held. Market Clerk to make temporary assessments on new applications and grant temporary placement if available and until such time that a decision has been rendered by the Jury.

2. DEFINITION OF ARTS & CRAFT CATEGORY

When capacity exists, exceptions to the definition may be considered for specialty products that are manufactured or organic/green.

3. IDEAL COMPOSITION OF MARKET VENDORS – PERCENTAGE ALLOCATION OF RENTAL SPACE The following percentages are base or desired percentages. When there is capacity, the spaces will be opened up to other categories on a short-term basis.

December 1 to April 30, inclusive:

- 25% Farmers
- 25% Reseilers
- 25% Prepared Foods
- 20% Art
- 5% Other

May 1 to November 30, inclusive:

- 30% Farmers (plus 100% of external vending space)
- 25% Resellers
- 20% Prepared Foods
- 20% Art
- 5% Other

2. VARIETY & LIMITATIONS OF PRODUCTS

Limitations for selling same product as follows: Farmers – 3 Food Resellers – 3 Prepared Food – 2

Arts & Crafts - 2 Other - 1

Additional applications for vending of same products, where the limit has been reached, are to be reviewed by the Vendor Executive. Temporary rental agreements may be granted at the Market Clerk's discretion.

3. RENTAL AGREEMENTS

a. Length of Contract

- Annual, seasonal (6 months), monthly, weekly temporary
- Payment in advance. Annual & seasonal reservations first/last month's rental fee paid at time of reservation, followed by monthly rental fees.
- First paid first serve basis; preference given to applicants wanting longer term commitment

b. Rental Space

 Table space – 4 ft minimum for all categories; maximum limits to be set as follows:

Farmers –	20 ft max
Food Resellers –	12 ft max
Prepared Food –	12 ft max
Arts & Crafts –	12 ft max
Other –	6 ft max

- Booths a vendor cannot sell the same product from two or more different booths; multiple/various products can be sold from one booth.
- Outside stalls no more than 3 spaces per Vendor

When capacity exists, maximum limits maybe exceeded on a temporary basis and at the Market Clerk's discretion.

c. Booth/Table Standards

- Merchandize may not be hung from ceiling or on the wall
- Signs cannot be permanently affixed to the building, walls or tables. Signs affixed to building wall to be fastened by the City
- Coolers and refrigerator units not permitted in the centre section of the Market
- Height of table shelves no more than 3ft from table surface for new Vendors.
 Former Vendors grandfathered at 4 ft from table surface.

4. UTILIZATION OF PARKING LOT

- During spring/summer season (Apr 1 Nov 30), no parking allowed within parking lot unless vending from vehicle. Those vending from vehicles, must be set up by 6:45 am and cannot move vehicles until 30 minutes following the end of market day (12:30 pm)
- During winter season (Dec 1 March 31) a specific number of spaces will be reserved for vending within the parking lot; remainder of parking lot to be utilized for customer parking.

5. EXTENDING TABLES, ENCROACHMENT

 Vendors are to use amount of space allocated to them - no encroaching or extensions permitted. Extensions include the space/area behind City tables and Vendors bringing their own tables for use at the Market.

6. LEAVING PRODUCT BEHIND

- No product to be left on the floor
- All food products to be removed at the end of each market day, unless stored within a refrigerator unit

- City is not responsible for lost, stolen or damaged product, including refrigerated products
- All items to be removed at the end of the term

7. CLEANLINESS OF MARKET

• Quality assurance to be carried out by Market Clerk each week

8. BUSKERS

- Outside & inside as space permits
- Selection and approval of buskers to be a collaborated effort between Executive members and Market Clerks

9. EDUCATIONAL DEMONSTRATORS

- Demonstrators to be charged a fee if selling a product
- (1) one demonstrator per market day; permitted when space is available
- Demonstrators to submit an application and receive approval by Vendor Executive and Market Clerk
- Must be consistent with regulations



Guelph Farmers' Market Operating Review

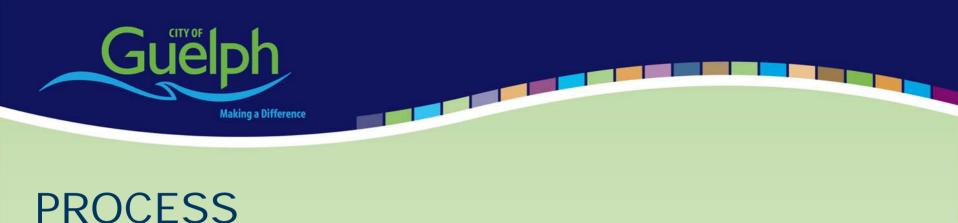
ECO Council Committee November 12, 2008





Guelph Farmers' Market

- Historical roots
- Producer and consumer relationship
- Loyal clientele
- Spirit and vitality of the Community



- Staff & Market Executive meeting process overview
- Facilitated Vendor meeting identify issues
- Staff & Market Executive meetings (7) develop resolutions
- Vendor meeting conveying proposed recommendations
- Facilitated Vendor meeting contentious issues
- Staff & Market Executive meeting final draft
- Communication of proposed recommendations distributed to Vendors
- Council Committee presentation



IDEAL COMPOSITION of VENDOR CATEGORIES

- percentage allocation
 - Available Space
 - Product Variety
 - Consumer Demand

Recommendation:

December 1 to April 30

25% Farmers, 25% Food Resellers, 25% Prepared Foods, 20% Arts & Craft, 5% Other

May 1 to November 30

30% Farmers (plus 100% of external vending space), 25% Food Resellers, 25% Prepared Foods, 20% Arts & Crafts, 5% Other



PAYMENT TERMS

- Impede upon market operations
- Delinquent and late payments
- Administrative costs

Recommendation:

• Payment in advance at time of reservation

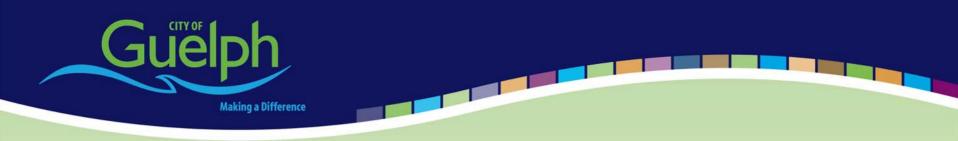


PAYMENT AGREEMENTS

- Length of Contract
 - Annual displacement of vendors
 - Lack of notice for displacement

Recommendation:

- Annual, seasonal (6 months), monthly and weekly temporary contracts
- First paid first serve basis; preference to longer term commitments



INSURANCE

- No insurance provided by vendors
- All other external activities that are carried on property owned or occupied by the City require general liability insurance.

Recommendation:

- Vendors required to maintain \$2,000,000 insurance, naming the Corporation of the City of Guelph as an additional named insured.
- Staff are investigating the options for vendor insurance



ACCOMMODATION

- Diversity of vendor interests
- Impact to current vendors
- Permanent grandfathering
- Generous notice



To Conclude,

Purpose -

- Fair and equitable assignment of rental space
- Spirit and vitality of the Community
- Realign by-law and operating procedures

Focus – the ongoing and continued success of the Market

Recommendations – fair and reasonable.



Thank you

Market Vendor Executive Committee & Vendors



Questions?

REPORT OF THE FINANCE, ADMINISTRATION AND CORPORATE SERVICES COMMITTEE

November 24, 2008

Her Worship the Mayor and Councillors of the City of Guelph

Your Finance, Administration and Corporate Services Committee beg leave to present this their EIGHTH REPORT as recommended at its meeting of October 1, 2008;

CLAUSE 1 THAT the Mayor and Clerk be authorized to execute a lease agreement and any further renewals or subsequent lease agreements between the Ministry of Transportation and the City for the property at 297 Woodlawn Road West;

> AND THAT the Mayor and Clerk be authorized to execute a lease agreement and any further renewals or subsequent lease agreements between the City and Matrix Affordable Homes for the Disadvantaged Inc. for the property at 297 Woodlawn Road West.

- CLAUSE 2 THAT the Mayor and Clerk be authorized to execute a five-year lease agreement commencing January 1, 2009 between the City and the Guelph/Wellington Seniors Association in respect of the Evergreen Seniors Centre at 683 Woolwich Street.
- CLAUSE 3 THAT staff be directed to develop and issue a Request for information and a subsequent Request for Proposals from companies interested in establishing a solar photovoltaic project on City lands as outlined in the report of the Manager of Realty Services dated November 5, 2008 and report back with the results and recommendations through Committee for Council's consideration.
- CLAUSE 4 THAT the PSAB 3150 Tangible Capital Asset Policy proposed (TCA Policy) for the Corporation of the City of Guelph dated January 1, 2009 and attached to Report FIN-08-27 dated November 5, 2008, be approved.
- CLAUSE 5 THAT the City of Guelph endorse the resolution of the City of Kingston:

THEREFORE BE IT RESOLVED THAT the Province of Ontario be requested to:

• Increase the "heads and beds" payment immediately to at least match the rate of inflation since 1987 and build in an automatic annual adjustment for inflation from now on, and

Page No. 2 November 24, 2008 <u>Report of the Finance, Administration & Corporate Services Committee</u>

Meet with officials from Kingston and other municipalities affected by this law to discuss a fairer way that is closer to the fair market value of the properties, to compensate for the loss of property taxes because of property tax exemption rules for post-secondary institutions and hospitals under provincial law.

All of which is respectfully submitted.

Councillor Karl Wettstein, Chair Finance, Administration & Corporate Services Committee

COMMITTEE REPORT



ТО	Finance, Administration and Corporate Services Committee
SERVICE AREA DATE	Corporate Services, Realty Services November 5, 2008
SUBJECT	Residential Lease Agreements 297 Woodlawn Road West

RECOMMENDATION

THAT the Mayor and Clerk be authorized to execute a lease agreement and any further renewals or subsequent lease agreements between the Ministry of Transportation and the City for the property at 297 Woodlawn Road West;

AND THAT the Mayor and Clerk be authorized to execute a lease agreement and any further renewals or subsequent lease agreements between the City and Matrix Affordable Homes for the Disadvantaged Inc. for the property at 297 Woodlawn Road West.

REPORT

The Ministry of Transportation (MTO) is the owner of a residential property located at 297 Woodlawn Road West (See Appendix 1). MTO is holding this property for future intersection expansion of the Hanlon Expressway and Highway 7.

Since 2002, the City has worked with both MTO and Matrix Affordable Homes for the Disadvantaged Inc. to enable Matrix to use this property for residential purposes. The City has leased the property from MTO under one agreement and then subleased it to Matrix under a second agreement. The current three-year leases expire on November 30, 2008.

Staff are recommending that new leases be approved so that Matrix can continue to make use of this property.

The proposed leases are at the rate of \$1/annum and would run for a three-year period from December 1, 2008 to November 30, 2011. All terms, conditions and obligations of the City under the MTO/City lease are effectively transferred to Matrix under the City/Matrix lease agreement.

CORPORATE STRATEGIC PLAN

This initiative supports the following Strategic Goals:

- 1. An attractive, well-functioning and sustainable city.
- 2. A healthy and safe community where life can be lived to the fullest.
- 5. A community-focused, responsive and accountable government.

FINANCIAL IMPLICATIONS

There are no financial implications.

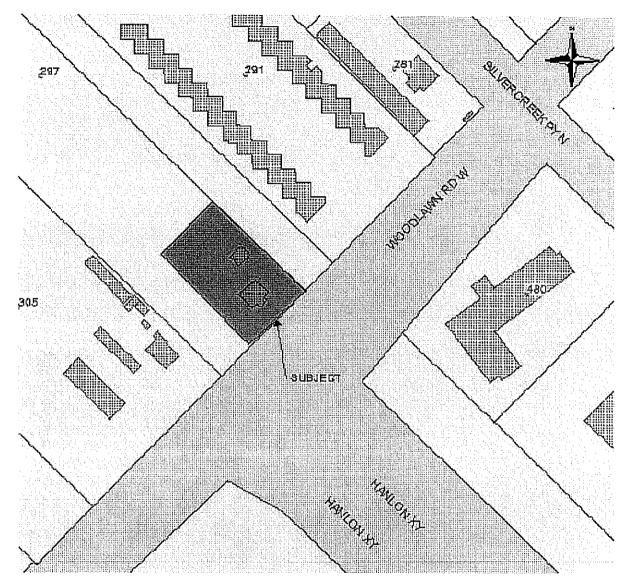
ATTACHMENTS

Appendix 1 – Location Map

Prepared By: Jim Stokes Manager of Realty Services 519-822-1260 Ext. 2279 jim.stokes@guelph.ca

Recommended By: Lois E. Payne Director of Corporate Services and City Solicitor 519-822-1260 Ext. 2288 lois.payne@guelph.ca

APPENDIX 1 – LOCATION MAP



COMMITTEE REPORT



то	Finance, Administration and Corporate Services Committee
SERVICE AREA DATE	Corporate Services November 5, 2008
SUBJECT	Guelph/Wellington Seniors Association Lease of the Evergreen Seniors Centre
REPORT NUMBER	

RECOMMENDATION

THAT the Mayor and Clerk be authorized to execute a five-year lease agreement commencing January 1, 2009 between the City and the Guelph/Wellington Seniors Association in respect of the Evergreen Seniors Centre at 683 Woolwich Street;

BACKGROUND

The Guelph/Wellington Seniors Association has been conducting senior's programs and activities at the Evergreen Seniors Centre under a series of lease agreements since 1999. The current lease has a term of five-years and expires on December 31, 2008.

REPORT

Staff have negotiated a new lease agreement with the Association based on the following terms:

- Term: Five years, from January 1, 2009 to December 31, 2013
- Purpose: To use the premises, on a non-exclusive basis, to run senior's programs and other related activities between the hours of 8:00 am to 4:30 pm, Monday to Friday, and Tuesday evenings from 6:00 pm to 11:00 pm.
- Rent: Shall be paid on or before December 1 during each year of the term at the following rates:

2009 - \$40,000.00 2010 - \$41,000.00 2011 - \$42,000.00 2012 - \$43,000.00 2013 - \$44,000.00

For reference, payments from 2004 -2008 were \$35,000/year.

Insurance: Tenant will carry insurance for all risks, general liability and property damage.

Staff are recommending approval of this lease.

CORPORATE STRATEGIC PLAN

This initiative supports the following Strategic Goals:

- 2. A healthy and safe community where life can be lived to the fullest.
- 4. A vibrant and valued arts, culture, and heritage identity.
- 5. A community-focused, responsive, and accountable government.

FINANCIAL IMPLICATIONS

Annual rental payments shall continue to be used to offset the Evergreen Centre's Operating budget and will be deposited into 740-5700-9308.

DEPARTMENTAL CONSULTATION

Community Services and Corporate Services were involved in this initiative.

Prépared By:

Jim Stokes Manager of Realty Services 519-822-1260 Ext. 2279 jim.stokes@guelph.ca

Recommended By: Lois E. Payne Director of Corporate Services and City Solicitor 519-822-1260 Ext. 2288 lois.payne@guelph.ca

COMMITTEE REPORT



то	Finance, Administration and Corporate Services Committee
SERVICE AREA DATE	Corporate Services November 5, 2008
SUBJECT REPORT NUMBER	Possible Solar Energy Proposals on City Lands

RECOMMENDATION

THAT staff be directed to develop and issue a Request for Information and a subsequent Request for Proposals from companies interested in establishing a solar photovoltaic project on City lands as outlined in the report of the Manager of Realty Services dated November 5, 2008 and report back with the results and recommendations through Committee for Council's consideration.

BACKGROUND

The City's Community Energy Plan (CEP) sets a number of targets which anticipate solar photovoltaic energy playing a significant role:

Target – Within fifteen years, at least a quarter of Guelph's total energy requirement will be competitively sourced from locally created renewable resources

Target – Guelph will reduce the magnitude of the summer grid electrical peak by at least 40% by 2031 to avoid the need for investment in new electrical infrastructure to serve the growth of the city

Target – Guelph will put in place guidelines and processes that move users to the most effective sources of energy for both the individual user and for the city as a whole

The strategic recommendation of the CEP is as follows:

1. Solar Photovoltaic - Develop a plan that would replace at least 20% of all anticipated electricity requirements by 2031. At anticipated efficiency levels, this would be between 800,000 and 1,200,000 m of cells. This area would translate roughly into a "Thousand Roofs" – which could serve as a simple way to communicate the target.

The solar profile of Guelph outlined indicates that the area is a reasonable to generate electricity. Without subsidies, this would be unattractive, but with the Standard Offer Contract of 42 cents / kWh for at least twenty years, it is reasonably attractive. Solar production would peak in the summer when overall electricity demand is highest; an added plus for the traditional electricity provider

There have been recent examples of solar projects located in such places as Napanee, Thunder Bay, Amherstberg, and Norfolk County.

REPORT

Staff have had some preliminary discussion with private companies interested in establishing solar projects in the City of Guelph to generate electrical energy. (See Appendix 1 for photos of a typical installation) Although the establishment of 1,000 rooftop installations is identified as the goal, the establishment of a larger installation is expected to be more efficient and attractive to these companies.

Three large tracts of City-owned land have been identified as having some potential as follows:

- 1. **Eastview Landfill Site approx. 50 acres** (See Appendix 2). This site will be largely redeveloped as a park. A solar installation may be a compatible use with the proposed park.
- North-West Corner of Watson Parkway/Stone Road East approx. 30 acres (See Appendix 3). This site was purchased for future Economic Development purposes and is dependent on servicing which is not expected to occur within the next ten years. A solar installation may be possible during the interim period.
- 3. **Arkell Spring Grounds approx. 100 acres** (See Appendix 4). These lands are held to protect a large part of the City's water supply. A solar installation on these lands is not expected to have any impact on the water supply.

Staff are proposing to issue a Request for Information. The Request would identify these sites as being potentially available and would be designed to:

- 1. Help to identify interested companies;
- 2. Give an initial indication of viability of each of the sites;
- 3. Learn more about the companies and the technologies they use;
- Learn more about requirements around connecting to the electrical grid; and
- 5. Learn more about company requirements and expectations.

The information gathered from the Request would be used to prepare and issue a Request for Proposals. Proposals would be evaluated against pre-established criteria and the results would be reported to Council with recommendations.

CORPORATE STRATEGIC PLAN

This initiative supports the following Strategic Goals:

- 1. An attractive, well-functioning and sustainable city.
- 3. A diverse and prosperous local economy.
- 5. A community-focused, responsive and accountable government.
- 6. A leader in conservation and resource protection/enhancement.

FINANCIAL IMPLICATIONS

There are no financial implications at this time. Any financial implications will be reported with the results of the Request for Proposals and it is expected that the City would receive rent for the use of its lands.

DEPARTMENTAL CONSULTATION

Environmental Services, Community Design and Development Services, and Corporate Services have been involved in this initiative.

ATTACHMENTS

Appendix 1 – Photos of Typical Installation

Appendix 2 - Eastview Landfill Site

Appendix 3 – Watson/Stone Site

Appendix 4 – Arkell Springs Site

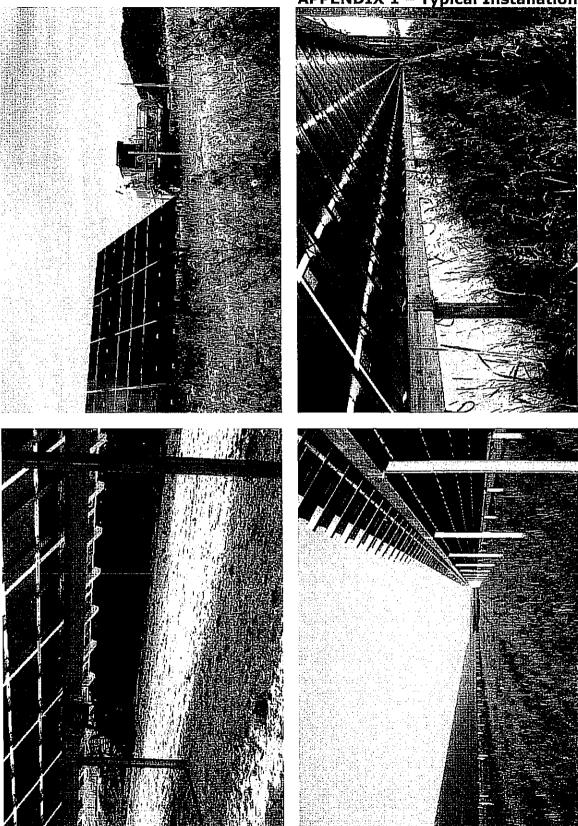
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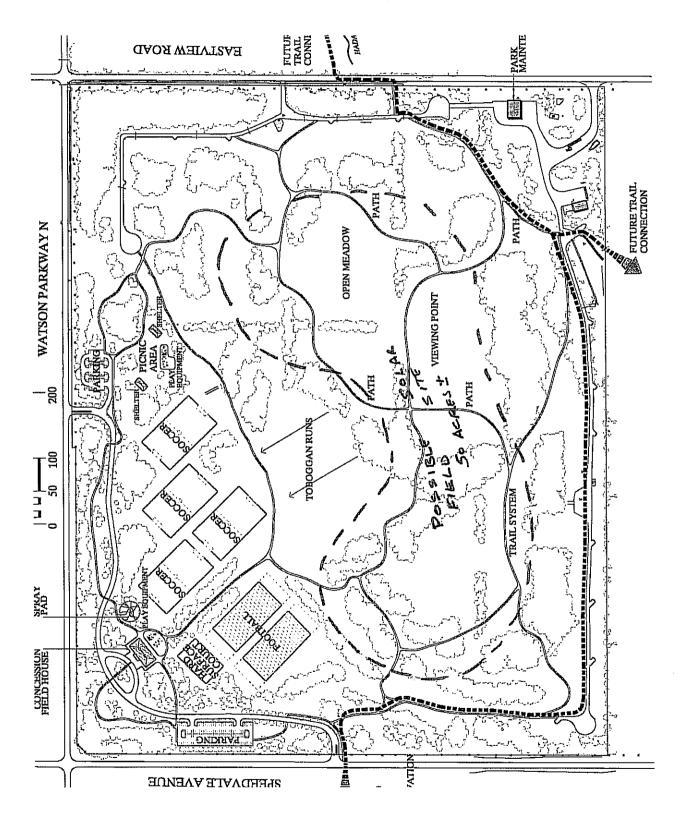
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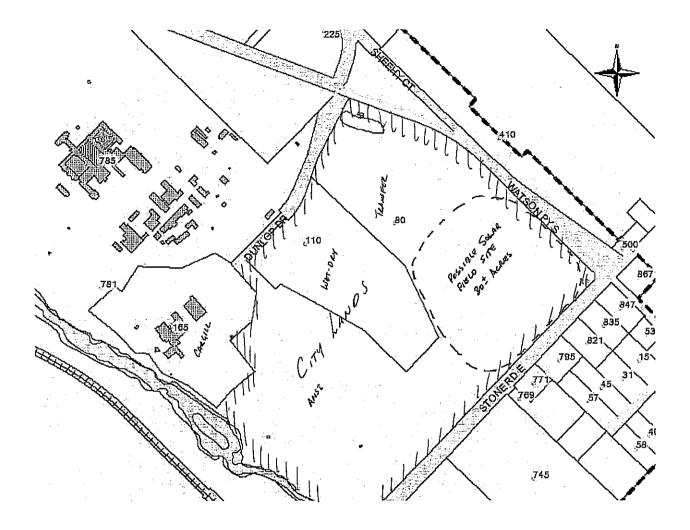


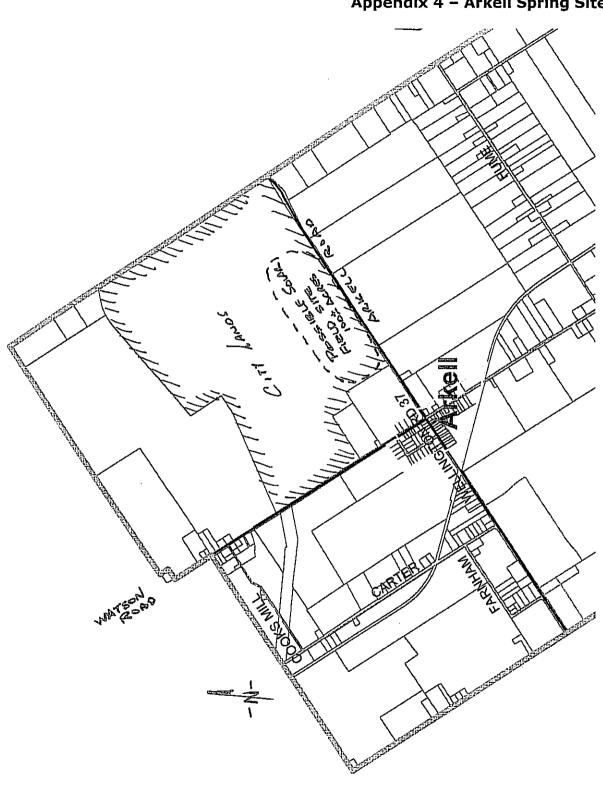
APPENDIX 1 – Typical Installation



Appendix 2 – Eastview Landfill Site

Appendix 3 – Watson/Stone Site





Appendix 4 – Arkell Spring Site

COMMITTEE REPORT



то	Finance, Administration and Corporate Services Committee
SERVICE AREA	Finance
DATE	November 5, 2008
SUBJECT	PSAB: Tangible Capital Asset Policy
REPORT NUMBER	FIN-08-27

RECOMMENDATION

THAT the PSAB 3150 Tangible Capital Asset Policy proposed (TCA Policy) for the Corporation of The City of Guelph dated January 1, 2009 and attached to Report FIN-08-27 dated November 5, 2008, BE APPROVED.

BACKGROUND

Commencing January 1, 2009, Canadian municipalities will be required to change the method by which they account for their Tangible Capital Assets (TCA) – land, buildings, machinery and equipment, vehicles, roads and sewer lines and other infrastructure. Ontario municipalities have to date recorded purchases of capital assets as expenditures (expenses) in the current year. The change requires tracking of the acquisition cost as an asset, and expensing this cost over its useful life through an amortization charge.

The Canadian Institute of Chartered Accountants (CICA), through the Public Sector Accounting Board issued PSAB 3150 that will require all municipalities to report their Tangible Capital Assets (TCA) in their financial statements beginning in 2009 with comparables for 2008.

REPORT

Significant activities and milestones have been achieved since the PSAB project startup in January 2008.

Over the past several months, departments have been actively involved in various stages of the Asset Inventory data collection and Valuation processes.

The table below displays a high level Project Plan outlining the major project phases including:

Task Name	Status	Projected Completion Date
Task 1 – Project Startup	Completed	January 2008
Task 2 – Asset Inventory	Completed	October 2008
Task 3 – Capital Asset Policies and Procedures (amortization policies)	Completed	October 2008
Task 4 – Asset Condition and Valuation	Completed	October 2008
Task 5 – Process and Systems Review	In Progress	December 2008
Task 6- Budgeting and Long Range Financial Plans	In progress	Jan -March 2009
Task 7- Develop Asset Management Plan	In Progress	Jan - April 2009
Task 8 – Pilot Project	Completed	October 2008
Task 9 – PSAB Implementation (staff training)	In progress	December 2008

The project plan (Task 3) requires that a Tangible Capital Asset Policy be approved by Council.

<u>Attachment 1</u> is the Tangible Capital Asset (TCA) Policy for the Corporation of the City of Guelph.

The TCA Policy prescribes the directives of the PSAB regulations including the asset classification, capitalization thresholds and amortization rules.

<u>Attachment 2</u> is the Tangible Capital Asset (TCA) Accounting Guidelines Manual for the Corporation of the City of Guelph.

The TCA accounting guidelines prescribes the accountability framework including the departmental, finance responsibilities and the audit committee.

Why is Council asked to approve the TCA policy?

The lack of knowledge about the costs of using assets and fully maintaining them, limits Council's ability to make important financial decisions or to know if existing financing policies are appropriate and adequate.

The TCA Policy (Attachment 1) and the TCA Accounting Guidelines Manual (Attachment 2) are important documents since they provide the standards on which the City's financial statements will be based for accrual accounting under PSAB.

These TCA policy and accounting guideline recommendations will provide the context to facilitate Council in their long term planning initiatives, provide accountability and transparency to the public, improve financial and administrative management.

What is Council's Role in the process?

By approving the PSAB 3150 TCA Policy, Council will delegate the responsibility to departments to ensure TCA polices and accounting guidelines are adhered to PSAB regulations.

What is the foreseen role of the Audit Committee in this process?

One of the objectives of the Audit Committee is to help ensure Council makes informed decisions regarding acquisition policies, practices and disclosures.

Overseeing the formal financial reporting process and the appropriateness of the financial policies are important responsibilities of the Audit Committee. Therefore, an important function of the Audit Committee is to review the annual financial statements to provide Council with an authoritative and credible review of the financial position of the City and its compliance to existing policies and relevant legislation. The following Sections of the PSAB 3150 TCA Policy for the City of Guelph provide additional information and rationalization criteria:

SECTION# A POLICY #1: PSAB 3150 Tangible Capital Policy – Recording Tangible Capital Assets (Whole Asset versus Component Approach)

One essential decision of PSAB Accounting is to determine the amount of detail to include in the capital asset inventory. The more asset components a municipality decides to track, the more complex and costly it will be to manage the capital asset system. The single asset approach is less expensive and simpler to manage as it doesn't require detailed records and estimates of expected useful lives of the major components of some items such as pumps and pipes that have different expected useful lives and require replacement at different intervals. Consequently, a single asset approach provides no control over the stock and no information about asset cost, location and capital attributes. Therefore, information necessary for asset management plans and financial planning is not readily available.

Both OMBI and CICA suggest that a reasonable amount of segmentation be utilized when accounting for infrastructure. It is, therefore, recommended that for major assets having components of a material value and differing useful lives, the components approach will be utilized.

SECTION# B POLICY #2: PSAB 3150 Tangible Capital Policy – Segmentation

Decisions pertaining to asset segmentation eventually define the level of detail at which a TCA will be tracked. Rationalization criteria for asset segmentation were used to define the level of detail for the TCA hierarchy during the Asset Inventory Workshops in 2008. These criteria included: Amortization Accuracy, Capitalization of Betterment, Current sophistication level, Resource Requirements, and Size of TCA class inventory.

These rationalization criteria were used to define the necessary segmentation and level of detail required for City of Guelph assets

SECTION# C POLICY #3: PSAB 3150 Tangible Capital Policy ~ Pooled Assets

The decision to pool TCA was taken based on a careful consideration of benefits and potential problems that may arise from pooling. Common reasons for asset pooling include:

- 1. A simple and cost effective way of managing a large group of identical assets (e.g. hydrants, light poles, police uniforms).
- 2. A simple and cost effective way of aggregating a group of similar assets (e.g. include all types of computer hardware in a single asset class, aggregate water valves and fixtures with water pipes, etc.)
- 3. To capitalize assets that, individually, would not meet the materiality threshold, but as a pool would be considered a TCA (e.g. fire hydrants, computers, and street lights).

Criteria were selected to guide the decision-making process surrounding asset pooling. These criteria were consistently applied across all City assets during the asset inventory workshops that were conducted in February and March 2008. These criteria are:

- Relative value of individual assets compared to total pool value. If the value of individual assets within the pool does not meet the capitalizations threshold while the pool as a whole represents a significantly large capital investment, the asset should be considered for pooling. Examples of assets that were selected based on this criteria include fire hydrants, street lights, computers, and water meters.
- Existing funding policies. If the asset in question are currently funded from capital budgets and the individual asset does not meet the capitalization thresholds, the assets should be considered for pooling.
- Existing asset information. Information that is required to track assets individually includes acquisition cost, date of acquisition and expected useful life. In some cases this detailed information is not available for each and every asset in a pool (e.g. individual street lights or fire hydrants). If this is the case assets cannot be tracked individually and must be pooled based on average values.
- Resource Requirements: Balance must be struck between obtaining detailed information and the benefits associated with using this information.
- Expected useful life. Assets in a TCA pool should be similar in nature and have identical or very similar expected useful lives (20% difference at most) in order to enable average life calculations.

These criteria were used to: 1) Select assets that should be considered for pooling, and 2) Create and define the assets within each pool. More information on asset pooling can be found in the Asset Inventory Report and the Tangible Capital Asset Manual.

SECTION# D

POLICY #4: PSAB 3150 Tangible Capital Policy – Capitalization Thresholds

Thresholds relate to the minimum dollar value a municipality will use to assist in determining which expenditure will be capitalized as assets and depreciated and which expenditures will be treated as current year expenses. The materiality threshold has an impact on the size of the capital asset inventory and the complexity of managing subsequent acquisitions and disposals. If the threshold is set too high, the cost of services may swing radically from year to year as major expenditures will be expensed. If the materiality level is set too low, the effort required to set up and maintain the capital asset accounting system could be too costly. In setting the threshold consideration was given to:

- Impact on the statement of operations
- Impact on system requirements
- Review of other municipalities for benchmarking

The recommended thresholds have been reviewed by the auditors to ensure they are within acceptable limits of materiality.

SECTION# E POLICY #5: PSAB 3150 Tangible Capital Policy – Valuing Assets

PSAB 3150.10 makes it clear that costs "directly attributable" to the purchase or acquisition of an asset form part of the cost of the asset; however, the PSAB handbook does not define the term "directly attributable".

The Public Accounting Group's Guide to Accounting for and Reporting Tangible Capital Assets offers some guidance. This Guide states that direct costs are incremental costs incurred by a local government for the acquisition, construction or development of a tangible capital asset. Direct costs would not have been incurred other than to acquire, construct or develop the tangible capital asset.

Indirect costs incurred for a joint purpose, for example, executive management, occupancy costs for general administrative building, corporate services (accounting, payroll, legal, etc.) would, therefore, be excluded from the valuation of the asset.

PSAB 3150.15 makes it clear that interest costs, when an asset is being constructed over time, should <u>not</u> be capitalized unless it is the municipality's policy to capitalize interest costs (policy must apply to all tangible capital assets in all asset categories).

It is being recommended that in keeping with the City of Guelph's past practices, interest not be capitalized. These recommendations in determining the costs have been reviewed and agreed to by the City's auditors.

SECTION# F POLICY #6: PSAB 3150 Tangible Capital Policy – Amortization

Various amortization approaches are available to depreciate assets. There is no consistent or widely accepted approach that is considered the 'de facto' standard for every TCA. In general terms the following approaches have been used in the past:

- a. Equipment: Double declining / Declining balance / Straight Line
- b. Vehicles: Double Declining / Straight Line
- c. Buildings: Straight Line / Custom Amortization
- d. Infrastructure: Straight Line / Custom Amortization

In order to take a rational consistent approach to amortization, the following criteria were considered:

- Suitability of amortization approach to actual asset deterioration. The selected amortization approach should mimic actual asset deterioration as much as possible. This is increasingly important for infrastructure and building asset classes that typically represent the bulk of a municipality's TCA inventory by value. Knowledge of asset deterioration for infrastructure systems is consistently evolving and far from an exact science. 'Custom' amortization approaches are sometimes tailored to reflect the actual deterioration of infrastructure assets. The lack of accurate and reliable condition data has typically prevented the implementation of these custom models for amortization purposes in many Canadian municipalities.
- Technical Consideration: Synergen was selected as the City corporate asset management system and subsequently chosen as the core repository for TCA. Synergen calculates asset amortization and can link accounting information to JDE for reporting purposes. Currently, Synergen can only support Straight Line and Double Declining amortization. Customization of other amortization methods is not supported at the time being.
- Administrative Ease: Considerations for easy understanding and implementation of amortization methods by City staff.

It is being recommended that the City use straight-line amortization for its depreciable capital assets.

SECTION# g POLICY #7: PSAB 3150 Tangible Capital Policy – Useful Life

Estimated useful lives were determined based on a careful review of the literature and best practices and subsequent verification from City of Guelph staff based on the average useful lives experienced within the City. A detailed listing of all asset useful lives can be found in the Asset Valuation Report.

CORPORATE STRATEGIC PLAN

- 1.2 Municipal sustainability practices that become the benchmark against which other cities are measured
- 4.4 Intact and well managed heritage resources
- 4.5 Capitalize on our cultural and heritage assets to build economic prosperity, quality of life and community identity
- 5.3 Open, accountable and transparent conduct of municipal business

FINANCIAL IMPLICATIONS

The project is tracking for January 1, 2009 PSAB compliance and is currently within budget.

Project funds are provided from the approved 2008 capital budget through project number GG0039.

DEPARTMENTAL CONSULTATION

Senior management has strategically designated staff from across the organization to be project departmental leads.

COMMUNICATIONS

Staff will provide information update reports to FACS.

ATTACHMENTS

Attach. 1 – Tangible Capital Asset Policy (TCA Policy) Attach. 2 - Tangible Capital Asset (TCA) Accounting Guidelines Manual

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CORPORATE POLICY



POLICY	PSAB 3150 Tangible Capital Policy
CATEGORY	FINANCE
AUTHORITY	COUNCIL
RELATED POLICES	
APPROVED BY	COUNCIL
EFFECTIVE DATE	January 1, 2009
REVISION DATE	

PURPOSE

The objectives of the TCA Policy are:

- to prescribe and establish accounting policies for tangible capital assets (TCA's) in accordance with PS 3150 and CICA Sections 3060 and 3065 and their respective representation on the financial statements of the City.
- Establish policies for the effective transition to full accrual accounting required by January 1, 2009.
- Establish accountabilities and responsibilities for the Finance Department, Directors and staff that purchase, contract and construct TCA's and have asset management responsibilities.
- Establish and delegate authority of City departments as it relates to the TCA accounting and asset management.

APPLICATION AND SCOPE

- This policy applies to all departments and organizations that the City is responsible to include in its financial statements.
- This policy applies to existing assets as of January 1, 2009 and all new tangible capital assets purchased, acquired or constructed. Intangible assets are not covered by this policy.
- This policy replaces all existing policies with respect to tangible capital assets and/or accountabilities for such assets.
- This policy should be read in conjunction with PSAB Handbook Section PS 3150 and CICA Sections 3060 and 3065.

SECTION# A POLICY #1: PSAB 3150 Tangible Capital Policy – Recording Tangible Capital Assets

POLICY STATEMENT

The City of Guelph for the purpose of capitalization and amortization will employ two methods of defining TCA's; the whole asset and component approach. Both the whole asset method and the component approach are equally acceptable under GAAP.

PURPOSE

In certain circumstances, it is appropriate to allocate the total disbursement on an asset to its component parts and account for each component separately. This is the case when the component assets have different useful lives or provide economic benefits or service potential to the entity in a different pattern, thus necessitating use of different amortization rates and methods. For example, the pavements and base may need to be treated as separate items within a road system to the extent that they have different useful lives.

DEFINITIONS

The whole asset approach considers an asset to be an assembly of connected parts. Costs of all parts would be capitalized and amortized as a single asset by year of acquisition. For example a building may be considered as a single asset.

Under the **component approach**, major components are individually capitalized and amortized. Each component with a unique historical cost, useful life or amortization is recorded separately. For example, the major components of a building (exterior shell, windows, roof, HVAC, etc.) may be capitalized.

GUIDELINES

Additional factors influencing the choice of method include:

- i. Significance of amounts;
- ii. Quantity of individual asset components (volume);
- iii. Availability of information with respect to specific components of the capital expenditures; and
- iv. Specific information needs of management for decision making and asset control purposes.

SECTION# B POLICY #2: PSAB 3150 Tangible Capital Policy – Segmentation

POLICY STATEMENT

Roads, watermains and sewer lines (linear assets) will be broken down into logical segments as determined by the operating department responsible for the TCA.

PURPOSE

Assets may also be viewed according to logical "segments." This conceptual view is typically applied to linear networks. Segmentation is to provide a better basis for asset management so that Department can better manage their linear assets.

DEFINITIONS

Segmentation is a division of the asset into geographical sections. For example, a road network may be divided into segments that correspond with each road section between a municipality's intersections.

SECTION# C POLICY #3: PSAB 3150 Tangible Capital Policy – Pooled Assets

POLICY STATEMENT

Due to the large financial impact and large numbers purchased, the City will create a pool of T'CA's and capitalize these T'CA's

PURPOSE

Certain items such as tools, furniture and computers are generally below the capitalization threshold individually, but are typically purchased or held in large quantities so as to represent significant expenditures overall. In such cases, it would seem reasonable to capitalize all items acquired in a given asset pool and amortize the pool over a pre-determined amortization period.

DEFINITIONS

Asset Pool involve homogeneous items that meet the definition of TCA (but may not individually exceed the municipally determined capitalization threshold) and that, due to their similarity and their sheer quantity, may best be accumulated as aggregated (or grouped) assets.

SECTION# D POLICY #4: PSAB 3150 Tangible Capital Policy - Capitalization Thresholds

POLICY STATEMENT

Expenditures that meet both the criteria of a TCA and exceed the following capitalization thresholds are to be recorded as a TCA.

Tangible Capital Asset	Threshold
Land	Capitalize all
Land Improvements	\$25,000
Buildings	\$100,000
Leasehold Improvements	\$100,000
Vehicles	\$10,000
Machinery and Equipment	\$10,000
Infrastructure	\$100,000

Thresholds should be applied on an individual asset basis, unless multiple expenditures are for tangible capital assets valued below the capitalization threshold and, therefore, expensed rather than capitalized, results in a material misstatement of the financial statements.

PURPOSE

The threshold represents the minimum cost an individual asset must have before it is to be recorded as a capital asset on the statement of financial position.

The threshold, has a significant impact on the size of the TCA inventory and the complexity of managing subsequent acquisitions and disposals

DEFINITIONS

The capitalization threshold defines the minimum dollar level a municipality will use to determine which expenditures will be capitalized as assets and amortized and which expenditures will be treated as current year expenses. Expenditures that are above the threshold amount and otherwise meet the definition of a TCA are capitalized. Those that fall below the threshold are expensed in the year incurred.

SECTION# E POLICY #5: PSAB 3150 Tangible Capital Policy – Valuing Assets

POLICY STATEMENT

The cost of a TCA includes:

- the purchase price of the asset
- other acquisition costs such as:
 - 1. installation costs; 2 design and engineering fees; 3 legal fees; 4 survey costs;
 - 5 preparation costs; 6 freight charges; 7 transportation insurance costs; and 8 duties

The cost of a constructed asset includes:

- direct construction or development costs (such as materials, contracted services and labour);
- overhead costs directly attributable to the construction or development activity;
- The activities necessary to prepare a tangible capital asset for its intended use encompass more than the physical construction of the tangible capital asset. They include the technical and administrative work prior to the commencement of and during construction provided that it can be shown it is directly attributable to the construction of the TCA.

The cost of each TCA acquired as part of a single purchase (for example, the purchase of a building and land for a single amount) is determined by allocating the total price paid for all of the TCAs acquired to each asset class on the basis of its relative fair value at the time of acquisition.

In general, management overhead is not an eligible cost for capitalization. Indirect labour costs are only allowable in situations where the staff time is clearly attributable to the project and staff are 100% chargeable to certain projects and do not have other non-chargeable duties when not engaged in project work.

Interest costs related to the financing of the acquisition or construction of a tangible capital asset are not capitalized.

PURPOSE

Once the capital inventory is assembled, opening asset values need to be determined. Some of this work can be captured simultaneously with the gathering of inventory information described in the previous section.

If a cost, direct or indirect, is not absolutely necessary for completing the acquisition or betterment of a TCA, it is not allowable for capitalization.

DEFINITIONS

The cost of a tangible capital asset is the amount of consideration given up to acquire, construct, develop, or better a tangible capital asset and includes all costs directly attributable to acquisition, construction, development, or betterment of the tangible capital asset, including installing the asset at the location and in the condition necessary for its intended use. The definition of cost precludes the netting of capital grants or donations against the cost of the asset.

SECTION# F POLICY #6: PSAB 3150 Tangible Capital Policy – Amortization

POLICY STATEMENT

Amortization for the City of Guelph will be primarily based on the straight line method of depreciation or another method approved by the Director of Finance. Further, 50% of the annual amortization amount will be recorded in the year of acquiring an asset, putting an asset into service. In the event of an asset being disposed of before its natural useful life, the half year rule will not apply but rather disposition will be calculated to the actual date of disposal.

PURPOSE

The amortization of the costs of tangible capital assets is accounted for as expenses in the Consolidated Statement of Financial Activities. Amortization expense is an important part of the cost associated with providing municipal services, regardless of how the acquisition of tangible capital assets is funded.

Amortization of TCA's reflects the cost to the municipality of utilizing the TCA in providing services. The cost of property, equipment and other capital assets is essentially a long-term prepayment of an expense in advance of the use of the asset. As the economic service life of the asset expires, the cost of the asset is systematically allocated to operations as an expense called "amortization".

DEFINITIONS

Amortization is the process of allocating the cost of a tangible capital asset, net of its residual value, over its estimated useful life. Amortization allocates the cost of a tangible capital asset in a systematic and rational manner matches the cost of the tangible capital asset to the periods in which service is derived from the asset.

SECTION# G POLICY #7: PSAB 3150 Tangible Capital Policy – Useful Life

POLICY STATEMENT

Expected useful life is normally the shortest of the asset's physical, technological, commercial and legal life. The physical life of a tangible asset may extend beyond the useful life of an asset. Estimating useful lives of TCAs is a matter of judgment based on experience and should be applied on a consistent basis.

The useful life of a TCA depends on its expected use by the municipality. Factors to be considered in estimating the useful life of a TCA include:

- Experience with similar assets through use;
- Expected future usage;
- Effects of technological obsolescence;
- Expected wear and tear from use or the passage of time;
- The maintenance program;
- Studies of similar items retired; and
- The condition of existing comparable items.

Useful life will be established through collaboration between the Operating Departments and the Finance Department. Generally, the useful life will be utilized for the asset classes.

The service potential of an asset is normally consumed through usage. Factors such as obsolescence, excessive wear and tear or other events could significantly diminish the service potential that was originally anticipated from the asset (section 2.21.).

Financial reporting standards require the useful life of an asset to be reviewed at the end of each reporting period, and, if expectations differ from previous estimates, the change in useful life is to be accounted for as a change in an accounting estimate.

Estimated useful lives were determined based on a careful review of the literature and best practices and subsequent verification from City of Guelph staff based on the average useful lives experienced within the City.

The following table lists the range of useful lives used for the various asset categories. A detailed listing of all asset useful lives can be found in the Tangible Capital Asset Accounting Guidelines Manual and the Asset Valuation Report.

Infrastructure		
Pipes	60-80 years based on material type	
Bridges	60 – 80 years based on bridge classification	
Roads (structure)	50 years	
Roads (pavement surface)	20 – 30 years based on road classification	
Pumping Stations	Components range from 10-60 years	
Supply Facilities	Components range from 10-60 years	
Treatment Plants	Components range from 10-60 years	
Buildings		
Buildings Components	Components range from 10-75 years	
Equipment		
Equipment	Based on type, range from 3-15 years	
Vehicles		
Vehicles	Based on type, range from 3-15 years	

Tangible Capital Asset (TCA) ACCOUNTING GUIDELINES MANUAL For The Corporation of the City of Guelph

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SECTION 1: GENERAL

1.1. Purpose

This guide is a companion document to provide additional guidance in interpreting the accounting policies established by Council for tangible capital assets (TCA's), and to ensure presentation of TCA's on the financial statements of the City is in accordance with PS 3150 and CICA Sections 3060 and 3065

The TCA policies have been established based on the following principles:

- Establish consistent approach to accounting estimates in areas where measurement uncertainty exists in accordance with CICA Section 1508.
- Establish policies for the effective transition to full accrual accounting required by January 1, 2009.
- Establish accountabilities and responsibilities for the Finance Department, Directors and staff that purchase, contract and construct TCA's and have asset management responsibilities.
- To ensure consistent, transparent treatment of all TCA's.
- Establish and delegate authority of City departments as it relates to the TCA accounting and asset management.

1.2. Authority

The Public Sector Accounting Board (PSAB) of the Canadian Institute of Chartered Accountants (CICA) issues standards and guidance with respect to matters of accounting and financial reporting in the public sector. PSAB issues such standards and guidance to serve the public interest by strengthening accountability in the public sector through developing, recommending and gaining acceptance of accounting and financial reporting standards of good practice. Under *Section 294.1* of the Municipal Act, municipalities must follow the generally accepted accounting principles as follows:

A municipality shall, for each fiscal year, prepare annual financial statements for the municipality in accordance with the generally accepted accounting principles (GAAP) for local governments as recommended from time to time by the Public Sector Accounting Board (PSAB) of the Canadian Institute of Chartered Accountants (CICA).

1.3. Policy Objectives

This policy supports the following corporate strategic objectives:

- Fiscal responsibility
- Accountability for the City's tangible capital assets
- Compliance with PSAB
- Efficient and effective use of tangible capital assets
- Enhanced measurement of cost of service
- Improved information to support long term planning
- More comprehensive communication with citizens

1.4. Application and Scope

- This policy applies to all departments and organizations that the City is responsible to include in its financial statements.
- This policy applies to existing assets as of January 1, 2008 and all new tangible capital assets purchased, acquired or constructed. Intangible assets are not covered by this policy.
- This policy replaces all existing policies with respect to tangible capital assets and/or accountabilities for such assets.
- This policy should be read in conjunction with PSAB Handbook Section PS 3150 and CICA Sections 3060 and 3065.

1.5. Principles

- Accounting for TCA's is a joint responsibility between departments procuring TCA's and the Finance Department and shall be done in accordance with this policy.
- Management of TCA's including the determination of replacement cost for long term capital planning is the responsibility of the departmental managers, in conjunction with the Finance Department. Authority is to be delegated to the appropriate level to enable City departments to meet service requirements while preserving the asset accounting policies and principles.
- Managers responsible for procurement; acquisition and construction of TCA's are accountable for their actions and decisions.
- Managers are responsible for the efficient, effective and quality service and product delivery through effective asset management practices while meeting the generally accepted accounting principles as set out by PS 1000, 1100, 1200, 3150 and CICA Sections 3060 and 3065 is the responsibility of all managers within the City.

SECTION 2: POLICY DIRECTIVES AND GUIDELINES

2.1. Financial Statements: Concepts, Objectives and Presentation (PS1000, 1100, 1200)

These PSAB standards fundamentally change the financial statements required by local governments. There is a requirement to move to full accrual based accounting for fiscal years beginning January 1, 2009. Currently, local governments report on a modified accrual basis of accounting. The most significant changes include the requirement to account for tangible capital assets as a non-financial asset on the Statement of Financial Position as described below. There is also a requirement to prepare budgets on an accrual basis for the purposes of the financial statements, as a minimum.

Although the PSAB changes are required as of January 1, 2009, comparative financial statements will be required for 2008. The changes to the financial statements are also significant and will require changes to general ledgers and financial reports in order to meet the standards.

2.2. Tangible Capital Assets PS 3150

According to this standard, all tangible capital assets are required to be valued at historical cost and reflected on the Statement of Financial Position. The standard requires the following changes and disclosure requirements:

- Tangible Capital Assets Recorded at cost
- Net Book Value of all TCA's
- Amortized over the useful life.
- Amortization accounted for as an expense on the Consolidated Statement of Financial Activities.
- Write-downs apply for decline in asset values
- Net write-downs accounted for as expenses on the Consolidated Statement of Financial Activities and not reversed.
- Net proceeds to be accounted for as a revenue or expense on disposals of assets.

2.3. Transition Provisions

As these standards are new to local governments, there will be many situations where historical cost of TCA's is not available. The transitional provisions allow for local governments to utilize an accounting estimate to determine the opening book values of the TCA. These opening balances must be done in a consistent manner and documented. This is discussed in Section 2.15.

2.4. Definition of Tangible Capital Assets

As defined in PS3150, Tangible Capital Assets (TCA) are-non financial assets having physical substance that are acquired, constructed or developed and:

- are held for use in the production or supply of goods and services for rental to others, for administrative purposes or for the development, construction, maintenance or repair of other tangible assets;
- have useful economic lives extending beyond an accounting period;
- are to be used on a continuing basis; and
- are not for resale in the ordinary course of operations.

For the City, capital assets have the following characteristics:

- Beneficial ownership and control clearly rests with the City, and
- The TCA is utilized to achieve City plans, objectives and services with the intention of being used on a continuous basis and is not intended for sale in the ordinary course of business.

The following capital assets are excluded from the TCA policy:

- a. Intangibles including copyrights, trademarks, patents, goodwill and rights of way;
- b. Assets listed for sale if the following conditions are met:
 - a. The asset is in a condition to be sold
 - b. There is an active market for the asset
 - c. There is a plan for selling the asset; and,
 - d. It is reasonably anticipated that the sale to a purchaser external to the City will be completed within one year of the reporting date.

Although works of art and historical treasures will not be recognized as tangible capital assets in the financial statements, notes to the financial statements must disclose these items and therefore must be inventoried with no historical cost.

2.5. Capital Leases

A capital lease which is defined as a lease that transfers substantially all the benefits and risks incidental to ownership of the property to the City will be treated as a tangible capital asset. A capital lease would normally occur when, at the inception of the lease, one or more of the following conditions are present:

- There is reasonable assurance the City of Guelph will obtain ownership of the leased property by the end of the lease term. This condition is usually signified when ownership does pass at the end of the lease or when the lease provides for a bargain purchase option.
- The lease term is of such duration that the City of Guelph will receive substantially all the economic benefits expected to be derived from the use of the leased property over its life span. The threshold for this benefits test is 75%.
- The minimum lease payments, excluding any portion relating to executory costs, are equal to 90% or more of the fair market value of the leased property at the inception of the lease.

A lease for land is not considered a capital lease unless there is reasonable assurance that ownership will pass to the City of Guelph by the end of the lease term.

If the arrangement is a capital lease, departments will apply the threshold of the appropriate capital asset category which will be reviewed by reviewed by the Finance Department.

If the thresholds are met, a capital asset and a liability will each be recorded for the present value of the minimum lease payments.

Departments will exclude executory and maintenance costs when calculating minimum lease payments. The discount rate will be the lesser of the government's incremental borrowing rate or the interest rate implicit in the lease, if determinable.

2.6. Asset Classification

Tangible capital assets must be classified in order to facilitate reporting. Assets will be assigned 2 categories; a primary and a functional category. The primary category deals with what an asset objectively is (i.e. land, building, equipment etc.).

- Land
- Land Improvements
- Buildings
- Leasehold Improvements
- Machinery and Equipment
- Vehicles
- Linear Assets
- Work-in-Progress

Each asset will also be classified according to its "functional" category which identifies the program area in which the asset is used. Functional categories will tie to those used in the Financial Information Return (FIR).

The primary asset category consists of two tiers, the first identifies whether the asset is infrastructure or a general assets.

These classes and sub-classes are defined and summarized in Appendix 2.

2.7. Recording and Valuing Assets

Whole Asset vs. Component Approach

For the purpose of capitalization and amortization, the two methods of defining TCA's are the whole asset and component.

The whole asset approach considers an asset to be an assembly of connected parts. Costs of all parts would be capitalized and amortized as a single asset by year of acquisition. For example a building may be considered as a single asset.

Under the **component approach**, major components are individually capitalized and amortized. Each component with a unique historical cost, useful life or amortization is recorded separately. For example, the major components of a building (exterior shell, windows, roof, HVAC, etc.) may be capitalized.

Both the whole asset method and the component approach are equally acceptable under GAAP. In certain circumstances, it is appropriate to allocate the total disbursement on an asset to its component parts and account for each component separately. This is the case when the component assets have different useful lives or provide economic benefits or service potential to the entity in a different pattern, thus necessitating use of different amortization rates and methods. For example, the pavements and base may need to be treated as separate items within a road system to the extent that they have different useful lives.

Additional factors influencing the choice of method include:

- i. Significance of amounts;
- ii. Quantity of individual asset components (volume);
- iii. Availability of information with respect to specific components of the capital expenditures; and
- iv. Specific information needs of management for decision making and asset control purposes.

2.8. Segments

Roads, water mains and sewer lines (linear assets) will be broken down into logical segments as determined by the operating department responsible for the TCA to provide a better basis for asset management.

2.9. Pooled TCA's

Certain items such as tools, furniture and computers are generally below the capitalization threshold individually, but are typically purchased or held in large quantities so as to represent significant expenditures overall. In such cases, it would seem reasonable to capitalize all items acquired in a given asset pool and amortize the pool over a predetermined amortization period.

Due to the large financial impact and large numbers purchased, the City will create a pool of TCA's and capitalize these TCA's

2.10. Recording TCA's

A TCA should be accounted for and recognized in the City of Guelph's financial statements when:

- It is probable that future benefits associated with the tangible capital asset will be obtained; and
- There is an appropriate basis of measurement and a reasonable estimate of the amount can be made.

The acquisition date of a tangible capital asset is the earliest of:

- The date on which the tangible capital asset being constructed is complete and ready for use; or,
- The date legal ownership of the tangible capital asset is transferred to the City.

Determining when a TCA is completed and ready for use requires consideration of the circumstances. Such determination would normally be made with reference to whether the tangible capital asset is in a condition ready to be put into service. Normally, it would be predetermined with reference to factors such as productive capacity or occupancy level.

For a new TCA, certification that the asset has met engineering and safety standards and is ready for public use will provide evidence that the tangible capital asset is completed and ready for use. Certification by an architect, issuance of an occupancy permit or engineering certification may provide evidence that a new tangible capital asset is ready for use.

2.11. Capitalization Thresholds

The threshold represents the minimum cost an individual asset must have before it is to be recorded as a capital asset on the statement of financial position.

Expenditures that meet both the criteria of a TCA and exceed the following capitalization thresholds are to be recorded as a TCA.

Tangible Capital Asset	Threshold
Land	Capitalize all
Land Improvements	\$25,000
Buildings	\$100,000
Leasehold Improvements	\$100,000
Vehicles	\$10,000
Machinery and Equipment	\$10,000
Infrastructure	\$100,000

Thresholds should be applied on an individual asset basis, unless multiple expenditures are for tangible capital assets valued below the capitalization threshold and, therefore, expensed rather than capitalized, results in a material misstatement of the financial statements.

2.12. Betterments vs. Maintenance

- Costs of betterments are considered to be part of the cost of a TCA and would be added to the recorded cost of the related asset. A "betterment" is a cost incurred to enhance the service potential of a tangible capital asset.
- Betterments are expenditures relating to the alteration or modernization of an asset that appreciably prolong the item's period of usefulness or improve its functionality. In general, for TCAs other than complex network systems, service potential may be enhanced when there is an increase in the previously assessed physical output or service capacity, where associated operating costs are lowered, the useful life of the property is extended or the quality of the output is improved.
 - As the treatment of betterments and maintenance have a significant impact on the Statement of Operations and the resulting annual surplus or deficit, the determination of the expenditure and its accounting treatment should be done as part of the City annual budget exercise.

The following suggested guideline attempts to strike a balance between the risk of material misstatement and the impact on record keeping. Otherwise, the cost should be recorded as a repair and maintenance expense within the department.

- The minimum threshold limit for the capitalization of betterments is equal to or greater than 15% of the historical cost or in the case of a pooled asset, 15% of the pooled value of the related asset and these costs may or may not meet the capitalization threshold for the main asset class; and
- One of the following criteria should be met:
 - o The estimated life of the asset is extended by more than 25%; or
 - The cost results in an increase in the capacity of the asset by more than 25%; or
 - o The efficiency of the asset is increased by more that 10%
- Where a cost cannot easily be differentiated between a repair and a betterment, the cost should be expensed in respecting the accounting principle of conservatism. Departments must provide the rationale to the Finance Department both at the budget stage and following project completion.

2.13. Valuing Assets

As per PS3150, TCA's are to be recognized on the Statement of Financial Statement as nonfinancial assets and are to be recorded at cost. In accordance with GAAP and to be consistent with the Financial Statement Objectives in PS 1100, cost is defined as historical cost as it is considered to be the only reliable and relevant information available to appropriately represent the cost of providing services.

Cost is the gross amount of consideration given up to acquire, construct, develop or better a tangible capital asset, and includes all costs directly attributable to acquisition, construction, development or betterment of the tangible capital asset, including installing the asset at the location and in the condition necessary for its intended use.

The cost of a TCA includes:

- the purchase price of the asset
- other acquisition costs such as:
 - 1. installation costs
 - 2. design and engineering fees
 - 3. legal fees
 - 4. survey costs
 - 5. site preparation costs
 - 6. freight charges
 - 7. transportation insurance costs; and
 - 8. duties

The cost of a constructed asset includes:

- direct construction or development costs (such as materials, contracted services and labour);
- overhead costs directly attributable to the construction or development activity;

• The activities necessary to prepare a tangible capital asset for its intended use encompass more than the physical construction of the tangible capital asset. They include the technical and administrative work prior to the commencement of and during construction provided that it can be shown it is directly attributable to the construction of the TCA.

The cost of each TCA acquired as part of a single purchase (for example, the purchase of a building and land for a single amount) is determined by allocating the total price paid for all of the TCAs acquired to each asset class on the basis of its relative fair value at the time of acquisition.

Indirect labour costs are allowable as long as the staff time is clearly attributable to the project and <u>staff are 100% chargeable</u> to certain projects and do not have other non-chargeable duties when not engaged in project work.

Interest costs related to the financing of the acquisition or construction of a tangible capital asset are not capitalized.

The definition of cost precludes the netting of capital grants or donations against the cost of the asset.

If a cost, direct or indirect, is not absolutely necessary for completing the acquisition or betterment of a TCA, it is not allowable for capitalization.

2.14. Contributed or Donated TCA's

Contributed or Donated Capital Assets are tangible capital assets which have been given to the City of Guelph for its use in delivering programs, whereby all or part of the acquisition costs of that asset are paid for by the contributor. For example, land may be contributed by another level of government at zero or nominal consideration to facilitate the construction of a roadway or structure. A developer may install services such as water/sewer mains or roads within a subdivision at its own cost and then turn them over to the City to operate, maintain and replace.

The cost of a contributed or donated tangible capital asset, including a TCA in lieu of a developer charge, is considered to be equal to its fair value at the date of contribution.

In order to determine the fair value, the Director of the receiving department will obtain independent valuation of the TCA such as an appraisal, engineer professional opinion or three quotes from independent sources. These accounting estimates must be documented and provided to the Finance Department for the appropriate financial transactions and review.

In the case where a TCA is being constructed on behalf of the City or as part of a development, the responsible Director should attempt to acquire the fair value from the developer and include this as a requirement of the contract or agreement.

If the fair value cannot be determined by any means outlined above, the asset should be recorded at a nominal value and disclosed in the notes to the financial statements.

2.15. Valuation of Tangible Capital Assets on Hand at January 1, 2009

All TCA's held by a department at January 1, 2009 must be identified and valued using an appropriate cost base. Considerations should include reasonableness and materiality in the approach. Specifically, in this regard:

- Existing TCA's will be valued using historical costs, adjusted for the proportion of the useful life of the asset that has already been consumed through the establishment of a provision for accumulated amortization.
- Where historical costs do not exist, then the decision tree in Appendix 3 will be followed to determine the historical cost.
- The appropriate deflator will depend on the asset being valued. The method utilized will be documented and provided to the auditors in support of the 2009 audit of the financial statements.
- Replacement cost should not be used unless it is the lower of cost alternatives.

Some tangible capital assets that are still in use by the department may not have any unamortized cost remaining because of their age and the amortization period set for that type of tangible capital asset. A record of such tangible capital assets would, however, need to be set up for asset control purposes. If a department has the information to estimate the historical cost and accumulated amortization of such fully amortized assets, then that information would be recorded in the accounting records. If the department does not have this detailed information on its fully amortized assets, it would disclose them at an initial value equal to their residual value, where it is of a material amount and previously known. Otherwise, it would disclose them at a nominal value. The determination will be undertaken by the Finance Department, in consultation with the Operating Department.

When recording the initial value of a TCA for the purposes of applying this Section, consideration would be given to whether the net book value of the TCA is in excess of the future economic benefits expected from its use and, therefore, whether a write-down is required to establish more appropriate cost and accumulated amortization amounts for the asset.

Betterment rates of TCA's on hand should be based upon a condition assessment of the asset.

All lease agreements must be reviewed to determine if they should be accounted for as capital leases. Leases and the accounting for these are contained in CICA Handbook Section 3065. The Director of Finance in consultation with the Operating Department is responsible for the determination of leases. This is further described in Section 2.5.

2.16. Amortization

Amortization of TCA's reflects the cost to the municipality of utilizing the TCA in providing services. The cost of property, equipment and other capital assets is essentially a long-term prepayment of an expense in advance of the use of the asset. As the economic service life of the asset expires, the cost of the asset is systematically allocated to operations as an expense called "amortization".

Periodic amortization expense should be an allocation of the historical cost of the asset less expected residual value (see Sec. 2.17), if applicable, to operations in proportion to the economic benefits received each period from the use of the asset.

The amortization of the costs of tangible capital assets is accounted for as expenses in the Consolidated Statement of Financial Activities. Amortization expense is an important part of the cost associated with providing municipal services, regardless of how the acquisition of tangible capital assets is funded.

Amortization for the City of Guelph will be primarily based on the straight line method of depreciation or another method approved by the Director of Finance. Further, 50% of the annual amortization amount will be recorded in the year of acquiring an asset. In the event of an asset being disposed of before its natural useful life, the half year rule will not apply but rather disposition will be calculated to the actual date of disposal.

Where construction of an asset is comprised of distinct, multiple and self-contained phases, amortization will begin on the date for which the distinct phases are completed. For pooled assets, where purchases and disposals affect the pool balance throughout the year, the amortization calculation may be based on the estimated pool balance rather than actual. For example, where a type of asset has an average expected life of 3 years and the average balance of the pool throughout the year is \$1 million, the amortization would be calculated as $1/3 \times 10^{10}$ million. The amortization charges related to the pool should be reviewed for reasonableness at year-end.

Land generally has an unlimited life and will not be amortized.

2.17. Determination of Residual Value of a TCA

Where a Department expects the residual value of a TCA to be significant, it would be factored into the calculation of amortization.

The Department in consultation with the Finance Department will determine the appropriate residual value based upon market information and experience with the particular TCA.

2.18. Review of Amortization Methods and Estimate of Useful Lives

In accordance with PS 3150.29, the amortization method and estimate of the useful life of the remaining unamortized portion of a TCA should be reviewed on a regular basis and revised when the appropriateness of a change can be clearly demonstrated.

Significant events that may indicate a need to revise the amortization method or the estimate of the remaining useful life of a TCA include:

- a change in the extent to which the TCA is used;
- a change in the manner in which the TCA is used;
- removal of the tangible capital asset from service for an extended period of time;
- physical damage;
- significant technological developments;
- change in the demand for the services provided through use of the tangible capital asset; and
- a change in the law or environment affecting the period of time over which the tangible capital asset can be used.

Departments in conjunction with the Finance Department will review the amortization methods and estimates of useful lives on an annual basis prior to the finalization of the annual financial statements.

A change in an asset's amortization rate as a result of a revision of its estimated life will be treated as a change in the accounting estimates rather than a change in accounting policy. Under PS 2120, Accounting Changes paragraph 27, a change in an estimate is not given retroactive effect since it arises from new information or developments. The effect of a change in the estimated useful life of a TCA and its associated effect on amortization expense are allocated to the period of revision and applicable future periods.

2.19. Useful Life

Expected useful life is normally the shortest of the asset's physical, technological, commercial and legal life. The physical life of a tangible asset may extend beyond the useful life of an asset. Estimating useful lives of TCAs is a matter of judgment based on experience and should be applied on a consistent basis.

The useful life of a TCA depends on its expected use by the municipality. Factors to be considered in estimating the useful life of a TCA include:

- Experience with similar assets through use;
- Expected future usage;
- Effects of technological obsolescence;
- Expected wear and tear from use or the passage of time;
- The maintenance program;
- Studies of similar items retired; and
- The condition of existing comparable items.

Useful life will be established through collaboration between the Operating Departments and the Finance Department. Generally, the useful life will be utilized for the asset classes.

The service potential of an asset is normally consumed through usage. Factors such as obsolescence, excessive wear and tear or other events could significantly diminish the service potential that was originally anticipated from the asset (section 2.21.).

Financial reporting standards require the useful life of an asset to be reviewed at the end of each reporting period, and, if expectations differ from previous estimates, the change in useful life is to be accounted for as a change in an accounting estimate. The rationale supporting the decision to revise useful life estimates of an asset should be documented.

2.20. Transfers of Capital Assets

Transfers of capital assets between departments shall be at the net book value of the asset. The receiving department would record the asset at its original historical cost and accumulated amortization.

2.21. Impairment of Assets (Write Downs of TCA's)

PS 3150 states that when conditions indicate that a TCA no longer contributes to a municipality's ability to provide goods and services, or that the value of future economic benefits associated with the tangible capital asset is less than its net book value, the cost of the tangible capital asset should be reduced to reflect the decline in the asset's value.

The net write-downs of the TCA will be accounted for as an expense in the Consolidated Statement of Financial Activities (PS 3150.32) against the Department; a write-down cannot be reversed (PS 3150.33). Consequently, the decision to write-down an impaired asset could have a significant impact on the annual surplus or deficit.

The City should write down the cost of a TCA when it can demonstrate that the reduction in future economic benefits is expected to be permanent. A write down of an asset is generally more desirable than a change in amortization method since those decisions are policy decisions affecting prior accounting periods.

Conditions that may indicate that the future economic benefits associated with a TCA have been reduced and a write-down is appropriate include:

- A change in the extent to which the TCA is used;
- A change in the manner in which the TCA is used;
- Significant technological developments;
- Physical damage;
- Removal of the TCA from service;
- a decline in, or cessation of, the need for the services provided by the TCA;
- a decision to halt construction of the TCA before it is complete or in usable or saleable condition; and
- a change in the law or environment affecting the extent to which the TCA can be used.

The persistence of such conditions over several successive years increases the probability that a write-down is required unless there is persuasive evidence to the contrary.

When the TCA no longer contributes to the municipality's ability to provide goods and services, it would be written down to residual value, if any. This would be appropriate when the City has no intention of continuing to use the asset in its current capacity, and there is no alternative use for the asset.

In other circumstances, it will be necessary to estimate the value of expected remaining future economic benefits. Where a department can objectively estimate a reduction in the value of the asset's service potential and has persuasive evidence that the reduction is expected to be permanent in nature, the tangible capital asset would be written down to the revised estimate of the value of the asset's remaining service potential to the City.

Since all of the above decisions affect the City's Consolidated Statement of Financial Activities, the Operating Departments must notify Finance of any and all TCAs permanently removed from service. The Operating Department and the Finance Department must work together to determine the best approach.

Write-downs of capital assets should be accounted for as an expense of the current period.

Annual amortization of an asset that has been written down should be calculated using the net book value after the write-down and the remaining estimated useful life.

2.22. Disposals

On disposal, the historical cost and accumulated amortization is removed from the accounting records.

Under PS 3150, the difference between the net proceeds on disposal of a tangible capital asset and the net book value of the asset should be accounted for as a revenue or expense in the Statement of Operations (PS 3150.38).

Disposals of TCA's in the accounting period may occur by sale, trade-in, destruction, loss or abandonment. Such disposals represent a reduction in the City's investment in TCA's, regardless of how that investment is reported.

Departments are required to identify the planned disposals of TCA's during the budget process. The Finance Department will determine the effect of these disposals on the statement of operations and the budgetary impacts.

Upon disposal, the Departments must inform the Finance Department of the result of the disposal and provide the proceeds on disposal together with the documentation describing the disposal.

2.23. Temporary Removal From Service

If the TCA is temporarily removed from service, amortization should continue. The estimated useful life of the TCA should not be revised due to the temporary nature of the removal of the tangible capital asset from service. Once the City has made a decision on how the TCA will be re-deployed, the estimated useful life of the TCA would be revised and amortization would be based on the new future usage of the TCA.

2.24. TCA's Under Construction (Work-in-Progress)

During construction of a TCA, the costs will be debited to the Work-In-Progress Inventory account. Upon notification that the construction of the TCA is complete and the service date is known, the Department must inform the Finance Department within 30 days of completion with the pertinent information.

Upon being informed, the Finance Department and the Departmental Director will review the WIP Inventory account for the particular department and finalize the amount to be capitalized as per the definition contained in Section 2.4.

When a project has distinct, multiple, completely self-contained phases that will be brought into production or use at different points of time, the operating department shall use professional judgment to determine the appropriate timing for transfers from work in progress to assets.

Work in progress balances must be reconciled and the appropriate transfers from work in progress made to completed assets or written off to ensure that only active and incomplete work in progress is carried forward to the next period. The reconciliation should be done quarterly in accordance with variance reports.

All costs capitalized in work-in-progress must be written-off if construction of the tangible capital asset is terminated or deferred indefinitely, and there is no alternative use for the work-in-progress.

SECTION 3 ACCOUNTABILITY FRAMEWORK

3.1. Operating Department's Responsibility:

- Ensure that procurement activities and budget preparation of TCAs will provide the information required to afford the treatment of all TCAs is in accordance with this policy.
- Ensuring that the treatment of TCAs is done in accordance with the accountability framework and that the delegate is fully competent within this framework.
- Liaise with the Finance Department where required in order to ensure that financial information is sufficient for the Director of Finance to render decisions in accordance with GAAP as it pertains to TCAs.
- Maintaining capital asset information such as location, condition, maintenance records etc.
- Manage TCAs with prudence and probity to ensure best value for tax dollars and appropriate long term capital planning.
- Perform regular condition assessments of TCAs in order to develop a long term asset management strategy and assist the Director of Finance in the determination of impairment of assets.
- Work with the Director of Finance to develop accrual based budgets as required by PS 1200.
- The implementation and operation of an internal control system developed by Finance that ensures that tangible capital assets are accounted for in accordance with this policy.
- Provide Finance with timely information with respect to TCA betterments, TCAs permanently removed from service, disposals, contributed or donated assets, capital leases
- Closing capital projects in accordance with section 2.10 and 2.24 of this policy
- Determine the residual value of TCAs in consultation with Finance
- Support Finance in the determination of the most appropriate amortization method, should straight line amortization not be recommended by the Operating Department for financial statement purposes
- Provide Finance with rationale to support the proposed useful lives for TCAs

3.2. Finance Responsibility:

- Advise and assist in preparation of budgets and contracts in order to implement this policy giving due regard to municipal cash flow and debt management.
- Maintain records of business transactions. Ensure that all purchasing transactions are reflected in the books of account and documentation is retained in accordance with the TCA Policy.
- Post and maintain amortization schedules.
- Produce the annual financial statements in accordance with GAAP and prepare audit papers for the annual audit.
- Monitor the application of this policy and review TCA supporting material as provided by the Operating Departments
- Update this policy to reflect changes in City programs and services and as new TCA classes are acquired, purchased or constructed.
- Develop and monitor procedures regarding purchase orders, commitments, receiving, payables, asset management and property to ensure that asset accounting practices are effective.
- Determine the most appropriate means of long-term financing.
- Educate City Council, managers and staff on accounting standards as set by PSAB and the impact of various accounting policies have on the financial operations and statements of the City.
- Ensure TCA accounting policies are applied consistently and assisting with determination of accounting estimates.
- Train all staff on polices and procedures regarding TCA accounting including purchasing functions.
- Develop and monitor procedures regarding purchase orders, commitments, receiving, payables, asset management and property to ensure that asset accounting practices are effective.
- Prepare annual budgets on an accrual basis in order to meet the requirements of PS1200.

3.3. Audit Committee Responsibility:

- Oversee and maintain the City's systems of reporting and internal control to obtain early warning of potential system weaknesses
- Review the City's accounting policies and reporting requirements
- Review the City's compliance with PSAB
- Review changes in the PSAB policies

APPENDIX 1 - DEFINITIONS

Accumulated Amortization

Accumulated amortization represents the total to date of the periodic amortization charges relating to tangible capital assets since the assets were placed in use represents the total consumed or used portion of that asset.

Amortization

Amortization is the process of allocating the cost of a tangible capital asset, net of its residual value, over its estimated useful life. Amortization allocates the cost of a tangible capital asset in a systematic and rational manner matches the cost of the tangible capital asset to the periods in which service is derived from the asset.

Acquisition Cost

Acquisition cost is the amount of consideration given up to acquire, construct, develop or better a tangible capital asset, and includes all costs directly attributable to acquisition, construction, development, or betterment of the tangible capital asset, including installing the asset at the location and in the condition necessary for its intended use.

Betterment

Betterments are costs incurred to enhance the service potential of a tangible capital asset and may or may not extend the useful life of a tangible capital asset. In general, the service potential of a tangible capital asset may be enhanced when there is:

- an increase in the previously assessed service potential;
- a significant reduction in the operating costs of the tangible capital assets due to efficiency gains;
- the useful life of the tangible capital asset is extended; or
- the quality of the output is improved.

Capital Assets

Capital assets are non-financial assets having physical substance that:

- Are held for use by the government in the production or supply of goods and services, for rental to others, for administrative purposes or for the development, construction, maintenance or repair of other tangible capital assets;
- Have useful lives extending beyond a year and are intended to be used on a continuing basis; and
- Are not intended for sale in the ordinary course of operations.

Capital assets do not include such things as:

- Inventories held for resale (including land);
- Capital grants
- Intangible assets, except for software which is tangible for the purpose of capitalization;
- Feasibility studies, business cases, management reviews (post implementation) and;
- Assets below the thresholds outlined in this policy.

Cost

The cost of a tangible capital asset is the amount of consideration given up to acquire, construct, develop, or better a tangible capital asset and includes all costs directly attributable to acquisition, construction, development, or betterment of the tangible capital asset, including installing the asset at the location and in the condition necessary for its intended use.

Disposals

Disposals occur when the ownership of a tangible capital asset is relinquished and may occur by sale, destruction, loss or abandonment. At this time the cost and accumulated amortization of the asset is reduced to zero.

Estimated Useful Life

Estimated Useful Life is the estimate of the period over which a capital asset is expected to be used or the number of units of production that can be obtained from the asset. It is the period over which an asset will be amortized and is normally the shortest of the physical, technological, commercial or legal life.

Expenditures

Expenditures are the cost of goods and services acquired in the period whether or not payment has been made or invoices received and include transfer payments due where no value is received directly in return.

Expenses

Expenses are the cost of resources consumed in and identifiable with the operations of the accounting period.

Executory

Costs related to the execution or administration of the contract such as insurance, property taxes and maintenance costs.

Fair value

Fair value is the amount of the consideration that would be agreed upon in an arms-length transaction between knowledgeable, willing parties, who are under no compulsion to act.

Financial Assets

Financial Assets are assets that are available to discharge liabilities or finance future operations and are not for consumption in the normal course of operations. Examples of financial assets are cash on hand, accounts receivable and inventories for resale.

Gain on Disposal

A gain on disposal is the amount by which the proceeds realized upon the asset's disposal exceed the net book value of the tangible capital asset. Gains will be allocated to the department that owns the asset.

Non-Financial Assets

Non-financial Assets are assets that do not normally provide resources to discharge liabilities. They are employed to deliver government services, may be consumed or used up

in the delivery of those services, and are not generally for sale. Examples of non-financial assets are capital assets and inventories held for consumption or use.

Infrastructure

Municipal infrastructure is all capital assets required to create and maintain a safe, secure and sustainable community. Municipal Infrastructure includes but is not limited to:

- transportation infrastructure (e.g., roads, bridges, public transit);
- utilities and environmental infrastructure (e.g., water delivery systems, sewage treatment systems, recycling systems, landfills);
- infrastructure enabling the provision of protective services (e.g., police, fire, flood mitigation);
- parks, recreation and cultural facilities (e.g., arenas, playgrounds, pools, trails, libraries, community and art centres);
- electronic infrastructure (e.g., broadband networks, information systems);
- municipal civic institutions (e.g., City/Town Hall, Administration buildings)

Land

Land includes land purchased or acquired for use, for preservation, for parks and recreation, for building sites, for infrastructure and for other program use.

Loss on Disposal

A loss on disposal is the amount by which the net book value of the tangible capital asset exceeds the proceeds realized upon the asset's disposal, after applying the half year of amortization in the year of disposal (if applicable). Losses will be allocated to the department that owns the asset.

Net Book Value

The net book value is the difference between the cost of a tangible capital asset and both its accumulated amortization and the amount of any write-downs. It represents the unconsumed cost of a tangible capital asset attributable to its remaining service life. Net book value will always include the residual (scrap) value of a tangible capital asset.

Professional Judgment

Professional judgment is based on an individual's past experiences and training. In the presence of uncertainty, the application of judgment is inevitable. Professional judgment must be used in determining which costs are to be capitalized; the proper classification of certain assets, the residual value to apply, and the appropriateness of the useful life, among other things.

Repairs and Maintenance

The cost incurred to maintain the service potential of a tangible capital asset is a repair. These expenditures are made to maintain the asset in operating condition and are expensed in the year they occur.

Residual Value

It is the estimated net realizable value of a tangible capital asset at the end of its useful life to the Municipality.

Service Potential

It is the output or service capacity of a tangible capital asset, that is normally determined by references to attributes such as physical output capacity, quality of output, associated operating costs and useful life.

Straight Line Method of Amortization

The straight line method is an approach of amortizing a tangible capital asset where the amortization is considered as a function of time instead of a function of usage. It is assumed that the economic usefulness is the same each year and therefore the amortization charge is the same for each year of its useful life.

Threshold Amount

Generally, the threshold amount for each category is the minimum cost an individual asset must have before it is treated as a tangible capital asset and added to proper asset class balance.

Useful Life

Useful life is the estimated period over which a tangible capital asset is expected to be used by the City. The useful life of a tangible capital asset, other than land, is finite and is normally the shortest of the physical, technological, commercial, and legal life. The life of a tangible capital asset may extend beyond the useful life of the tangible capital asset.

Works of Art and Historical Treasures

Properties that have cultural, aesthetic or historical value that is worth preserving perpetually. These assets are not integral to the City's operations and are not included in the tangible capital assets at this time as a reasonable estimate of future benefits cannot be made. They are, however, noted in the financial statements.

Work-in-Progress

Work-in-progress consists of construction or development of a tangible capital asset in progress that is not yet in use.

Write-down

Write-down is the reduction in the cost of a tangible capital asset made when the value of future economic benefits associated with the asset is less than its net book value.

Write-off

A write-off is used to reflect a complete (100%) impairment of the value of a tangible capital asset. The carrying value of a tangible capital asset, net of its residual value, should be written off if the tangible capital asset can no longer contribute to the Town's ability to provide service and the impairment is permanent in nature.

APPENDIX 2 – ASSET CLASSIFICATIONS

GENERAL CAPITAL ASSETS	INFRASTRUCTURE ASSETS
Tangible capital assets that are not part of the infrastructure asset class. Includes, but is not limited to Parks, Recreation, EMS, Fire, Waste Collection and Disposal, Landfill.	Tangible capital assets are composed of linear assets and their associated specific components, generally constructed or arranged in a continuous and connected network. Includes but is not limited to: Transportation Infrastructure (Roads – including cycling lanes, bridges, tunnels, drainage systems) and Environmental Infrastructure (water delivery systems, waste water treatment, storm drainage systems).

Land	
GENERAL CAPITAL ASSETS	INFRASTRUCTURE ASSETS
Real property in the form of a plot, lot or area. Includes all expenditures made to acquire land and to ready it for use where the improvements are considered permanent in nature and includes purchase price, closing costs, grading, filling, draining, and clearing, removal of old buildings (net of salvage), assumption of liens or mortgages, and any additional land improvements that have an indefinite life. The costs associated with improvements to land are added to the cost of the land if those improvements can be considered permanent (such as re- grading or filling of the land).	Land as defined in the General Capital asset class that is associated with infrastructure. Includes land under roads and land associated with road allowances, sewage treatment plant sites, pump station properties, etc.
Excludes forests, water and other mineral resources and land held for resale (a separate non-financial asset). General Capital - Land includes land for administrative buildings, parks, playgrounds, fields, open space.	

Land Improvements

GENERAL CAPITAL ASSETS	INFRASTRUCTURE ASSETS
Land improvements consist of betterments, site preparation and site improvements (other than buildings) that ready land for its intended use, which generally decay or break down over time. Land improvements that are removable and can degrade or deplete over the course of time through use or due to the elements, should be separately capitalized and their value amortized over the useful life of the improvement.	Land improvements as defined in the General Capital asset class that are associated with infrastructure. Examples include but are not limited to: parking lots for water/waste water sites, driveways through such sites; site improvements such as grading at works yards whose purpose is to serve as a base for maintaining Infrastructure.
General capital land improvement examples include but are not limited to: landfill site development, construction of driveways, parking lots, retaining walls, bike paths in parks, drop off locations, sidewalks, fencing, patios, water fountains, outdoor swimming or wading pools, ball diamonds, soccer fields, irrigation systems, tennis courts and the like.	

Buildings

General capital buildings include all structures that provide shelter from the elements which function independent of an infrastructure network. Includes capital and betterments to general capital buildings that are owned by the municipality. Examples include but are not limited to: sport and recreation facilities, office buildings, fire/police stations, libraries, pavilions, change rooms, park washrooms & concession buildings, band shells, ticket kiosks, crematoriums, chapels, mausoleums, waste depots, recycling facilities.

INFRASTRUCTURE ASSETS

Buildings as defined in the General Capital asset class that is associated with infrastructure. Examples include: wastewater treatment control buildings, water supply buildings, buildings in works yards dedicated to Infrastructure maintenance.

Machinery & Equipment	
GENERAL CAPITAL ASSETS	INFRASTRUCTURE ASSETS
An apparatus, tool, device, implement or instrument that likely uses energy to facilitate a process, function or completion of a task. Machinery and equipment may also include furniture and fixtures. It may be installed within a building, but is generally capable of being moved and reinstalled at a different location, if need be (that is, it is not permanently affixed to or integrated into the building or structure in which it resides).	Machinery & Equipment as defined in the General Capital asset class that is associated with infrastructure.

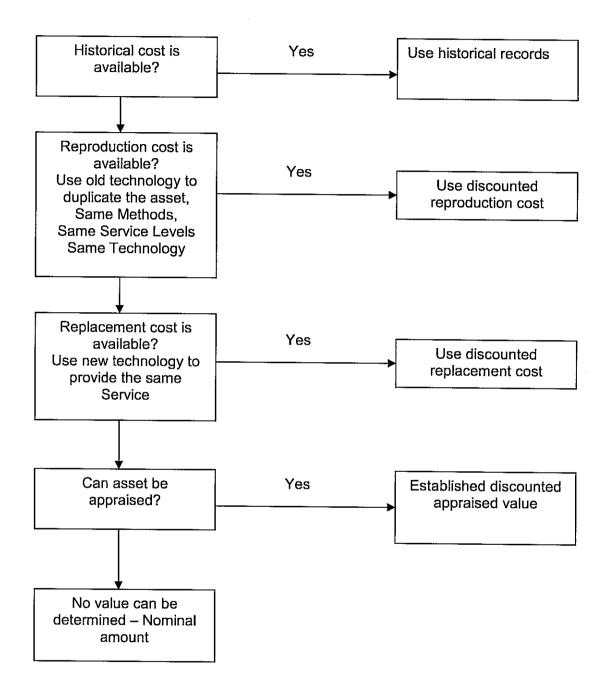
Vehicles

GENERAL CAPITAL ASSETS	INFRASTRUCTURE ASSETS
A means of transportation, usually having wheels, for transporting persons or things or designed to be towed behind such an apparatus. Includes automobiles, trucks, trailers, motorcycle, boats, etc.	N/A

Linear Assets

GENERAL CAPITAL ASSETS	INFRASTRUCTURE ASSETS
	The linear assets sub class applies only with respect to the "Infrastructure" class and has no counterpart in the "General Capital" class. Linear assets are assets generally constructed or arranged in a continuous and connected network. "Infrastructure – Linear assets" includes connected :
	• surface systems such as roads, sidewalks, bridges, drainage ditches, and street lights; and
	 underground systems such as water distribution pipe systems, wastewater collection pipe systems, manholes, catch basins, and storm drainage collection systems and tunnels







INFORMATION SHEETS

Office of the Mayor

October 15, 2008

Mayor Karen Farbridge City of Guelph Guelph City Hall 59 Carden Street Guelph, Ontario N1H 3A1

OCT 2 1 2008 Office of the Mayor

Dear Mayor Farbridge:

I am writing to you today, to follow up on an issue of common interest. I seek your municipality's support, along with our neighbouring communities, across the province, to collectively lobby the Government of Ontario to increase the "heads and beds" levy (as prescribed in section 323 of the Municipal Act) to a more appropriate rate, reflective of, at least, an inflation increase of over twenty years.

As you are aware, the "heads and beds" levy that municipalities receive in lieu of property taxes for provincial institutions such as hospitals and universities has been frozen at \$75 per student or per bed since 1987. Indexed for inflation, the levy should be \$121. If based on the assessed value of the property, as is the case with other provincial properties, the payment to the municipality for municipal services would be significantly higher.

Indeed, there is a shared understanding among municipalities that the current state of municipal finance does not provide municipal governments with the necessary resources to adequately discharge immediate responsibilities, much less those anticipated in the future. Municipalities should not be forced to subsidize the province. Rather, the province should be providing its fair share of tax support for these provincial institutions.

A number of municipalities across Ontario have continuously expressed their concerns to AMO and their representatives at Queen's Park, that although the "heads and beds" rate has not increased in over 20 years, the cost of providing municipal services has increased dramatically. To date, these concerns have gone unanswered.

As this is a collective municipal problem, I believe a collective approach to Queen's Park has a much more realistic chance of success, to the benefit all municipalities which are affected by this levy.

..../2



The Corporation of the City of Kingston 216 Ontario Street, Kingston, Ontario K7L 2Z3 www.cityofkingston.ca & e-mail: hrosen@cityofkingston.ca (613) 546-4291 ext. 1400 & fax (613) 546-5133

Kingston: Canada's First Capital LETTER TO: Mayor Farbridge October 15, 2008 Page 2

Your Worship, I strongly encourage you to copy the attached text to your letterhead, sign it and return it to me. Once sufficient supporting documents are received, I will be in further communication with you concerning the formation of a committee of mayors to personally meet with the responsible ministers at Queen's Park, the Minister of Finance, Dwight Duncan and the Minister of Municipal Affairs and Housing, Jim Watson. We are long overdue in coming together to speak in a unified voice to the province and have them address this unfair financial burden on municipalities.

Thank you in advance for your thoughtful consideration to this important matter. I look forward to receipt of your written support and to effecting a dramatic, positive impact on each of our communities.

Sincerely,

Harvey Rosen Mayor

HR/gc

To: The Honourable Dwight Duncan, Minister of Finance, And to: The Honourable Jim Watson, Minister of Municipal Affairs and Housing

Ministers:

As a Mayor of a community hosting both post-secondary institutions and hospitals, I urge you to address the inequity created by the frozen (since 1987) "heads and beds" allocation to applicable municipalities of Ontario. This must be accomplished within this term of government by, preferably, providing a payment in lieu of tax on the assessed value of these properties as is the case with all other provincially-owned assessable properties within our community. The arguments favouring an immediate review and adjustment are manifold and could not be done justice in a brief written submission.

I would be pleased to meet with you in delegation, with other concerned mayors, to discuss this issue at your convenience.

Yours respectfully.

Mayor of _____





CITY CLERK'S OFFICE

September 3, 2008

TO ALL MUNICIPALITIES IN ONTARIO WITH UNIVERSITIES OR COLLEGES OR HOSPITALS

RE: MOTION (7), KINGSTON CITY COUNCIL SEPTEMBER 2, 2008

I would confirm that at the regular meeting of Kingston City Council held on September 2, 2008, the following Motion (7), was approved:

(7) Moved by Councillor Schmolka

Seconded by Councillor MacLeod-Kane

WHEREAS post-secondary institutions and hospitals are exempt from paying property taxes to municipalities under provincial law and instead pay a fixed amount, set by the provincial government, for each student ("head") or patient ("bed") in their institutions; and

WHEREAS the amount of the "heads and beds" payment is \$75 per student or patient and this amount has not been changed by the province since 1987, and

WHEREAS at this time the city receives the following amounts as "heads and beds" payments instead of property taxes:

- Queen's University and Theological College 17,217 "heads" = \$1,291,275
- St. Lawrence College 3,668 "heads" = \$275,100
- Hotel Dieu Hospital 264 "beds" = \$19,800
- Kingston General Hospital 538 "beds" = \$40,350
- Providence Continuing Care 448 "beds" = \$33,600, and

WHEREAS increasing the "heads and beds" amount to match the rate of inflation over the last 21 years would result in a minimum estimated increase from \$75 to \$126.35 and would bring in an estimated minimum additional payment in lieu of property taxes of \$1.1 million to the City of Kingston, and

WHEREAS Council passed a motion on August 14, 2007 with respect to the "heads" payment asking the provincial government to increase the amount it sets for this payment with the objective of making this amount equivalent to the taxes that would be collected if the properties were taxable by the municipality, and WHEREAS efforts to have the provincial government review the "heads and beds" amount and approach have not met with any positive responses to date,

THEREFORE BE IT RESOLVED THAT the Province of Ontario be requested to:

 increase the "heads and beds" payment immediately to at least match the rate of inflation since 1987 and build in an automatic annual adjustment for inflation from now on, and

... continued on Page 2

cdowns@cityofkingston.ca

min17 August 14-07.doc

Page 29

City Council Meeting No. 17 Minutes Tuesday, August 14, 2007

MOTIONS

(1)

Moved by Councillor Foster

Seconded by Councillor Glover

WHEREAS land owned, used and occupied solely by public education institutions, as defined in the Education Act, are exempt from paying municipal property taxation; and,

WHEREAS universities, colleges, and community colleges are included in the defined exempt properties; and,

WHEREAS the universities, colleges, and community colleges attract students to attend their institutions because of the quality of education offered, learning experiences and municipal amenities to enhance the experience; and,

WHEREAS municipalities provide services to the public education institutions and to the students; and,

WHEREAS the province recognizes that these services are provided to the institutions and that the institutions merit partial support by the community; and,

WHEREAS the province permits municipalities to levy a maximum \$75 for each full time student at each public education Institution as a payment-In-Tieu of taxes, per Section 323 of the Municipal Act, 2001; and,

WHEREAS the payment-in-lieu of tax levy has not been increased since 1987 when it was raised from \$50 to \$75; and;

WHEREAS student populations have increased dramatically since 2000; and,

WHEREAS, in Kingston, the maximum payment-in-lieu of tax for 2007 is \$1,544,400 (20,592 students @ \$75 ea), which represents just under 25% of the amount of taxes that would be levied (\$6,288,319) if the property had been classified and taxed pursuant to its use; and,

WHEREAS other properties that similarly support the community and thus also provide payments-in-lieu of taxation pay full taxes calculated by multiplying the appropriate tax rate and assessment; and,

WHEREAS the City's primary source of revenue is limited to property taxes and provincial grants; and,

WHEREAS the province, in its role of setting policies that affect municipalities, must make an effort to not constrain or arbitrarily reduce revenues that are derived from the assessment of property;

NOW THEREFORE BE IT RESOLVED THAT the Province of Ontario be requested to increase the per student levy at rated public educational institutions each year, pursuant to Section 323 of the *Municipal Act, 2001*, beginning in 2008 to an amount equivalent to the taxes that would be levied if the property was taxable;

AND BE IT FURTHER RESOLVED THAT this resolution be forwarded to all Ontario municipalities that are fortunate to have universities, and colleges of applied arts and technology within their municipality as well as to the Association of Municipalities of Ontario (AMO) for support and AMO be requested to pursue this matter with the Province on Council's behalf.

CARRIED UNANIMOUSLY

REPORT OF THE FINANCE, ADMINISTRATION AND CORPORATE SERVICES COMMITTEE MEETING AS THE AUDIT COMMITTEE

November 24, 2008

Her Worship the Mayor and Councillors of the City of Guelph

Your Finance, Administration and Corporate Services Committee meeting as the Audit Committee beg leave to present this their SECOND REPORT as recommended at its meeting of November 5, 2008;

CLAUSE 1 THAT Deloitte & Touche be appointed auditors for the City of Guelph for the fiscal year of 2008;

AND THAT the 2008 Audit Plan be prepared by Deloitte & Touche be approved as submitted.

CLAUSE 2 THAT the Procedural By-law be amended to establish the Audit Committee as a Standing Committee, distinct from the Finance, Administration and Corporate Services Committee;

AND THAT Council adopt the Audit Committee Terms of Reference attached as Schedule B to Report FIN-08-29

All of which is respectfully submitted.

Councillor Karl Wettstein, Chair Finance, Administration & Corporate Services Committee

COMMITTEE REPORT



TO Finance, Administration and Corporate Services Committee – Audit Committee

SERVICE AREAFinanceDATENovember 5, 2008

SUBJECT2008 Audit PlanREPORT NUMBERFIN-08-30

RECOMMENDATION

THAT Deloitte & Touche be appointed auditors for the City of Guelph for 2008.

THAT the 2008 Audit Plan prepared by Deloitte & Touche be approved as submitted

BACKGROUND

This report is to present the City's external audit workplan for approval. The report also addresses appointment of the City's auditors.

REPORT

A copy of the external auditor's workplan is attached to this report for the committee's approval. The auditor's will be present at the committee meeting to present the audit plan and answer questions.

Appointment of the auditor is required under Section 296 of the Municipal Act. The auditor is responsible for annually auditing the accounts and transactions of the municipality and its local boards and expressing an opinion on the financial statements of these bodies, based on the audit, and for performing duties required by the municipality.

Deloitte & Touche have been the City's auditors for a number of years. A change of auditors for 2008 is not recommended, given the current changes affecting the preparation of the financial statements. Continuity of audit personnel is beneficial considering the level of Finance Dept staff turnover during 2008. Also, it would be costly to change auditors in the midst of the current implementation of Tangible Capital Asset reporting. The change in PSAB reporting, for which there has been ongoing consultation with the auditors, affects the 2008 and 2009 financial reports. It is recommended that the Audit Committee proceed with an RFP for audit services for 2010 - 2014 in spring 2009.

CORPORATE STRATEGIC PLAN

5.3 Open, accountable and transparent conduct of municipal business.

FINANCIAL IMPLICATIONS

The annual audit fee, per the audit plan is estimated to be approximately \$108,000

DEPARTMENTAL CONSULTATION

The Director of Finance has consulted with the CAO regarding renewing appointment of Deloitte & Touche as auditors for 2008.

COMMUNICATIONS

ATTACHMENTS

Audit Plan for the Year Ending December 31, 2008

bauen 011

Recommended By: Margaret Neubauer Director of Finance 519-822-1260 x 5606 margaret.neubauer@guelph.ca

Deloitte

City of Guelph

Audit Plan for the year ending

December 31, 2008

Deloitte.

Deloitte & Touche LLP 4210 King Street East Kitchener ON N2P 2G5 Canada

Tel: 519-650-7600 Fax: 519-650-7601 www.deloitte.ca

October 23, 2008

Private and confidential

The Members of the Finance, Administration and Corporate Service Committee City of Guelph City Hall 59 Carden Street Guelph ON N1H 3A1

Dear Members of the Finance, Administration and Corporate Service Committee:

We are pleased to submit for your review our 2008 audit plan for the examination of the consolidated financial statements of the City of Guelph for the year ending December 31, 2008.

The key objectives of this document are to:

- Outline our services to be provided;
- Outline our formal reporting responsibilities;
- Outline our audit approach;
- Introduce the professional resources we will employ on the audit;
- Provide you with the opportunity to review our audit plan and ask any questions you might have; and
- Assist you in discharging your responsibilities relative to the external audit of the City of Guelph.

The objective of an audit of the financial statements in accordance with Canadian generally accepted accounting standards ("GAAS") is to express an opinion on the fairness of the presentation of the financial statements in accordance with Canadian generally accepted accounting principles ("GAAP").

Deloitte is proud of our relationship with the City of Guelph, and our team is committed to providing a high-quality audit. We look forward to discussing this audit plan with you and answering any questions you may have.

Yours very truly,

Deloitte & Touche LLP

Chartered Accountants Licensed Public Accountants

Member of Deloitte Touche Tohmatsu

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Deloitte client service team	8
Objectives, scope and planned audit approach for the 2008 audit	9
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Appendices

Appendix I – Accounting update and other developments (Public Sector)

Page

Overview

Deloitte & Touche LLP ("Deloitte") continually strives to improve the quality and efficiency of the assurance and advisory services provided to the City of Guelph (the "City").

We view the development of our audit plan (the "plan") as an important process that provides all parties to the audit process (i.e. the Finance, Administration and Corporate Services Committee, Management and Deloitte) with an opportunity to re-assess the audit needs, focus areas, approach and expectations for performance.

This plan is intended solely for the use of the Finance, Administration and Corporate Services Committee (the "Committee") to assist it in discharging its responsibilities with respect to the consolidated financial statements and should not be used for any other purpose. Any use that a third party makes of this plan is the responsibility of such third party.

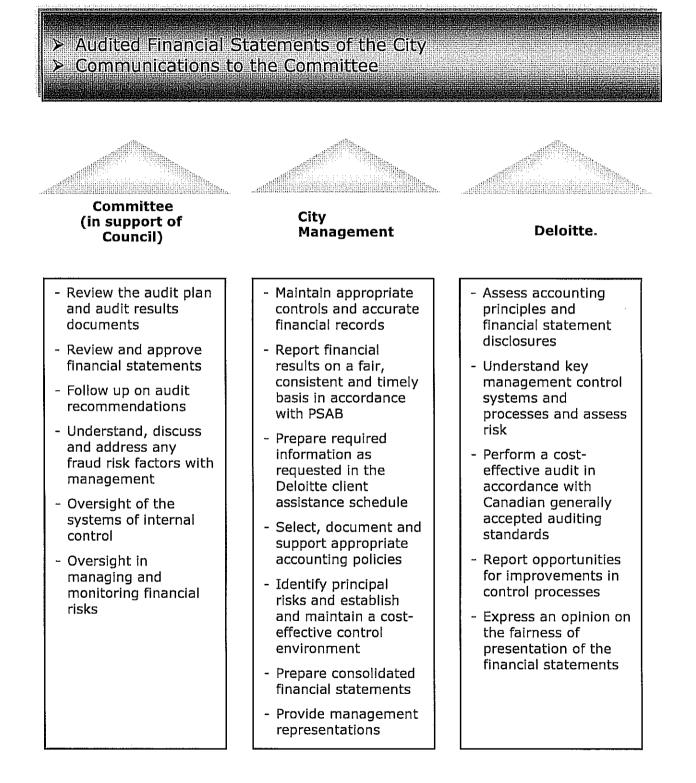
The plan describes responsibilities assumed by Deloitte, our audit approach, including key areas of risk and focus, and other relevant information to assist the Committee in discharging its responsibilities. It is part of our ongoing communication with the Committee in accordance with Section 5751 of the CICA Handbook, "Communications with those having oversight responsibility for the financial reporting process."

At the completion of our audit, we will provide management and the Committee with a report detailing our findings and comments.

The highlights of our proposed plan are that:

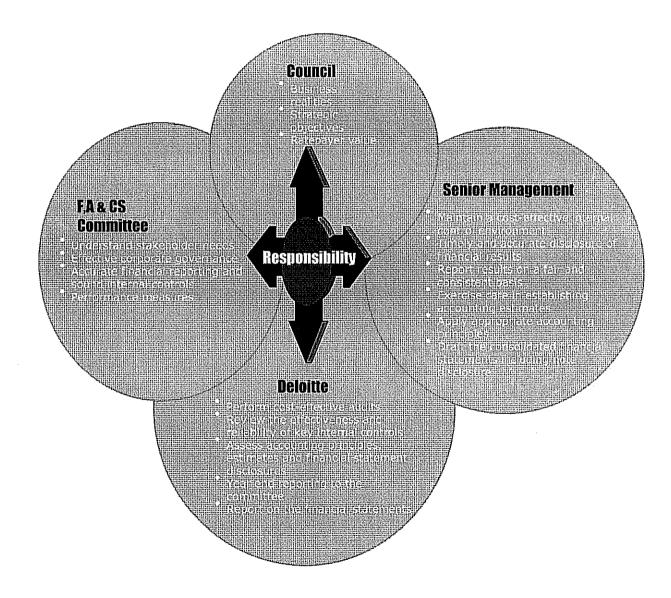
- we plan to help the Committee fulfill its responsibilities;
- we will provide support in helping accounting staff understand technical accounting changes;
- we will continue to focus on the principal
- business and financial risks facing the City; and
 we will maintain a professional and independent relationship with the City;

Financial reporting responsibilities



Financial reporting responsibilities (continued)

- We believe the optimal client relationship is one in which there is an open line of communication between the Committee, City Management and Deloitte.
- In order to achieve a balanced relationship, each party must have the opportunity to meet with each of the other two parties on a timely basis.
- Commitment from, and interaction between, all three parties leads to continual improvement in the quality of the financial reporting process.



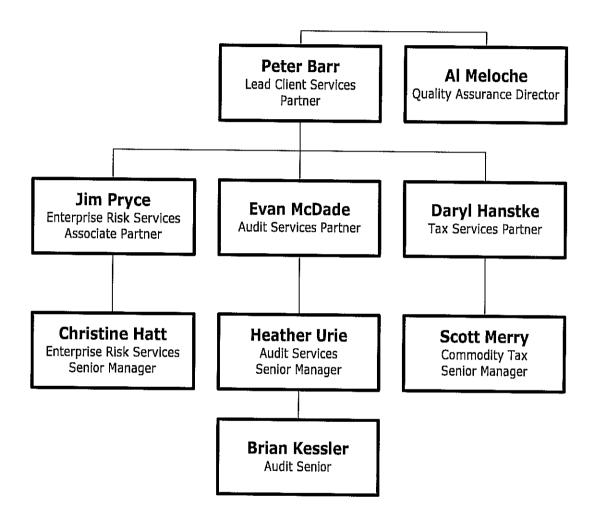
Formal reporting responsibilities to the Finance, Administration and Corporate Services Committee

- In accordance with our firm's practice, further influenced by guidelines of relevant professional bodies, our communications with the Finance, Administration and Corporate Services Committee will include:
 - Our 2008 audit plan;
 - Our report on the financial statements;
 - Our report on the results of the 2008 audit; and
 - Confirmation of our independence as required by professional standards.
- If, during the course of our audit, we observe any of the matters displayed on the next slide, we commit to report them to you. This will be done in our Report on the Results of our Audit, or earlier, if considered necessary. Our findings will be based on the audit work considered necessary by us to render our opinion on the financial statements. We are not required to perform any additional procedures to provide assurance on these matters.

Formal reporting responsibilities to the Finance, Administration and Corporate Services Committee (continued)

- 1. Significant weaknesses in internal control relating to the preparation of the financial statements
- 2. Illegal acts
- 3. Non-compliance with regulatory requirements
- 4. Significant transactions inconsistent with the ordinary course of business, including fraud or possible fraud
- 5. Unusual related party transactions
- 6. New significant accounting principles or policies
- 7. Management's judgments and accounting estimates
- 8. Misstatements, including unadjusted audit differences and/or significant errors discovered in the audit which have been corrected
- 9. Disagreements with management
- 10. Management consultation with other accountants about any significant auditing or accounting matters
- 11. Major issues discussed with management that influence audit appointment
- 12. Difficulties encountered during the audit
- 13. Limitations placed on the scope of our audit
- 14. Unusual transactions that significantly increase the risk of loss
- 15. Actions that, if they became public, might cause embarrassment

Deloitte client service team



Audit objectives and scope

- Obtain reasonable assurance that the financial statements are free of material misstatement
- Evaluate the fairness of presentation of the financial statements in conformity with local government accounting standards established by the Public Sector Accounting Board of the Canadian Institute of Chartered Accountants

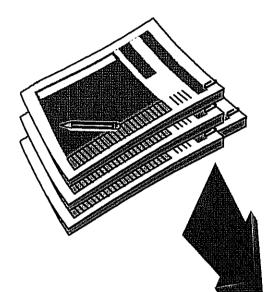
Report to management and the Finance, Administration and Corporate Services Committee on:

- significant internal control weaknesses
- matters required under generally accepted auditing standards
- any matters we believe should be brought to your attention

Basic audit approach elements

- Examine accounting systems and controls for all significant transaction cycles
- Examine design and implementation and key controls for all transaction cycles
- Adopt a control reliance strategy where possible to increase audit efficiency
 - Budget
 - Expenditures
 - General computer controls
- Perform substantive tests of account balances and transactions
- Examine consolidation and related reporting processes
- Assess appropriateness of financial statement disclosures
- Reliance on auditors for Guelph Hydro

2008 Audit Plan – materiality



Planning Materiality

\$5,433,000

Consolidated financial statements

Auditing Guideline 41 requires increased qualitative considerations and professional judgment in the determination of materiality. Our professional judgement is made in the context of our knowledge, assessment of risk and reporting requirements. Very significant in determining the scope of our work.

We will review all errors detected that are deemed significant in light of our materiality with both management and those having oversight responsibility of the Financial Reporting Process.

Areas of audit focus

We have identified the following areas of focus, based on our review of prior years files, awareness of current year activities and discussions with management.

Account balance/ business issue	Description of issue	Audit response
Year-end cut- off	Determine if cut-off of revenues and expenditures is appropriate	 Focused detail testing on accounts payable, accrued liabilities, deferred revenue and accounts receivable. Test disbursements and cash receipts subsequent to year-end. Test supporting assumptions for accrued liabilities, deferred revenue, and accounts receivable.
Actuarially Determined Liabilities	Accuracy and completeness of post-employment benefits	 Review actuarial report ,including related assumptions. Ensure appropriate accounting treatment has been applied. Review related financial statement note disclosure for accuracy and completeness. Communicate with actuary on our reliance on their report for audit purposes.
Reserves and Reserve Funds	 Approval of transfers to and from reserves and reserve funds 	 Substantive testing on the continuity and material transactions to determine if transfers are in accordance with Council approvals and applicable legislative requirements.
Capital Fund	 Revenue Recognition Accrual of capital expenditures 	 Substantive testing to ensure restricted contributions (i.e. development charges, gas tax, conditional grants) have been recognized as revenue in the appropriate period. Substantive testing to ensure appropriate accruals for capital expenditures incurred before the year-end.

Areas of audit focus (continued)

Account balance/ business issue	Description of issue	Audit response
Payroll	Significance of payroll expenditures	 Focused detail testing on payroll expenditures and accruals. Substantive testing on variances between budgeted and actual payroll expenditures.
Investments	Market decline in value of investments	 Obtain fair values of investments from independent investment statements. Determine if any loss in value of investments is other than a temporary decline. If the investment is other than a temporary decline should be written down to recognize the loss.
Management estimates	 Estimates require management judgment (i.e. pending wage settlements – "retro pay" and pay equity, contingent llabilities, allowance for significant property tax appeals) 	 Focused review of calculations and testing of supporting assumptions. Discussion with management. Analytic review of related accounts.
Accounting and financial reporting	 Impact of any new or upcoming accounting standards (e.g. tangible capital assets). Selection of appropriate accounting policies, adequacy of disclosures and treatment of non- routine transactions. 	 Work with City staff to determine if appropriate implementation plans are in place to enable compliance with the new standards. Review of significant accounting policies, implementation of new standards and any unusual transactions.

1

2008 professional fees

2007 Fees	\$ 106,500
Less additional Financial Statements issued for GNPH in FY 2007	(2,500)
Changes for 2008:	
Increase in fees	3,700

Proposed 2008 Fees

1

<u>\$ 107,700</u>

Professional fees per engagement proposal	
	\$
City of Guelph	39,200
Guelph Non Profit Housing	10,900
Guelph Library	1,200
Guelph Civic Museum	1,200
Guelph Junction Railway	10,900
Guelph Police Services	1,200
Downtown Board	3,200
Guelph Cemetery Commission	9,800
Guelph Wellington Public Health	15,000
Federal Gas Tax / Public Transit Funds	6,200
Provincial Offences Program	8,900
Traitel	110)7/,7/0(0)

Auditor independence

The rules of professional conduct require that we communicate with you on an annual basis all relationships between the City and Deloitte that, in our professional judgment, may reasonably be thought to bear on our independence. In determining whether a relationship exists that may be thought to bear on our independence, we must consider the following matters:

- whether a financial interest, either directly or indirectly exists;
- whether a position, either directly or indirectly is held by us, gives us the right or responsibility to exert significant influence over the financial or accounting policies of the City;
- economic dependence on the City;
- services provided to the City in addition to the audit engagement; and
- any personal or business relationships of immediate family, close relatives, partners or retired partners, either directly or indirectly with the City.

We continue to be independent with respect to the City.

We formally confirmed our independence as auditors of the City in a letter dated May 16, 2008 and we will formally report again at the conclusion of the 2008 audit.

Auditors' responsibility to consider fraud and error

In response to CICA Assurance Handbook Section 5135, "The Auditor's Responsibility to Consider Fraud", we will perform audit procedures to address fraud risks.

The Committee should recognize that every organization has inherent fraud risks due to internal and external conditions such as size, disbursed locations, general economic conditions, nature of various operations and the like.

There are three common fraud risk factors, the existence of which can increase the likelihood that fraud could occur. These include

- pressures and incentives;
- attitudes/rationalization; and
- opportunity.

The Committee's oversight and understanding of fraud and error risks helps to ensure that management fulfills its responsibility to facilitate a strong internal control environment to minimize fraud opportunities and can also deter management from committing fraud.

It should be noted that the objective of an audit of financial statements is to enable the auditor to express an opinion whether the financial statements present fairly, in all material respects, the financial position, results of operations and cash flows in accordance with Canadian generally accepted accounting principles. Owing to the inherent limitations of an audit, there is an unavoidable risk that some material misstatements of the financial statements will not be detected, even though the audit is properly planned and performed in accordance with generally accepted auditing standards. The assurance an auditor provides concerning lack of misstatements arising from fraud is necessarily lower than the assurance provided concerning those arising from error.

Specific Inquiries to be addressed by the Committee

- Any knowledge of any actual, suspected or alleged fraud and error affecting the City of Guelph?
- What role, if any, does the Committee exercise in the oversight of:
 - 1 Management processes for identifying and responding to the risks of fraud and error in the City of Guelph?
 - 2 The internal controls that management has established to mitigate these risks?
- What are your views about the risks of fraud in the City of Guelph?

Disclusion will induce Average one

New effective standards		
Accounting standards for the public sector	Effective date	Description
	Fiscal years beginning on or after January 1, 2007.	The purpose of this Guideline is to provide transitional guidance to a local government on reporting information related to tangible capital assets in notes or schedules to its financial statements. When, during the period of transition, a local government has information on some but not all categories of its tangible capital assets, the local government would disclose information in accordance with TANGIBLE CAPITAL ASSETS OF LOCAL GOVERNMENTS, PSG-7 and, in addition, disclosure of those categories of tangible capital assets excluded from that disclosure until the relevant information about the complete stock of tangible capital assets can be provided.
Segment Disclosures, Section PS 2700	Fiscal years beginning on or after April 1, 2007:	This Section establishes standards on how to define and disclose segments in a government's consolidated financial statements. These standards apply to the summary financial statements of federal, provincial, territorial and local governments. Other government organizations that apply the standards of the CICA Public Sector Accounting Handbook (CICA PSA Handbook) are encouraged to provide the disclosures established in this Section when their operations are diverse enough to warrant such disclosures.
Transitional provisions to Government Reporting Entity, Section PS 1300	From fiscal years beginning on or after April 1, 2005 until fiscal years beginning on or after April 1, 2008.	This Section has been amended to add transitional provisions that allow a government, in limited cases, to choose to record the newly included government organizations in the financial statements on a modified equity basis, rather than fully consolidating, from the date of initial application until fiscal years beginning on or after April 1, 2008. For fiscal years beginning on or after April 1, 2008, the government will be required to fully consolidate these government organizations, in accordance with paragraph PS 1300.27.

New effective standards		
Accounting Standards for the public sector	Effective date	Description
Tangible Capital Assets, Section PS 3150	Currently effective for federal, provincial and territorial governments. Effective for fiscal years beginning on or after January 1, 2009 for local governments only. Earlier adoption is encouraged.	The revisions to Section PS 3150, Tangible Capital Assets, focus primarily on local governments recognizing and amortizing all their tangible capital assets. They are applicable for fiscal years beginning on or after January 1, 2009. Additional revisions to Section PS 3150, which affect all governments, include:
		 The definition of cost has been amended to clarify that cost is the gross amount, and that capital grants are not to be netted against the cost of the related tangible capital asset. Guidance on the cost of leased tangible capital assets is also provided. There is additional guidance on the commencement and cessation of capitalizing carrying costs. During the period of transition, local governments should follow PUBLIC SECTOR GUIDELINE PSG-7, Tangible Capital Assets of Local Government.
		The Section now applies to all levels of government. It applies to local governments for fiscal years beginning on or after January 1, 2009.
Financial statement concepts, Amendment – Section PS 1000 Financial statement objectives, Amendment – Section PS 1100 Financial statement presentation, Amendment – Section PS 1200	Currently effective for federal, provincial and territorial governments. Effective for fiscal years beginning on or after January 1, 2009 for local governments only. Earlier adoption is encouraged.	In November 2006, after extensive consultation with the local government community and with only minor amendments to the existing standards for senior governments, the Public Sector Accounting Board (PSAB) approved revised Sections PS 1000, Financial Statement Concepts, PS 1100, Financial Statement Objectives, and PS 1200, Financial Statement Presentation, a single conceptual framework and reporting model for all levels of government in Canada. The revisions focus primarily on local governments applying the same reporting model currently adopted by senior governments for fiscal years beginning on or after January 1, 2009. Beginning on or after January 1, 2009, all governments in Canada will be reporting on a full-accrual basis of accounting. In addition, the PS 1700 and PS 1800 for local governments required a modified accrual basis of accounting, and as such, these Sections will be withdrawn.

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New effective standards		
Accounting standards for the public sector	Effective date	Description
Introduction to Public Sector Accounting Standards	N/A	In November 2007, the introduction to Public Sector Accounting Standards was revised to deem government business enterprises and government business-type organizations publicly accountable and to continue to follow the generally accepted accounting principles for publicly accountable enterprises in the CICA Handbook – Accounting.
		Therefore, paragraph 06 and appendix A of the introduction and appendix A of Section 2500 (Basic principles of consolidation) were amended.
		Government Not-for-Profit Organizations:
		In September 2008, PSAB agreed to work in conjunction with the Accounting Standards Board's efforts toward the issuance of a collaborative Invitation to Comment that will seek views on the sources of GAAP that could be applied by various types of not-for-profit organizations in both the private and public sectors.
		Government Organizations:
		In September 2008 PSAB considered the response to letters received from stakeholders. PSAB agreed to seek additional information relating to the application of the current definitions of and the source of GAAP used by government organizations.

Statement of Recommended Practice (SORP)		
Title	Description	
Introduction to Statements of Recommended Practice	PSAB approved revisions to the "Introduction to Statements of Recommended Practice". It reviewed several suggestions for changing the name of SORPs and concluded that the alternatives did not sufficiently reflect the nature of SORPs. Revisions to the Introduction make it abundantly clear that SORPs do not constitute GAAP and that they are intended to provide general guidance but are not mandatory or prescriptive.	
Assessment of Tangible Capital Assets	PSAB has approved the SORP. The main features of this Draft SORP are as follows: •A government can choose to report only on individual, specific categories or groups of tangible capital assets. •Reporting on the physical condition of tangible capital assets is information that does not necessarily have to accompany the financial statements. It could be included in a standalone report or in other public reports such as a budget document. •Information should, at a minimum, include the overall average physical condition rating, average age and useful life and the nature and extent of tangible capital assets in each category. •Narrative information would include discussion of trends in changes in the physical condition and identify the basis of measurement and measurement scale used to assess and report on the physical condition of tangible capital assets. The SORP applies to all governments and government organizations that choose to prepare and present a report on the physical condition of their tangible capital assets.	

Project III.	Description
Entity-level Financial Statements	At its June 2008 meeting, PSAB approved a new project to address those issues specific to entity-level financial statements that are not currently addressed in the Handbook.
	Next steps: The first step in the project will be to identify those issues.
Foreign Currency Translation	The objective of this project was to review the current provisions in Section PS 2600, Foreign Currency Translation, to eliminate the deferral and amortization provisions and apply immediate recognition for foreign-denominated monetary items. Next steps: Exposure of proposed changes has been deferred.
Financial Instruments	Presently, guidance in the Public Sector Accounting (PSA) Handbook in respect of accounting for derivative financial instruments is limited to their application in hedging foreign currency items. Derivative financial instruments are increasingly being used by governments to manage other financial exposures such as interest rate exposures. The scope of the project provides for consideration of public sector reporting implications of the breadth of guidance offered by the recently approved CICA Handbook – Accounting Sections addressing the reporting of financial instruments and related hedge accounting provisions. In March 2008, PSAB discussed the responses received to date on the Statement of Principles (SOP) issued in June 2007. Alternatives to respond to the issues raised relating to accounting for, and presenting information about, financial instruments in government financial statements are being considered. Next steps: PSAB expects to have an exposure draft approved by March 2009, and a final Handbook Section by September 2009.

Projects

The Public Sector Accounting Board (PSAB) undertakes projects to develop or revise authoritative standards (CICA PSA Handbook Recommendations) and guidelines.

PSAB follows a rigorous "due process" that gives those affected by the pronouncements an opportunity to express their views while issues are being considered and recommendations developed. Four main steps are followed: project scoping and approval (project proposal), formulation and agreement on basic principles (statement of principles), preparation and issue of an exposure draft for public comment (exposure draft), and approval and issue of the final CICA PSA Handbook Recommendations. Depending on the circumstances, development of guidelines may follow some or all of these steps.

Project Title	Description
Environmental Liabilities	In June 2006, PSAB approved a Project Proposal. This project will focus on providing guidance for the recognition, measurement and disclosure of those environmental obligations that result in environmental liabilities. Environmental liabilities can represent a significant cost to all levels of government. They have some unique characteristics that challenge financial statement preparers and auditors, i.e.: •there are increasing obligations under laws and regulations and a growing concern over environmental issues; •there may be multi-year activities and various courses of action necessary to address this concern; •identifying when a government has, and is responsible for, an environmental liability is uncertain; •measuring the environmental liability can be difficult as the full costs may not be known until well into the future; and •the timing of the settlement is not always clear. Without accounting standards specific to environmental liabilities, diverse accounting practices may evolve regarding recognition and measurement. Next steps:
	The work of the task force continues, with a view to issuing a new standard in March 2010.

Project Title	Description
Government Transfers	This project was started to develop amendments to Section PS 3410, Government Transfers, to address application and interpretation issues raised by the government community. The major issues in the project include:
	 resolving the debate over the appropriate accounting for multi- year funding provided by governments;
	 clarifying the nature and extent of the authorization needed to be in place for a transfer to be recognized;
	 clarifying the degree to which stipulations imposed by a transferring government should impact the timing of recognition of the transfer by both the transferor and recipient governments; and
	 addressing the appropriate accounting for capital transfers received under an expense-based accounting regime.
	In March 2008, PSAB discussed the responses received on the first Re-Exposure Draft issued in April 2007. The first Re-Exposure Draft proposed a different approach to recipient accounting for transfers. It describes when a recipient government would recognize a liability for a transfer. The proposed approach considers the views of the majority of respondents to the ED, builds on the transfers' principies in IPSAS 23 and incorporates elements from the two previous PSAB Associates' Drafts. In September 2008, PSAB received an update on the comments received on the 2007 Re-Exposure Draft as well as proposals being considered by the Government Transfers Task Force, PSAB directed the task force to continue to explore all alternatives and report back.
	Next steps: PSAB expects to issue a second Re-Exposure Draft in late 2008 once it considers the feedback received and a final Handbook Section by March 2009.

Project Title	Description
Identifying and Reporting Performance Indicators	The objective of this project is to provide guidance on the factors to consider for identifying and reporting performance indicators. It will not identify specific indicators for governments, but will enhance and support the Statement of Recommended Practice SORP-2, Public Performance Reporting. Both the type and level of performance indicators varies from government to government as there is no generally accepted guidance to assist selecting particular performance indicators. Performance indicators prepared using a consistent approach across governments will increase credibility and confidence in those reported leading to increased understanding and acceptance of them as a useful tool for assessing accountability. Next steps: This project has been deferred.
Indicators of Government Financial Condition	In June 2008, PSAB approved a draft SORP on "Indicators of Financial Condition." The draft provides a framework of elements of financial condition and proposes, but does not require a core set of indicators for each element. A draft SORP was published on September 4, 2008. The comment period ends on October 24, 2008. Next steps: PSAB expects to have a final SORP by November 2008

Project Title	Description
Service Concession Arrangements	The International Public Sector Accounting Board (IPSASB) has issued a Consultation Paper "Accounting and Financial Reporting for Service Concession Arrangements" that explores accounting and financial reporting issues for a subset of public-private partnerships from the perspective of the grantor (typically a public sector entity). The IPSASB has identified the following Specific Matters for Comment
	 It is proposed that a grantor report the property underlying a Service Concession Arrangement (SCA) as an asset in its financial statements if it is considered to control the property. Criteria for determining control are proposed in the Consultation Paper. It is proposed that the underlying property reported by the grantor as an asset and the related liability (reflecting any obligation to provide compensation to the operator) is initially measured based on the fair value of the property other than in cases where scheduled payments made by the grantor can be separated into a construction element and a service element. In such cases, the present value of the scheduled construction payments should be used if lower than the fair value of the property. It is proposed that contractually determined inflows of resources to be received by a grantor from an operator as part of an SCA should be recognized as revenue by the grantor as they are earned over the life of the SCA beginning at the commencement of the concession term, that is, when the underlying property is fully operational. These inflows generally should be considered earned as the grantor provides the operator access to the underlying property, and amounts received in advance of providing a commensurate level of access to the property should be reported as a liability. Next steps: The comment period ended on August 1, 2008, IPSASB is deliberating on the comments received.

Project Title	Description
Tax Revenue (formerly Revenue)	The original Revenue Project was intended to address a strategic gap in government GAAP, most notably the absence of a definition of revenue for governments in the CICA Public Sector Accounting (PSA) Handbook. That project proposed to address the accounting for numerous revenue types covering both exchange and non- exchange transactions. Developments in accounting for government transfers resulted in PSAB starting a separate Government Transfers Project to address this issue. Further, PSAB's review of its government reporting model (see the Reporting Model and Tangible Capital Assets project summary) resulted in a proposed definition of revenue. In relation to the accounting and reporting guidance for various types of government tax revenues, PSAB used the work done by the International Public Sector Accounting Standards Board (IPSASB) on revenues from non-exchange transactions as a basis for determining how to account for government tax revenues. PSAB approved an Exposure Draft in December 2007 and the responses to the Exposure Draft were reviewed by PSAB at its June 2008 meeting. The task force expects to analyze the comments in detail and recommend next steps for the project. Next steps: PSAB approved an Exposure Draft in December 2007 and the responses to the Exposure Draft in December 2007 and the responses to the Exposure Draft in December 2007 and the responses to the Exposure Draft in December 2007 and the responses to the Exposure Draft in December 2007 and the responses to the Exposure Draft in December 2007 and the responses to the Exposure Draft in December 2007 and the responses to the Exposure Draft in December 2007 and the responses to the Exposure Draft in December 2007 and the responses to the Exposure Draft were reviewed by PSAB at its
	June 2008 meeting. The responses to the exposure draft are currently being analyzed and the task force expects to recommend next steps for the project.

Deloitte

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City of Guelph

2008 Audit Plan

Presented to the Finance, Administration & Corporate Services Committee

November 5, 2008

Agenda

- Financial reporting responsibilities
- Deloitte & Touche client service team
- Objectives, scope, and planned audit approach for the 2008 audit
- Current and continuing issues
- Independence
- 2008 fees
- Timing of 2008 audit

Formal reporting responsibilities to the Finance, Administration & Corporate Services Committee

- In accordance with our firm's practice, further influenced by guidelines of relevant professional bodies, our communications with the Finance, Administration & Corporate Services Committee will include:
 - Our 2008 audit plan;
 - Our report on the financial statements;
 - Our report on the results of the 2008 audit; and
 - Confirmation of our independence as required by professional standards.
- If, during the course of our audit, we observe any of the matters displayed on the next slide, we commit to report them to you. This will be done in our Report on the Results of our Audit, or earlier, if considered necessary. Our findings will be based on the audit work considered necessary by us to render our opinion on the financial statements. We are not required to perform any additional procedures to provide assurance on these matters.

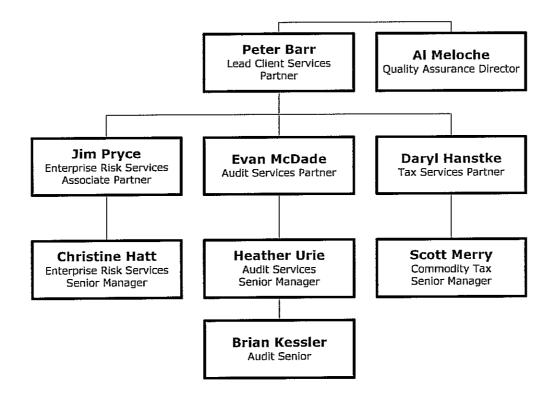
Formal reporting responsibilities to the Finance, Administration & Corporate Services Committee (continued)

- 1. Significant weaknesses in internal control relating to the preparation of the financial statements
- 2. Illegal acts
- 3. Non-compliance with regulatory requirements
- 4. Significant transactions inconsistent with the ordinary course of business, including fraud or possible fraud
- 5. Unusual related party transactions
- 6. New significant accounting principles or policies
- 7. Management's judgments and accounting estimates
- 8. Misstatements, including unadjusted audit differences and/or significant errors discovered in the audit which have been corrected
- 9. Disagreements with management
- 10. Management consultation with other accountants about any significant auditing or accounting matters
- 11. Major issues discussed with management that influence audit appointment
- 12. Difficulties encountered during the audit
- 13. Limitations placed on the scope of our audit
- 14. Unusual transactions that significantly increase the risk of loss
- 15. Actions that, if they became public, might cause embarrassment

4 2008 Audit Plan – The City of Guelph

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Deloitte & Touche client service team



Audit objectives and scope

- Obtain reasonable assurance that the financial statements are free of material misstatement
- Evaluate the fairness of presentation of the financial statements in conformity with local government accounting standards established by the Public Sector Accounting Board of the Canadian Institute of Chartered Accountants
- Report to management and the Finance, Administration & Corporate Services Committee on:
 - significant internal control weaknesses
 - matters required under generally accepted auditing standards
 - any matters we believe should be brought to your attention

Areas of audit focus

We have identified the following areas of focus, based on our review of prior years files, awareness of current year activities and discussions with management.

Account balance/ business issue	Description of issue	Audit response
Year-end cut-off	 Determine if cut-off of revenues and expenditures is appropriate 	 Focused detail testing on accounts payable, accrued liabilities, deferred revenue and accounts receivable.
·		 Test disbursements and cash receipts subsequent to year-end. Test supporting assumptions for accrued liabilities, deferred revenue, and accounts receivable.
Actuarially Determined Liabilities	Accuracy and completeness of post-employment benefits	Review actuarial report ,including related assumptions.
		 Ensure appropriate accounting treatment has been applied. Review related financial statement note disclosure for accuracy and completeness.
na internationalista Alternationalista Alternationalista		Communicate with actuary on our reliance on their report for audit purposes.
Reserves and Reserve Funds	Approval of transfers to and from reserves and reserve funds	Substantive testing on the continuity and material transactions to determine if transfers are in accordance with Council approvals and applicable legislative requirements.
Capital Fund	Revenue Recognition	Substantive testing to ensure restricted contributions (i.e. development
	Accrual of capital expenditures	 charges, gas tax, conditional grants) have been recognized as revenue in the appropriate period. Substantive testing to ensure appropriate accruals for capital expenditures incurred before the year-end.

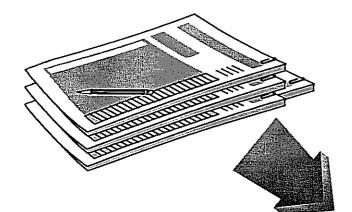
7 2008 Audit Plan – The City of Guelph

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Areas of audit focus (continued)

Account balance/ business issue	Description of Issue	Audit response
Payroll	 Significance of payroll expenditures 	 Focused detail testing on payroll expenditures and accruals. Substantive testing on variances between budgeted and actual payroll expenditures.
Investments	Market decline in value of investments	 Obtain fair values of investments from independent investment statements. Determine if any loss in value of investments is other than a temporary decline. If the investment is other than a temporary decline should be written down to recognize the loss.
Management estimates	 Estimates require management judgment (i.e. pending wage settlements – "retro pay" and pay equity, contingent liabilities, allowance for significant property tax appeals) 	 Focused review of calculations and testing of supporting assumptions. Discussion with management. Analytic review of related accounts.
Accounting and financial reporting	 Impact of any new or upcoming accounting standards (e.g. tangible capital assets). Selection of appropriate accounting policies, adequacy of disclosures and treatment of non-routine transactions. 	 Work with City staff to determine if appropriate implementation plans are in place to enable compliance with the new standards. Review of significant accounting policies, implementation of new standards and any unusual transactions.

2008 Audit Plan – materiality



Planning Materiality

\$5,433,000

Consolidated financial statements

Auditing Guideline 31 requires increased qualitative considerations and professional judgment in the determination of materiality. Our professional judgement is made in the context of our knowledge, assessment of risk and reporting requirements.

Very significant in determining the scope of our work.

We will review all errors detected that are deemed significant in light of our materiality with both management and those having oversight responsibility of the Financial Reporting Process.

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Current and continuing issues

Effective this year

- PSG-7, Tangible Capital Assets Of Local Governments applicable to fiscal years beginning on or after January 1, 2007
- PS 2700 Segment Disclosures applicable to fiscal years beginning on or after April 1, 2007

Effective in the near future

- PS 1200 Financial Statement Presentation fiscal years beginning on or after January 1, 2009 for local governments only (earlier adoption is encouraged)
- PS 3150 Tangible Capital Assets-Public Sector revised applies to local governments for fiscal years beginning on or after January 1, 2009
- Financial Instruments
 - PSG-6, Including Results of Organizations and Partnerships Applying Fair Value Measurement – Comprehensive Income, Financial Instruments, Hedges
 - Statement of Principles for the recognition and measurement of derivatives

Independence

- We are required to communicate, at least annually, with the Finance, Administration & Corporate Services Committee regarding all relationships between the Corporation of the City of Guelph and us that, in our professional judgment, may reasonably be thought to bear on our independence. In determining which relationships to report, the standards require us to consider relevant rules and related interpretations prescribed by the appropriate provincial institute and applicable legislation, covering such matters as:
 - (a) holding a financial interest, either directly or indirectly, in a client;
 - (b) holding a position, either directly or indirectly, that gives the right or
 - responsibility to exert significant influence over the financial or accounting policies of a client;
 - (c) personal or business relationships of immediate family, close relatives, partners or retired partners, either directly or indirectly, with a client;
 - (d) economic dependence on a client; and
 - (e) provision of services in addition to the audit engagement.
- We will report in full on independence at the conclusion of the audit, including providing details of all fees for additional services.
- We confirm that we are independent under the Rules of Professional Conduct of the Institute of Chartered Accountants of Ontario.

Fees

Actual 2007 Fees	\$ 106,500
Changes for 2008	
 Reduction of GNPH for capital f/s 	(2,500)
- Increase in fees	<u>3,700</u>
Proposed 2008 Fees	<u>\$ 107,700</u>

Professional fees - breakdown

Professional fees per engagement proposal	
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City of Guelph	39,200
Guelph Non Profit Housing	10,900
Guelph Library	1 ,2 00
Guelph Civic Museum	1,200
Guelph Junction Railway	10,900
Guelph Police Services	1,200
Downtown Board	3,200
Guelph Cemetery Commission	9,800
Guelph Wellington Public Health	15,000
Federal Gas Tax / Public Transit Funds	6,200
Provincial Offences Program	8,900
Total	107,700

Timing of 2008 audit

- Interim visit: December 1-5, 2008
- Final visit: May 4-15, 2009 and May 25-29, 2009

COMMITTEE REPORT



ТО	Finance, Administration and Corporate Services Committee – Audit Committee
SERVICE AREA	Finance
DATE	November 5, 2008
SUBJECT	Audit Committee Terms of Reference
REPORT NUMBER	FIN-08-29

RECOMMENDATION

- 1. THAT the Procedural Bylaw be amended to establish the Audit Committee as a Standing Committee, distinct from the Finance, Administration and Corporate Services Committee.
- 2. THAT Council adopt the Audit Committee Terms of Reference attached as Schedule B to Report FIN-08-29

BACKGROUND

The role of the City of Guelph's audit committee in the organization has been evolving. The City's procedural bylaw provides that the Finance, Administration and Corporate Services (FACS) Committee has responsibility to study and report on matters related to financial audit.

Currently, the audit committee for the City of Guelph functions through the FACS Committee meeting as the Audit committee. In March 2007, a staff report outlining Terms of Reference for the City's audit committee was received for information purposes.

At the July 28, 2008 meeting, Council approved the FACS committee recommendation:

THAT staff be directed to bring back a proposal that would include internal audit functions in the City of Guelph, including the costs and reporting requirements

THAT staff bring forward a revised Terms of Reference for the Audit Committee with respect to

- Establishing the Audit Committee independently of the FACS committee
- Including composition of the audit committee, qualifications of members and necessary training
- Clarification of the role of the Audit Committee, Senior Management and Council
- Addition of risk management and internal audit responsibilities

REPORT

AUDIT COMMITTEE TERMS OF REFERENCE

The audit committee plays a key role in governance by institutionalizing ongoing governing body involvement with internal control and financial reporting. The audit committee assists the Council in discharging its fiduciary financial responsibilities and stewardship accountability. The importance of this role is being recognized, in the recommendation to establish a separate standing committee, ensuring that the audit committee has the authority it needs to accomplish its objectives.

The audit committee has three fundamental goals:

- 1. That management is maintaining a comprehensive framework of internal control
- 2. That management's financial reporting practices are assessed objectively
- 3. That the financial statements are properly audited and any problems identified in the audit are satisfactorily resolved.

The diagram attached as Appendix A to this report, provided by Deloitte Touche at the July 2008 training session, shows the shared responsibilities of the Council, management and the external auditors, for stewardship of the City's financial resources.

Appendix B contains the proposed terms of reference for the Audit Committee. The terms of reference provide for annual reporting to Council, as well as regular review of the terms of reference, to ensure continued effectiveness.

Similar to the other standing committees of Council, it is being recommended that the committee be comprised of four members of Council and the Mayor. The Government Finance Officers Association (GFOA) recommends that members of the audit committee should all be members of the governing body. The audit committee should be authorized to obtain the consulting services of an *outside* financial expert to assist in the conduct of its work, if required.

To function effectively on the Audit Committee, members should be:

- independent
- financially literate, with sufficient understanding of accounting, auditing, financial reporting and internal control to be able, with the assistance of a financial expert, to deliberate meaningfully on the types of issues likely to come before an audit committee
- have a general understanding of the City's major economic, operating and financial risks
- a broad awareness of the interrelationship of the City's strategic initiatives and operations with its financial reporting
- understand the difference between the oversight function of the Audit Committee and the decision-making function of management
- a willingness to challenge management when necessary

A formal training program should be provided for committee members on the role of the audit committee and its members.

INTERNAL CONTROL FRAMEWORK

A comprehensive framework of internal control involves a favourable control environment, the continuing assessment of risk, the design, implementation and maintenance of effective control-related policies and procedures, effective communication of information and on-going monitoring.

With an extended period of vacancies in the Finance Department, the Director of Finance, in conjunction with the Finance Management team, and Deloitte Touche, have identified a number of areas of internal control issues or efficiency improvement opportunities.

Management is recommending that the establishment of an internal audit function for the City develop incrementally, rather than immediately establishing a separate staff complement, independent of Management, reporting directly to the Audit Committee.

The City does not currently budget dedicated staff specifically for the functions of monitoring internal controls, and performing internal audits. In the short term (2-3 years) management feels that the most effective establishment of an internal audit function is to begin building staff expertise with the existing staff team in the Finance Department to work with management in the role of risk identification, internal control improvement and compliance monitoring; actively working as part of management and not as an independent function.

An internal audit workplan for 2009 should be developed and approved by the Audit Committee, and the results of the internal audit workplan communicated back to the Committee periodically throughout the year.

Where certain risks are identified, and independent review is desireable, these internal resources can be supplemented with assistance from Deloitte's Enterprise Risk consulting practice which has specialized expertise in internal audit. This approach would allow Management to assess internal control gaps and actively manage their remediation with the responsible departments, while ensuring the Audit Committee remains engaged in discharging their stewardship responsibilities. The focus in the short term would be on helping management improve the effectiveness and efficiency of the City's internal control systems.

CORPORATE STRATEGIC PLAN

Goal 5 :A community-focused, responsive and accountable government. Objective 5.3 Open, accountable and transparent conduct of business

FINANCIAL IMPLICATIONS

The external audit fee for 2008 is \$108,000. The 2009 budget for audit and audit consulting is \$185,000 which includes the external audit, funding for PSAB implementation, as well as outside expertise to assist the audit committee and for special internal audit projects to be identified in the workplan.

DEPARTMENTAL CONSULTATION

This report has been reviewed with the Mayor and Chair of Finance Committee, and the Senior Management Team

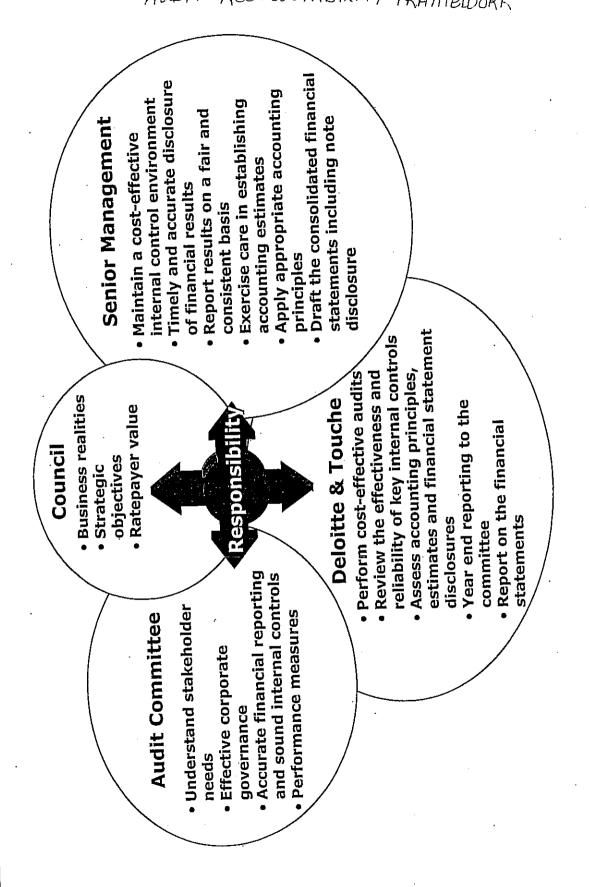
COMMUNICATIONS

ATTACHMENTS

Attachment A: Audit Accountability Framework Attachment B: Audit Committee Terms of Reference

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Prepared and Recommended By: Margaret Neubauer Director of Finance 519-822-1260 x5606 margaret.neubauer@guelph.ca Our responsibilities are connected



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City of Guelph

APPENDIX "A" TO REPORT FIN-08-29 DATED NOVEMBER 5,2008 AUDIT ACCOLINTABILITY FRAMEWORK

TERMS OF REFERENCE



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Audit Committee

ESTABLISHED BY:

Procedural Bylaw (1996) 15200 Standing Committees

PURPOSE OF GROUP

It is the audit committee's responsibility to provide independent review and oversight of the City's financial reporting processes, internal controls and independent audit.

RESPONSIBILITIES

The committee is generally responsible to oversee and advise Council on matters of financial accountability and internal control, including:

- Manage the external audit procurement process
- Select the independent auditors, and recommend appointment to Council, and the appropriate fee
- Determine the appropriate scope of the external audit, including review of the external audit workplan
- Review the auditor's reports with management and the external auditors,
- Review the audit concluding memorandum and management letter and follow up on recommendations and corrective action
- Assess the performance of the external auditors
- Review the City's annual financial report, including consideration of accounting policies, estimates and adjustments, and recommend to Council for approval
- Review changes in the City's accounting policies
- Review the annual internal audit workplan, including risk assessment
- Discuss findings of the city's internal control reviews with management and the external auditors, and follow up on implementation of corrective action
- Prepare an annual report to Council on how the Committee has discharged its duties and met its responsibilities, and recommend to Council any changes to its terms of reference to ensure continued effectiveness

FREQUENCY OF MEETINGS

The audit committee shall meet quarterly

MEMBERSHIP OR ATTENDEES

The audit committee shall be comprised of four members of Council and the Mayor It is the responsibility of Council to ensure that audit committee members have the skills to serve as effective Committee member, including:

- financially literacy, with sufficient understanding of accounting, auditing, financial reporting and internal control to be able, with the assistance of a financial expert, to deliberate meaningfully on the types of issues likely to come before an audit committee
- a general understanding of the City's major economic, operating and financial risks

- an aptitude for understanding complex organizational effectiveness and governance
- understand the difference between the oversight function of the Audit Committee and the decision-making function of management
- a willingness to challenge management when necessary

ACCOUNTABILITY AND BUDGET

The Audit Committee reports to Council Budget approved annually by Council

REPORT OF THE GOVERNANCE & ECONOMIC DEVELOPMENT COMMITTEE

November 24, 2008

Her Worship the Mayor and Councillors of the City of Guelph

Your Governance & Economic Development Committee beg leave to present this their Seventh REPORT as recommended at its meeting of November 18, 2008;

CLAUSE 1 THAT the Human Resource Strategy for the City of Guelph, be approved;

AND THAT Council endorse the re-naming of the Strategy to the People Practices Strategy;

AND THAT staff report back annually on the status and progress made in implementing the Strategy.

- CLAUSE 2 THAT the policy regarding raising, displaying and half masting of outdoor flags on City of Guelph properties attached hereto be adopted.
- CLAUSE 3 THAT the Governance and Economic Development Committee report Sidewalk Winter Control Service Review Report of November 18, 2008 be received;

AND THAT Sidewalk Winter Control continues to be a service provided to the citizens of Guelph;

AND THAT staff commence with Phase 2 of the Sidewalk Winter Control review process to identify expected service delivery outcomes and community defined service levels through public consultation;

AND THAT staff be directed to implement operational improvements for the 2008/2009 winter season as identified in the Governance and Economic Development Committee report <u>Sidewalk Winter</u> <u>Control Service Review Report</u>;

AND THAT the purchase of a snow plow as approved in the 2008 Capital Budget and identified as project #RD0149 which is funded by development charges, be approved.

CLAUSE 4 **Recommendation A** - THAT staff be mandated through the Governance Committee to review and recommend improvements to the Governance Framework and associated elements during each term of Council.

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Recommendation B- THAT the following structure for standing committees as outlined in the report of the Director of Information Services dated November 18, 2008, be adopted for the balance of the 2006-10 term of Council:

Governance Working	Operational Standing
Committees	Committees
Governance Committee (Mayor +	Community Development &
Chairs of the following	Environmental Services Committee
Committees: - Audit, Community	(Mayor + 4 Councillors)
Development & Environmental	
Services, Community Services,	
Emergency Services & Operations,	
Finance, Administration &	
Corporate Services)	
Mayor to Chair this Committee	
Audit Committee (4 Councillors +	Community Services, Emergency
Mayor)	Services & Operations Committee
	(Mayor + 4 Councillors)
Emergency Governance Committee	Finance, Administration & Corporate
	Services Committee (Mayor + 4
	Councillors) (which includes
	Economic Development & Tourism)
	Land Ambulance Committee / Joint
	Social Services Committee (3 City
	ECO Members, 3 County Councillors
	Mayor & Warden)

Recommendation C – THAT the roles of the Land Ambulance Committee and the Joint Social Services Committee as standing committees in Council's new governance structure be reviewed by the City and the County of Wellington.

Recommendation D – THAT the establishment of an appeals committee to be delegated the authority of Council with respect to the revoking, suspending or cancelling of a business licence be referred to the Finance, Administration & Corporate Services Committee.

Recommendation E – THAT a consistent template be established for developing terms of reference for Council-established Advisory Committees, and that the Terms of Reference be clearly defined and written in advance of any appointments to Committee, including affiliation with the appropriate standing committee.

Recommendation F – THAT the terms of appointments to Advisory Committees be concurrent with the term of Council, and reviewed prior to the conclusion of each Council term.

Recommendation G – THAT the mandates and terms of Advisory Committees be reviewed prior to the end of each term of Council.

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Recommendation H – THAT commencing with the 2010-14 term of Council, members of Council no longer be appointed to advisory committees.

Recommendation I – THAT at the beginning of each Council term, significant time should be spent in clarifying the roles and relationships between Council, the CAO and Administration.

Recommendation J – THAT at the beginning of each Council term, significant time should be spent in reviewing the Council/staff protocol.

Recommendation K – THAT all new projects/initiatives, or inquiries of significance where the effort required to respond will result in the need to reallocate one or more resources that are currently committed to either an operational function or a formally identified strategic priority, be formally acknowledged by Council and referred to the annual strategic priority planning sessions in early spring.

Recommendation L – THAT the use of consent agendas be adopted for use by the Standing Committees.

Recommendation M – THAT staff presentations at regular Council meetings, be scheduled at the beginning of the agenda, and that staff presentations at planning and special meetings continue to be scheduled to suit the content of the agenda.

Recommendation N – THAT Council consider scheduling Mondays for all council and standing committee meetings.

Recommendation O – THAT the automatic 11:00 p.m. adjournment be permitted only once per meeting to no later than 11:59 p.m.

All of which is respectfully submitted.

Councillor Leanne Piper

COMMITTEE REPORT



ТО	Governance and Economic Development Committee
SERVICE AREA DATE	Human Resources November 13, 2008
SUBJECT REPORT NUMBER	Human Resources/People Practices Strategy

RECOMMENDATION

That Council approve the Human Resource Strategy for the City of Guelph.

That Council endorse the re-naming of the Strategy to the People Practices Strategy.

That staff report back annually on the status and progress made in implementing the Strategy.

BACKGROUND

The Human Resources Strategy Framework was approved by City Council in November 2007, which provided approval in principle for the development of a City-wide Human Resource Strategy, as well as authorization to proceed with a consultation process to inform the directions outlined in the Strategy.

The overarching principle from which the Strategy was derived is Council's strategic direction to achieve "organizational excellence in planning, management, human resources and people practices, to be recognized as a top employer in the community".

The People Practices Strategy in Appendix A provides a "path" for how the "Top Employer in the community" strategic objective will be achieved. It describes four 'Strategic Goals' or pillars, with associated objectives and suggested activities to be explored for implementation.

Workplans for each of the objectives will be developed to provide context for Council and City staff which will provide a means by which progress toward the goal may be measured, and accountabilities to be identified to ensure that progress is made. The Strategic Goals, objectives and suggested activities have been supported by research of Top 100 Employers, best practices of local employers and tested through an extensive consultation process within the organization and with employee representatives and Council.

The importance of the Strategy and associated objectives reflects the City's commitment to initiating work on many of the attributes of 'Top Employers' (i.e. where "proposed action items" are listed).

Where the Strategy indicates that the City will explore the feasibility of a particular item, this reflects a commitment of the City to the item in principle. Further research, analysis and exploration will be required in the broader context of the City's priorities and subject to available financial resources. For these reasons, it may be determined that some items may not be feasible or may require deferral. This does not diminish however the City's commitment to achieve 'Top Employer' status.

It must also be noted that many of the items contained within the People Practices Strategy that enhance benefit and/or vacation entitlements for employees would be subject to negotiation with appropriate bargaining agents and would form part of the overall negotiation of collective agreements.

In conclusion, the ability of the City to deliver on the goals and objectives contained within the People Practices Strategy and to over time make modifications based on best practices and employee feedback will determine the pace at which 'Top Employer' status will be achieved.

REPORT

The People Practices Strategy identifies strategic directions for meeting current and future human resource challenges. It provides structure, substance and meaning to all activities related to human resource management throughout the organization. It provides a context for the City to develop innovative ways to attract, develop, support, evaluate, reward and retain its human resources. Moreover, it provides a framework and direction for the City to achieve Council's Strategic Objective; to become a top employer in the community characterized by excellence in human resources and people practices.

Critical to the City's success and effectiveness in meeting service and business objectives in support of Council's strategic directions will be the extent to which the City creates an environment that enables continuous improvement, learning and excellence in service delivery. A Corporate People Practices Strategy is required as an integral part of the Corporate Strategic Plan to provide a context for the direction and integration of human resource management approaches into departmental operational plans.

In essence the People Practices Strategy constitutes the employment promise or commitment to staff to be delivered by all departments and will advance the City's position to be recognized as a top employer in the community, where employees want to work and build successful careers.

The People Practices Strategy is needed to respond to increasing current and future pressures in the labour market, and to anticipate and address the needs of a changing workforce. It considers such things as:

- cultivating excellence in performance and service to the community
- meeting the City's obligation and desire to provide safe, healthy, accessible, inclusive and respectful workplaces
- creating an environment supportive of effective "work/life" harmony for employees
- ensuring that the City has a workforce reflective of the community it serves
- planning for and managing succession to ensure continuity and retain organizational knowledge
- providing leadership and career development programs and opportunities to build capacity for the future.

Among the many benefits associated with a People Practices Strategy for the City include;

- The organization benefits in that the strategy allows for a full integration of human resources planning into business/operational planning by providing context and direction.
- Council benefits from having an official reference point when deliberating policy and/or resource allocation as it relates to human resource services and programs.
- Senior staff is guided in human resource related decision-making.
- Employees benefit from a strategy that officially recognizes the value of their contributions and that focuses organizational effort on providing challenging employment, rewarding careers, continuous learning and ultimately job satisfaction.

The measure of an effective People Practices Strategy will reflect: senior administrative and political leadership commitment to the strategy and programs and initiatives that flow from it, that the City lives up to its promise to employees, that there are aligned and supportive people practices, and that there is a high level of commitment among employees in the organization.

The Strategy consists of four Strategic Goals or pillars:

1. A Well Workplace

Being a "Top Employer" means providing employees with challenging, rewarding, enjoyable and fulfilling careers and assisting them in balancing career with home and personal life through supportive human resource policies and management approaches. The desired end-state is that people will choose to work for the City and dedicate themselves to the City's success.

2. Learning Organization

The learning organization can best be described as one that fosters learning as a way of life, that encourages creativity, and that actively and visibly promotes and invests in the ongoing skill and knowledge development of its employees, tied to the organization's goals. It can also be described as commitment and support for an alignment of career development with personal goals and corporate objectives.

3. Leadership

Leadership is vision, motivation, and action. It creates the future, provides guidance, direction, inspiration and empowers people to realize their potential. The City needs to capitalize on its leaders at all levels in the organization, to cultivate energy, enthusiasm, and a sense of purpose and direction. Lastly, leadership is taking responsibility for decisions taken or not taken and is characterized by integrity and credibility. Leadership inherently reflect the values of our organization i.e. Integrity, Excellence and Wellness.

4. Business and Service Excellence

Within the City of Guelph context, business and service excellence can be described as providing 'best in class' customer service. This is achieved through an integration of business objectives, optimal use of technology, well-trained staff and effective management of change. In addition, objectively measuring performance acts as a key component to continuous improvement.

These strategy elements demonstrate and reinforce the City's commitment to carefully planning for its 'people' challenges, to help ensure that the City's broader strategic and operational goals can be achieved.

Work has commenced or has been underway on many of the objectives contained in the People Practices Strategy, most notably initiatives related to

wellness, diversity, succession management, analysis regarding competitive compensation, employee recognition, corporate values, communications strategy, and service excellence (i.e. customer service).

Within the Strategy there are a number of strategic initiatives that will come forward as part of the annual Council/SMT priority setting exercise to ensure integration the City's workplan going forward. These initiatives are:

- A comprehensive Wellness Strategy
- A workplace Diversity Strategy
- Succession Management/Replacement Planning Strategy
- Information Technology Strategy
- Corporate Communications Strategy
- Customer Service/Service Excellence Strategy
- Corporate Environmental Responsibility Strategy

Over time, the Strategy will be reviewed regularly with a view to continuously improving all elements of human resource management in the City and to ensure alignment with the City's overall strategic direction.

Appendix "A" provides a listing of each Strategic Goal, with accompanying objectives and associated/suggested activities or tactics.

CORPORATE STRATEGIC PLAN

The People Practices Strategy will be used as the road map to accomplish several goals and objectives from the Strategic Plan, as follows;

- **Goal 2:** A healthy and safe community where life can be lived to the fullest **2.5** Comprehensive life-long learning opportunities
- **Goal 3:** A diverse and prosperous local economy **3.5** A diverse and skilled local workforce
- Goal 5: A community-focused, responsive and accountable government
 5.6 Organizational excellence in planning, management, human resources and people practices; recognized as a top employer in the community

FINANCIAL IMPLICATIONS

The existence of a People Practices Strategy does not in itself create new costs. There are costs associated with the implementation of many of the "tactics" described in Appendix A and intended to move the City in the direction of becoming a "top employer in the community". However, many of the "tactics" are at low or no new cost, as they are derived from the efforts of existing staff.

Where new cost is to be incurred, appropriate submission in the annual budget request process will be made. The level of funding allocated to such things as training and leadership development, succession management, diversity programs, etc., will determine the pace with which the Strategy can be implemented and "top employer" status achieved.

DEPARTMENTAL CONSULTATION

Consultations were conducted with Members of the 2007 – 2010 Council, the City's Senior Management Team, representatives of employees from all City departments and employees' bargaining representatives.

In addition, research of Mediacorp's "Canada's Top 100 Employers" was undertaken as well as thirteen distinguished employers in the Guelph surrounding area were contacted regarding their human resource/people practices to gauge the City's position relative to local competition for talent.

COMMUNICATIONS

Following approval of the Strategy, HR Staff will work extensively with Corporate Communications to develop and implement communication of the Strategy and associated objectives to all City staff.

ATTACHMENTS

Appendix A – People Practices Strategy

Prepared and Recommended By: Mark Amorosi Director, Human Resources X2281 mamorosi@guelph.ca

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Recommended By:/ Derek McCaughan Director, Operations X2018 derek.mccaughan@guelph.ca

Recommended By:

Recommended By: Shawn Armstrong Director, Emergency Services X2820 shawn.armstrong@guelph.ca

APPENDIX A CITY OF GUELPH PEOPLE PRACTICES STRATEGY



PEOPLE PRACTICES STRATEGY

GOAL 1

A WELL WORKPLACE

Being a "Top Employer" means providing employees with challenging, rewarding, enjoyable and fulfilling careers and assisting them in balancing career with home and personal life through supportive human resource policies and management approaches. The desired end-state is that people will choose to work for the City and dedicate themselves to the City's success.

Strategic Objective:

1.1 A comprehensive Wellness Strategy that fully addresses the physical, social and psycho-social needs of employees and maintains and enhances the current commitment to employee health, safety and wellness.

Proposed action items:

- Continued marketing and ensured maintenance of the Employee Assistance Program
- Continued marketing and ensured maintenance of existing wellness initiatives i.e. ongoing communication/promotion of health/wellness topics, walking programs, healthy eating promotion etc.
- To explore the feasibility for the following wellness initiatives:
 - o A fitness center e.g. utilizing the Annex building
 - A "wellness account" as part of the City's benefit package to be used toward fitness activities e.g. corporate membership/discount for fitness centers in Guelph
 - o Employee discounts for city delivered programs
 - Workplace childcare
 - o Healthy food choices at city locations
 - o Employee lounge space
 - o Formalized flexible work arrangements

1.2 Competitive compensation practices to attract and retain talent while balancing fiscal responsibility

Proposed action items

- To explore the feasibility for the following initiatives
 - Provide cafeteria style benefits to employees allowing employees to choose from a menu of benefit options, within a determined monetary ceiling – pilot with non-union employees from which an evaluation would ensue to determine success from employee's perspective and cost savings from the employer perspective
 - Modify vacation entitlements and eligibility to provide employee's with vacation entitlement in the first year of employment
 - Materntiy/paternity leave top up options include top up beyond Employment Insurance Benefits to 75%
 - Modifying the current overtime practices for NUME employees
 - Establish a council approved 'competitive' position with an approved comparator group to maintain salary competitiveness for the Non-union group of employees
 - Conduct a review of the City's Income Protection Plan (e.g. sick leave entitlement) to ensure competitiveness and alignment with the Corporate Values
 - A computer purchase program e.g. interest free loans to employees payable within a defined term through payroll deduction

1.3 A Workplace Diversity Strategy

Proposed action items:

- To undertake the following initiatives
 - Confirm the City's commitment to attraction, recruitment, development and retention efforts to ensure a workforce that recognizes (is reflective of) the community it serves
 - o Education/awareness diversity training initiatives
 - Employee diversity/affinity groups
 - Employment systems review to ensure systemic barrier free recruitment
 - Communications that regularly promotes/celebrates/highlights the diversity of City employees
 - Development and implementation of workplace harassment, diversity and anti-violence policies that facilitate respectful workplace practices

o Establish Council Advisory Committees that reflect diverse communities in Guelph to advise the City on issues affecting them (e.g. employment, accessibility, public consultation etc.)

1.4 Employee Recognition

Proposed action items

- To maintain the City's commitment to recognition of employee contributions e.g
 - Annual recognition evening
 - o Summer BBO
 - o Holiday celebrations
 - o Employee and website FROG program

1.5 Flexible Work Arrangements

Proposed action items

- To explore the feasibility of the following options
 - o flexible work hours
 - o compressed work week
 - o telecommuting
 - o job sharing
 - o flexible retirement options
 - o Community volunteering defined hours to a maximum each year during work hours

1.6 Continuity and Integration of the City's Corporate Values

Proposed action items _

- To:
 - o Annually reconfirm the City's commitment through SMT and Council communication
 - o Regular marketing
 - o Incorporation of the Corporate values into human resource policies, programs and services e.g. performance appraisals, selection and recruitment, training

1.7 Employee Involvement in decision making

Proposed action items

- To explore the feasibility for the following items:
 - o Utilization of ad hoc employee focus groups
 - More effective consultation and communication with employees where decisions affect their work
 - Department information sessions to receive employee input into department workplans
 - Establish corporate advisory/strategy groups e.g. Human Resources, Information technology, Financial sustainability, Efficiency/Effectiveness

GOAL 2

Learning Organization

The learning organization can best be described as one that fosters learning as a way of life, that encourages creativity, and that actively and visibly promotes and invests in the ongoing skill and knowledge development of its employees, tied to the organization's goals. It can also be described as commitment and support for an alignment of career development with personal goals and corporate objectives.

2.1 A Core Learning Curriculum

Proposed action items

- Re-evaluate competencies identified for employees and establish clear linkages between
 - Core competencies required by all City employees
 - Role competencies (e.g. Director, manager, professional/technical, skilled/semi-skilled workers)
 - Job specific competencies
- Develop a series of cyclical courses/training programs which develop these skills

2.2 A Learning Policy that supports learning that is linked to the City's Strategic Plan and that addresses learning that is:

- Required by legislation for different role or professions
- Job related
- Used to build individual capacity and skills, enabling learners to move to other roles in the organization

Proposed action items

- To explore the feasibility of the following:
 - o Internal and external job exchanges
 - o Job enrichment or 'stretch assignments
 - o Cross departmental learning
 - o Equitable access to professional development courses/conferences/seminars
 - o Partnerships with external learning institutions
 - o Education leaves
 - o Secondments
- 2.3 Best in class Recruitment practices

Proposed action items

- To explore the feasibility of the following:
 - o to incorporate assessment of ' Corporate Values'
 - to remove 'credentialism' as systemic barriers for internal and external applicants
 - to leverage existing internal talent e.g. incorporation of performance assessment information as part of selection process

GOAL 3

Leadership

Leadership is vision, motivation, and action. It creates the future, provides guidance, direction, inspiration and empowers people to realize their potential. The City needs to capitalize on its leaders at all levels in the organization, to cultivate energy, enthusiasm, and a sense of purpose and direction. Lastly, leadership is taking responsibility for decisions taken or not taken and is characterized by integrity and credibility. Leadership inherently reflect the values of our organization i.e. Integrity, Excellence and Wellness.

3.1 A Succession Management Program

Proposed action items

- Develop a succession management model for approval that would incorporate the following:
 - o Identification of key leadership and 'high risk' positions
 - Identification of key feeder positions and/or high potential candidates
 - development programs for potential successors to develop skills, knowledge and competencies to assume key leadership and/or high at risk positions

3.2 A Performance Appraisal System for all employees to capture meaningful feedback and plans for employees, to support their competency development and career plans, tied to the Strategic Plan.

Proposed action items:

- Establish formal expectation that all employees will participate in at least an annual performance discussion with their direct report
- Conduct a review of the current process and associated forms to facilitate performance reviews/appraisals and to include an assessment of achievement of goals/objectives based on agreed workplans

To explore the feasibility of:

- a pay for performance system for NUME employees

3.3 A Leadership Development program

Proposed action items

- develop a program which builds leaders at levels in the organization that develops skills and competencies to deliver efficient and effective services, while motivating, developing and engaging employees

- formally establish an expectation that new management employees complete the online Leadership Orientation program

GOAL 4

Business and Service Excellence

Within the City of Guelph context, business and service excellence can be described as providing 'best in class' customer service. This is achieved through an integration of business objectives, optimal use of technology, well-trained staff and effective management of change. In addition, objectively measuring performance acts as a key component to continuous improvement.

4.1 A Replacement Planning Strategy that builds the skills of existing employees and identifies the sources of future staffing needs to meet the needs of future workforce requirements.

Proposed actions:

To explore the feasibility of:

- apprenticeship programs
- mentoring programs
- internship programs
- management training programs
- enhanced Co-operative education placement programs
- targeted outreach recruitment
- Partnerships with educational institutions
- 4.2 An Information Technology Strategy

Proposed actions

- Development of a long range plan to ensure effective deployment of technology that provides:
 - o Secure and reliable infrastructure
 - o IT systems that enable and support streamlined business decision making
 - o Enhanced customer service by leveraging available technology
 - o Leveraging of 'e-government' options
 - o Enabled knowledge workers
 - o City wide online employee access e.g. Kiosk availability
 - Streamlined business processes through data sharing and system integration

4.3 A Corporate Communications Strategy

Proposed actions:

- Develop a plan involving representatives from all departments to develop a plan which identifies the mechanisms in which information will be shared internally and externally, the expectation of employees, leaders, and resources available.
- Develop plans which facilitate a two way employee communication exchange, supports employee engagement and markets City services with pride
- 4.4 A Customer Service/Service Excellence Strategy

Proposed actions:

- Develop a plan involving representatives from all departments, which outlines delivery standards for both internal and external customer service and accompanying training resources.
- Explore future enhancements to customer service methods (e.g. 311 call centre)
- 4.5 Effective Change Management

Proposed actions:

- For every change initiative ensure there is an accompanying People Transition Plan that includes robust communication, involvement where possible affected employees in the pre, during and post change and business continuity plans to ensure uninterrupted service delivery
- 4.6 Commitment to Standard Operating Procedures and Policy development

Proposed actions:

- Establish expectations as to the use of corporate vs. departmental policies and procedures, when they should be in place, templates, approval process and training resources.

4.7 Commitment to consistent to business process design and service review methodology

Proposed actions:

- Develop the above with elements that include methods to ensure:

- That processes are easily understood by employees
- That employees are assisted in seeing how their work contributes to the Strategic Plan
- consistent measurement methods are used to demonstrate improvements
- resources are in place to support plans (e.g. People, equipment, and training)
- 4.8 A corporate Environmental Responsibility Strategy

Proposed actions:

- develop a plan, involving representatives from all departments, which outlines how City staff and departments will conduct themselves, processes and practices in an environmentally friendly manner.
 - Examples to explore include : requirement to turn off lights, computers, vehicles when not in use (i.e. elimination of idling), use of re-usable cups, utensils etc in all city facilities, city policies to buy green products and services, employee suggestions to improve environmentally responsible actions

COMMITTEE REPORT



Governance and Economic Development Committee

SERVICE AREAInformation ServicesDATENovember 18, 2008

SUBJECT Flag Raising Policy REPORT NUMBER

RECOMMENDATION

That the policy regarding raising, displaying and half masting of outdoor flags on City of Guelph properties attached hereto be adopted.

BACKGROUND

TO

Currently the City of Guelph has three flag poles in front of city hall. They fly the Canadian, Ontario and City of Guelph flags. Courtesy flags that are requested by groups and organizations to be flown are processed through the mayor's office. There are currently no guidelines with respect to the flying of flags, but as a practice, when the courtesy flags are requested to be flown the city flag is taken down and the courtesy flag is flown for a temporary amount of time on that same pole.

REPORT

With the building of our new city hall there are opportunities to have a fourth pole installed and also to approve polices regarding the criteria and process for raising, displaying and half masting of outdoor flags at all municipal facilities. It is proposed that four flag poles be installed in front of the new city hall with three flag poles flying the Canadian, provincial and city flags and the fourth to be used as a courtesy flag pole. This will allow the City flag to fly at all times.

In preparing the policies, the Department of Canadian Heritage flag protocols were reviewed; staff have incorporated components of those protocols in the policy. In addition, various flag policies from other municipalities including Chatham-Kent, London, Oakville, Ottawa, and Toronto were reviewed.

The attached policy applies to flags flown outdoors only. The policies regarding the courtesy flag will be applied only to the courtesy flag pole located in front of city hall. The rules regarding the flying of flags and half masting will apply to all exterior flags, with the exception of flags that cannot be raised and lowered without the assistance of special machinery.

CORPORATE STRATEGIC PLAN

This report supports strategic initiative 2 regarding personal and community well-

being, specifically, 2.6 a well connected and accessible community that values diversity, multiculturalism, volunteerism and philanthropy.

FINANCIAL IMPLICATIONS

N/A

DEPARTMENTAL CONSULTATION

The Office of the Mayor, Emergency Services, Information Services, Corporate Communications and Corporate Services- Property and Legal were consulted.

COMMUNICATIONS

Information regarding courtesy flags and flags flown at half mast will appear on the city's website.

ATTACHMENTS

Flag policy Outdoor Flags on Municipal Properties

Prepared By: Tina Agnello Deputy Clerk 519 8221260 x. 2811 tina.agnello@guelph.ca

Recommenided By: Lois Giles Director of Information Services/ City Cierk 519 8221260 x. 2232 lois.giles@guleph.ca

CORPORATE POLICY AND PROCEDURE

POLICY	Raising, displaying and half-masting of outdoor flags at City properties and facilities.
CATEGORY	Corporate
AUTHORITY	Information Services, City Clerk's
RELATED POLICES	
APPROVED BY	Council
EFFECTIVE DATE	
REVISION DATE	

Making a Difference

POLICY STATEMENT

This policy applies to requests for flying courtesy flags in front of City Hall and occasions for the raising, displaying and half-masting of outdoor flags at all municipal facilities. This policy supersedes all previous policies or resolutions.

PURPOSE

To define the criteria and process for raising, displaying and half-masting of outdoor flags at City properties and facilities of the Corporation of the City of Guelph.

DEFINITIONS

The Canadian Flag: The Canadian Flag of Canada as approved by Parliament and proclaimed by Her Majesty Queen Elizabeth II, Queen of Canada, on February 15, 1965.

The Ontario Flag: The current Ontario Flag as proclaimed by the Flag Act on May 21, 1965.

The Guelph Flag: The current Guelph Flag as adopted by the Guelph City Council in April 1979. The original crest on the flag was adopted when Guelph became a City in 1879.

PROCEDURES

A. Displaying Permanent Flags

The City Hall and Municipal facilities shall fly the Canadian, Ontario and City Flags where provision for the display of such flags has been made in accordance with the following rules:

1. A flag is to be removed and replaced when it becomes worn, noticeably faded or otherwise unfit for service.

- 2. No flag should be displayed above or higher than the Canadian flag.
- 3. In locations with only one flag pole the Canadian flag shall be flown.
- 4. In locations with two flag poles, the Canadian flag shall always be flown on the left as seen by spectators in front of the flags.
- 5. In locations with three flag poles, the Canadian flag shall be flown on the centre pole, with the next ranking flag to the left and the third ranking flag to the right as seen by spectators in front of the flags.
- 6. In locations with more than three flag poles, the flags shall be flown with the Canadian flag to the left of the observer facing the flags followed by flags representing other sovereign nations ordered alphabetically, followed by flags of provinces/territories, then cities, then organizations. An additional Canadian flag may be flown at the end of the line.
- 7. In front of City Hall with four flag poles the provincial flag shall be flown to the left of the Canadian flag and the City flag shall be flown to the right of the Canadian flag and the courtesy flag pole to the right of the City flag pole as seen by spectators in front of the flags.
- 8. When raising and lowering flags, since the Canadian flag shall always be equal to or higher than the other flags, the Canadian flag shall be raised first.
- 9. All worn and faded flags which have been replaced are to be neatly folded in a large envelope and sent to the Guelph Fire Services for disposal.
- 10.Municipal sites with more than one flag pole shall fly the Canadian flag, and may choose which other flags they want to fly, as long as they follow the rules for displaying flags as per this policy.

B. i)Courtesy Pole Flag Raisings or Displaying Flags

- 1. The courtesy flag pole at the City Hall only, shall be used for the raising and displaying of flags other than the Canadian, Ontario and Guelph flags.
- 2. Requests for the raising and displaying of flags may be approved:
 - To celebrate the achievement of a non-profit or charitable organization in connection with a particular event of the organization and for public awareness campaigns;
 - b. In recognition of a state visit to the City for the duration of the visit or for one week, whichever is the lesser;
 - c. In recognition of a visit from representatives of other governments with whom the City has a relationship, such as, but not limited to, twinning, FCM or AMO programs;
 - d. In recognition of other organizations or events not identified in this section, at the discretion of the Mayor and/or CAO.
- 3. Requests shall not be approved for the following:
 - a. Political parties or political organizations;
 - b. Religious organizations or the celebration of religious events;
 - c. Commercial entities;
 - d. If the intent is contrary to City policies or By-laws;
 - e. If the group requesting the raising espouses hatred, violence or racism;
 - f. More than one time per year per group.

C. ii)Process for Courtesy Flag Pole Displaying and or Raising of Flags

- 1. Requests to use the courtesy flag pole at City Hall shall be submitted in writing to the Clerk's Office using the form in Appendix A;
- 2. The Clerk's Office shall review all requests in accordance with City procedure and advise the Mayor's office of the outcome of the review;
- 3. If the requestor would like the Mayor or representative to be present for the flag raising, he or she should contact the Mayor's Office before submitting a request to the Clerk's Office;
- 4. Requests shall be processed and confirmed on a first come first served basis and where there is a conflict the completed form which was received first shall take precedence;
- 5. Notwithstanding section Bi)2b. courtesy flags shall be raised and displayed for one week, unless there are no other requests to fly a courtesy flag, in which case the existing flag can be flown for more than one week if specified on the application;
- 6. The Clerk's office shall notify Corporate Property of the flags to be raised and displayed as appropriate;
- 7. Requesters shall provide their flag to the City at least 5 days in advance of the event with instructions regarding how the flag is to be flown;
- 8. Corporate Property staff shall be responsible for the raising and displaying of flags as required, unless there is a request for a ceremonial raising of the flag where it shall be installed by staff and raised by the applicant;
- 9. Flags shall be raised and lowered during regular business hours when staff and equipment resources are available.
- 10.Public notice of the raising of the courtesy flag shall be posted on the City web-site.

D. i)Half-masting

- 1. Flags are flown at the half-mast position at City Hall and municipal facilities as a sign of respect and condolence or to commemorate significant dates.
- 2. A flag is half mast when the centre of the flag is half-way down the mast.
- 3. Some flags cannot be lowered to half mast or removed without the use of an aerial truck. Because these flags cannot be readily lowered to half mast they shall always fly at the top of the flag pole. An example is the flag at Exhibition Park.
- 4. All flags shall be flown at half mast, for the following specific occasions from the day the City is aware of the death until the funeral:
 - a. On the death of a current or former Mayor;
 - b. On the death of a current Member of Council;
 - c. On the death of a current City of Guelph employee;
 - d. On the death of the current Lieutenant Governor of Ontario, or the Premier of Ontario;
 - e. On the death of the current Governor General, or the current Prime Minister;
 - f. On the death of the current Sovereign or a member of the Royal Family related in the first degree to the Sovereign (spouse, son or daughter, father, mother, brother or sister), their spouse or their children;

- g. On the death of a current local Member of Parliament or local Member of Provincial Parliament;
- h. In recognition of the death of a current Police Chief, or active City Police Officer.
- 5. Flags may be flown at half-mast in respect of a person or persons not specifically identified in this section, at the discretion of the Mayor and/or the CAO.

D. ii)Process for Half-masting

- 1. The Clerk's Office shall be responsible for notifying the staff of all facilities of the half-masting of flags (as per the attached list), with respect to the reason, and the duration that the flag shall be flown at half-mast.
- 2. When hoisted to or lowered from a half mast position, a flag should be first raised to the masthead.
- 3. When lowering flags to half mast the Canadian flag shall be the last to be lowered and the first to rise again.
- 4. When a flag is flown at half-mast, all other flags shall also be flown at halfmast and at no time should the Canadian flag be flown lower than any other flag.
- 5. Corporate Property Services shall maintain an inventory of all government flags flown at City Hall and its corporate properties.
- 6. The appropriate staff at each location shall be required to lower and raise the flags in accordance with the Clerk's office notification;
- 7. Public notice of the reason for the half-masting shall be posted on the City website.

Appendix A Request to Raise and Display a Flag on the Courtesy Flag Pole

Name and Ad	Idress and email of Organization
Organization (please attac	's mandate, purposes or goals and objectives h)
Contact Pers	on and contact information
Reason for R	equest
Dates for Fly	ing flag
Signature of	requestor
raising, arrang application as	ke the mayor or designate to be present at the flag gements should be made in advance of submitting your her availability may affect your dates. Please contact the at 519-837-5643 or mayor@guelph.ca.

As per City of Guelph Policy, flag display requests shall not be approved for the following:

- a. Political parties or political organizations;
- b. Religious organizations or the celebration of religious events
- c. Commercial entities
- d. If the intent is contrary to City policies or By-laws
- e. If the group requesting the raising espouses hatred, violence or racism; or,
- f. More than one time per year per group.

Personal Information on this form is collected and used for the purpose collected, under the authority of Municipal Act, as amended. Questions about the collection of personal information should be directed to: the Clerk's Office, 519-822-1260.

Outdoor Flags on Municipal Properties

Outdoor ridgs on ridn	<u> </u>			
	number of			
Facility	flag poles	type of flag	contact person	ext.
New City Hall, 1 Carden Street	4 poles	Canadian, Ontario, Guelph, Courtesy	Spvsr.Corporate Property	2644
Fire Station 1 Main Hall	1 poles	Canadian	Fire services Admin	519-824-6590
Fire Station 2 Speedvale	1 poles	Canadian	Fire services Admin	519-824-6590
Fire Station 3 Stone Rd	1 poles	Canadian	Fire services Admin	519-824-6590
Fire Station 4 Imperial Rd	1 poles	Canadian	Fire services Admin	519-824-6590
Fire Station 5 Elizabeth St	1 poles	Canadian	Fire services Admin	2064
Landfil Site Eastview	1 poles	Canadian	Supervisor, Public Services	2064
Operations	3 poles	Canadian, Guelph and Ontario	Manager, Feet Services	2003
Riverside Park	1 pole	Canadian	Lead Hand, Park Infrastrctr	2764
Sleeman's Centre	2 poles	Canadian, Ontario	Spvsr.,Operations	2849
Solid Waste Resources	3 poles	Canadian, Guelph and Ontario	Supervisor, Public Services	2064
Transit	1 pole	Canadian	Building Maintanance	<u>519-822-1811</u>
Wastewater	3 poles	Canadian, Guelph and Ontario	Operator	5629
Waterworks	1 pole	Canadian	Cust. Service Administrator	2175
West End Community Centre	1 pole	Canadian	Facility Manager	2720
Flags that cannot be raised/lowered				
Evergreen Seniors Centre	1 pole	Canadian	Seniors' Service Mgr.	2683
Exibition Park	1 pole	Canadian	Lead Hand, Park Infrastrctr.	2764
Larry Pearson	1 pole	Canadian	Lead Hand, Park Infrastrctr.	2764

November, 2008

COMMITTEE REPORT



ТО	Governance and Economic Development Committee
SERVICE AREA DATE	Operations Tuesday, November 18, 2008
SUBJECT REPORT NUMBER	Sidewalk Winter Control Service Review Report

RECOMMENDATIONS

That the Governance and Economic Development Committee report <u>Sidewalk Winter</u> <u>Control Service Review Report</u> of November 18, 2008 be received;

AND THAT Sidewalk Winter Control continues to be a service provided to the residents of Guelph;

AND THAT staff commence with Phase 2 of the Sidewalk Winter Control review process to identify expected service delivery outcomes and community defined service levels through public consultation;

AND THAT staff be directed to implement operational improvements for the 2008/2009 winter season as identified in the Governance and Economic Development Committee report <u>Sidewalk Winter Control Service Review Report</u>.

BACKGROUND

On April 14, 2008 Council approved the following resolutions- "[t]hat a service review be initiated in 2008 to examine sidewalk snow clearing practices" and "[t]hat staff be directed to report back to Council on the proposed parameters for undertaking the service review on sidewalk snowplowing". To that end, staff developed a Sidewalk Winter Control Service Review plan which was approved by Council on September 11, 2008 (attached as Appendix 1 of Sidewalk Winter Control Service Review - Phase 1 Report).

REPORT

The Sidewalk Winter Control Service Review focused on mechanized snow plowing, snow removal, salting and sanding practices of City sidewalks (including bus stops) and the methods in which the service is performed.

This service review process involves two phases: **Phase 1** required a detailed current state assessment to understand the service objectives, standards, performance outcomes, strengths, weaknesses and opportunities for improvement; it examined other municipal practices and alternate service delivery models; and identified recommendations.

Phase 2 will require public consultation to identify the expected service delivery outcomes and community-defined service levels, based on the recommendations rising from Phase 1, and is expected to take place in the first quarter of 2009.

The Sidewalk Winter Control Service Review – Phase 1 Report attached herewith, addresses the results of **Phase 1** only. Included in the report is an extensive description of the service objectives, components of the service, performance standards, equipment utilized in the delivery of the service, staffing and financial resources.

Three parameters were reviewed to understand how well this service is currently performing - costs, actual results vs. targets and standards, and a comparison to industry practices.

A three year window ('05-'08) was used to compare data as the severity of any winter season does vary and the number and intensity of each winter event (storm, snow fall, freezing rain) can be significantly different. Data was collected from December 1^{st} to March 31^{st} each year for consistency.

Current Service:

The City of Guelph has approximately 660 km of sidewalk, 650 bus stop locations, over 180 walkways, steps and crosswalk locations and 11 km of downtown sidewalks to maintain during winter conditions. The clearing of all bus stops was added to the operational portfolio in 2008. This service is provided with 8,200 budgeted ('09) staff hours expended over an approximate 16 week (December – March) period.

Sidewalk winter control service is assigned in accordance with the associated pedestrian traffic volume and proximity to high use facilities. Service is provided in priority sequence, starting with high priority sidewalks, then medium priority sidewalks, and lastly, residential sidewalks. Bus stops are located on high and medium priority routes. The City is divided into 8 zones for snow plowing (6 zones for sanding) and 2 zones specifically for the downtown area.

Although Sidewalk Winter Control levels of service are not mandated by the Municipal Act, the City of Guelph established service levels for Sidewalk Winter Control in 2002, and revised these in 2005. Briefly stated, clearing is commenced when freshly fallen snow on downtown sidewalks reaches 1cm, high priority sidewalks 4cm, and residential sidewalks 8cm, all within 20 hours from the end of a snow fall.

The service is provided by a core group of Operations' employees who draw upon further departmental personnel to assist when winter events occur. During the winter control season, staff work a regular eight-hour shift, Monday to Friday, (5am-1pm for downtown), and work overtime during afternoons and weekends as required.

A fleet of 12 city-owned mechanized plowing units, snow blowing attachments and smaller snow blowers are utilized.

It is clear from this review that with existing staff complement and budget the Department is unable to consistently meet the standards set out in 2005. Review of

last year's performance following a significant winter event revealed it is taking up to 72 hours (over 5 calendar days) to complete the task. The following list summarizes the challenges that staff face to effectively and efficiently deliver the service.

- 1. The purchase of an additional sidewalk plow (requested to address an increase in sidewalk inventory) was deferred by Council in 2007 pending the outcome of this review.
- 2. The clearing of bus stops was added to the operational portfolio this past season with no increase in staff or equipment. This effectively added 1000 staff hours per season, or two additional days of clearing per snow event.
- 3. Staff worked significant overtime (40% of the winter control labour '08) in their attempt to meet the service standards and clear bus stops.
- 4. The current shift structure (single shift Monday to Friday) limits the department's ability to respond in a timely and cost-effective manner.
- 5. By not scheduling staff in a continuous (uninterrupted) 24 hour operation, the current standards can not be met as snow falls at any given hour of the day.
- 6. Staff are aware of some public dissatisfaction with the quality of snow removal performed by the mechanized equipment. The use of straight and v-blade plows on the mechanized plow-units inherently leaves behind residual snow.
- 7. The current practice of applying material to deal with daily freeze-thaw cycles in isolated locations is perceived negatively. The public has difficulty understanding why it is necessary to have these units out on a 'sunny day'.
- 8. The current approach to service priority sidewalks and bus stops causes repeat travel over sections of sidewalk that have already been cleared, and this is perceived by the public as highly ineffective and inefficient.
- 9. Due to the shared resource approach to staffing, other work is not getting completed when these employees are required on winter control.

Options:

Through interviewing nine other municipalities, alternate service delivery models were researched. It was found that Guelph is one of only a very few municipalities who still provide winter control on all sidewalks throughout the city. The majority have their residents, property owners and occupants clear abutting sidewalks, while the city continues to maintain sidewalks abutting municipal property, commercial areas and bus stops.

This alternate service delivery model could improve the timeliness and quality of snow removal, assuming residents were conscientious in fulfilling this new responsibility. Further, by removal of snow through use of either a shovel or small snow blower, it is likely the end result would increase pedestrian satisfaction with the walking surface and better address the mobility of the infirm or those using wheelchairs or scooters.

Despite these potential benefits, this alternate service delivery model is not recommended for the following reasons:

- Sidewalk winter control service would still need to be provided by city staff on over 100km of sidewalk, all bus stops, and manual clearing locations.
- Operational savings may be minimal as the unit cost to maintain the required sidewalk inventory would increase, and the cost of newly required by-law enforcement, the development and administration of a public assistance are factored in.

- As a 2008 Community Survey showed 73% of residents are satisfied with their current sidewalk snow removal service, it is anticipated the public dissatisfaction would be overwhelming, and a significant amount of time and education would be required for the public to understand why the service was discontinued and the need for them to accept this new responsibility.
- In staff opinion, continuing the service would be consistent with the City's Strategic Plan, i.e. *the City that makes a difference.*

Recommendations:

A key objective of the Phase 1 assessment was to make an informed recommendation with strong rationale for either continuing to provide the service or not, in the most cost-effective, efficient and sustainable manner.

To that end, staff recommend;

A. The **City of Guelph continue to provide sidewalk winter control** to the residents of this community and Phase 2 of this Service Review involving a public consultation process be initiated to identify expected service delivery outcomes and community defined service levels.

B. Winter 2008-2009 Improvements

Phase 2 will not be completed in time to affect the service for the current winter season. Staff firmly believe significant operational improvements can be realized by implementing the following:

- proceed with the purchase of the additional trackless unit (Development Charges funded) to create 9 snow plowing routes instead of the current 8;
- optimize routes to create more efficient work flow and reduce non production travel time;
- pursue the practice of snow blowing (vs. plowing) at certain snow accumulation levels as a means to improve the quality of work and customer satisfaction

Through redefining service standards, identifying expectations, creating efficiencies in the work performance and work plans and ultimately improving the approach to the work, staff believe that they can provide an acceptable and cost-effective service to this community.

CORPORATE STRATEGIC PLAN

Objective 1.2 – Municipal sustainability practices that become the benchmark against which other cities are measured.

Objective 1.4 – A sustainable transportation approach that looks comprehensively at all modes of travel to, from and within the community.

Objective 5.1 – The highest municipal customer service satisfaction rating of any comparable-sized Canadian city.

Objective 5.2 – A consultative and collaborative approach to community decision making.

Objective 5.3 – Open, accountable and transparent conduct of municipal business. Objective 5.6 – Organizational excellence in planning, management, human resources and people practices.

FINANCIAL IMPLICATIONS

To be identified and conveyed at the conclusion of Phase 2.

DEPARTMENTAL CONSULTATION

n/a

COMMUNICATIONS

n/a

ATTACHMENTS

Sidewalk Winter Control Service Review - Phase 1 Report dated October 23, 2008

Benbimba

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Making a Difference

Sidewalk Winter Control Service Review Phase 1 Report



November 3, 2008 Operations Department

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Introduction

A Council directed Service Review is designed to provide staff and Council with the information necessary to understand a service as well as the full implications of changing, not changing or removing the service. It must also determine the most appropriate way to provide the service and include strategies where possible for reducing the cost of delivery while maintaining or improving the service and community-defined service levels.

At its meeting of April 14, 2008, City of Guelph Council passed a resolution to initiate a service review in 2008 to examine sidewalk snow clearing practices.

A Service Review Plan (Appendix 1) was developed to ensure the objectives, scope, cost, assessment methodology, and timeframe were achieved. This plan, consistent with the Council approved Service Review Framework, was presented to and approved by City Council on September 22, 2008.

The purpose of the review was determine whether Sidewalk Winter Control is a service that should be provided by the City and if so, the most appropriate way to provide the service and at what service level.

The Sidewalk Winter Control Service Review focused on snow plowing, snow removal, salting and sanding practices of City sidewalks (including bus stops) and the methods in which the service is performed.

This service review process involves two phases:

Phase 1 required a detailed current state assessment to understand the service objectives, standards, performance outcomes, strengths, weaknesses and opportunities for improvement; it examined other municipal practices and alternate service delivery models; and identified recommendations.

Phase 2 will require public consultation to identify the expected service delivery outcomes and community-defined service levels, based on the recommendations rising from Phase 1, and is expected to take place in 2009.

This report addresses **Phase 1** results only.

Service Objectives

The City of Guelph Operations Department has been providing winter maintenance on all of its sidewalks, steps, walkways, and crosswalks for numerous years. More recently, bus stop winter maintenance has been added to the operational portfolio.

This service strongly supports several of the Strategic Plan objectives that focus on urban design and sustainable growth, personal and community well-being, economic opportunity and government and community involvement.

Sidewalk Winter Control is intended to allow able-bodied pedestrians safe passage along all sidewalks as a result of winter conditions. It is provided entirely by Operations Department staff and equipment, supplemented by parks, wastewater and drainage personnel who are otherwise not involved in emergency maintenance situations.

Although Sidewalk Winter Control levels of service are not mandated by the Municipal Act, the City of Guelph established the following service levels for Sidewalk Winter Control in 2002. These are referenced in Appendix 2.

- Pedestrian Steps/Walkways manually cleared at 1cm of snow accumulation and within 16 hours of the end of a storm.
- High pedestrian volume sidewalks mechanically cleared at 4cm of snow accumulation and within 20 hours of the end of a storm.
- Residential sidewalks mechanically cleared at 8cm of snow accumulation and within 20 hours of the end of a storm.

Service Description

The City of Guelph has approximately 660 km of sidewalk, 650 bus stop locations, and over 180 walkway, step and crosswalk locations to maintain. The Downtown core consists of 11 km of sidewalk, a bus transfer station, a main square and several parking facilities. This service is provided with 8,200 budgeted ('09) staff hours, not including downtown.

For the most part, mechanized plow equipment can be utilized to clear the bulk of the sidewalks, but snow blowers and hand shoveling is still required to clear steps, narrow pedestrian walkways and bridges, cross walks and school crossings.

For the purpose of this review, the mechanized snow removal and mechanized sanding activities were assessed, and the manual clearing activities were not included in the scope of this report.

Sidewalk Classifications

Sidewalks are classified in accordance with the associated pedestrian traffic volume and proximity to high use facilities. In Guelph, there are 3 classifications – High Priority, Medium Priority and Residential. Two maps entitled "Sidewalk Plow Routes" and "Sidewalk Sand Routes" identify these classifications and the route to which they are assigned. Refer to Appendix 3.

The city is divided into 8 zones for snow plowing and 6 zones for sanding. Winter control operations begin in priority sequence, starting with the high priority sidewalks, then medium priority sidewalks, and lastly, residential sidewalks. Bus stops are located on high and medium priority routes.

The downtown area is treated separately and is divided into two zones, a map entitled Downtown Winter Control can be seen as Appendix 4.

The Service Standards

Since the development of sidewalk clearing standards in 2005, the criteria has been further developed to be more comprehensive to staff. A detailed explanation of the standards and service levels is outlined in Appendix 5.

Downtown

Snow	at 1 cm of snow accumulation, sidewalks clearing commences,
	normally completed by 9am, and throughout the day
Ice	in advance of any winter event, sidewalks are pre-treated with salt
	brine mixture

High & Medium Priority

- Snow at 4cm of snow accumulation, sidewalk clearing commences, to be completed within 20 hours of the end of a storm
- Ice sidewalks are treated with a sand/salt mix as soon as possible, and normally takes 6-8 hours to complete all routes.

Residential

- at 8cm of snow accumulation, sidewalk clearing commences, normally Snow within 20 hours of the end of a storm, and completed within a 12 hour period.
- Ice sidewalks are treated with a sand/salt mix after high & medium priority routes are done, and normally takes 6-8 hours to complete all routes.

The Equipment

Specially designed mechanized pieces of equipment are used to quickly and efficiently plow snow off the sidewalk, and spread material to provide traction or melt ice. These units normally travel at approximately 15km/hr when plowing.

The City of Guelph fleet consists of:

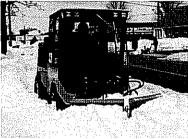
- 2 Trackless units each with a straight blade plow attachment for downtown sidewalks
- 10 Trackless units each with v-blade plow attachments and blower attachments for main city sidewalks

Each unit has a sand spreading unit at the back to lay a sand/salt mixture on snow or ice to provide traction or melt the ice. Under spreading conditions, the unit travels approximately 8-10 km/hr to ensure sufficient application and coverage.

All units have been equipped with AVL equipment (Automated Vehicle Locator) which reports on speed and location of each unit.



Trackless unit with straight blade





Trackless unit with V-Blade

Trackless unit with Blower

The People

Main City Sidewalks

Sidewalk Winter Control activities currently utilize trained staff from the Operations department to operate the mechanized equipment.

Eight staff are each assigned one of eight routes and commence winter control operations starting with high priority sidewalks, followed by medium priority. Residential routes are done if needed, based on accumulation criteria (Appendix 2).

As per the current CUPE 241 collective agreement, sidewalk winter control staff are scheduled on a single daytime operating shift from 7am-3pm, Monday to Friday. If required, due to impending or occurring storm, staff are put on standby for periods outside of this timeframe or are requested to work overtime (to a maximum of four hours) before or after their core 8 hour shift, respectively. The corporation follows the ESA guidelines for maximum hours of work per person.

Downtown Sidewalks

A crew of three downtown maintainers provide winter maintenance on 11 km of sidewalk. They are scheduled on eight-hour rotating shifts over a seven-day week. Shift coverage is provided from 5am – 10pm, and supplemented by additional part time staff. During a winter event, all resources are dedicated to snow and ice maintenance.

The Operation's department winter control organizational structure can be seen in Appendix 6.

Financial & Capital Resources

The sidewalk winter control service is funded entirely through the tax based operating budget. (The following budgeted amounts do not include downtown winter maintenance or manual activities)

2007 - \$ 409,300 2008 - \$ 416,400 * includes \$30,000 from Transit for bus stop clearing 2009 - \$ 465,700 * includes \$60,000 from Transit for bus stop clearing

Capital investment has been made in the magnitude \$1.4 million (current value) for 12 sidewalk plows. Using a ten year capital replacement cycle, four units were replaced in 2008 and the balance of the fleet is scheduled for replacement in 2010 (3), 2011(3) and 2014 (1). A thirteenth unit was scheduled for purchase through development charge funding to address an increase in sidewalk inventory. This purchase was deferred by Council in 2007 pending the outcome of this review.

How well are we doing?

Current Performance

Three approaches were taken to tell us how well we are performing this service; costs, actual results vs. targets and standards, and a comparison to industry practices.

Analysis was conducted on the actual performance of our sidewalk winter control activities. Mechanical plowing and sanding on the main streets and downtown was reviewed for actual times to complete routes, response times and costs. A three year window ('05-'08) was used to compare data as the severity of any winter season does vary and the number and intensity of each winter event can be different from year to year. Data was collected from Dec. 1 to March 31 each year for consistency. Due to the difference in service levels between the downtown and main city sidewalks, the data for each of these segments has been kept separate.

Level of Effort and Cost Comparison

Over the past three winters, the level of effort (hours) and cost to respond to our winter events has increased. The number of events has not changed significantly from one year to another; however it is apparent that the intensity and volume of each snow event has increased. The following relates only to main sidewalks and does not include activity downtown.

Total Sidewalk Winter Control (Dec. 1 - Mar. 31)	2005 / 2006	2006 / 2007	2007 / 2008	3 yr average	2009 Budget
# Events	13	15	16	14.7	11
Total Labour Hours	3772.8	6,145	10,942	6,953.1	5,200
Labour / Event	290	410	684	461.2	472.7
Actual Total Costs	\$222,238	\$469,456	\$873,229	\$521,641	\$465,400.0
\$ per km	\$337	\$711	\$1,323	\$790.4	\$705.2
\$ per household*	\$5	\$9.8	\$18.3	\$10.94	\$9.8

Another measure looked at was the overtime that was incurred to accomplish the amount of work required each year and in an attempt to meet the service standards and clear bus stops. Overtime has been increasing in varying degrees for each core activity, and has climbed from 16% to 40% in 3 years. This is another indicator of insufficient resources and operating constraints resulting from the union collective agreement.

Staff Overtime (% of total)	Priority Sidewalks	Residential Sidewalks	Sanding Routes	Bus Stops	Total Sidewalk WC Labour
# Events	13	15	16		
2005/2006	31%	44%	0%		16%
2006/2007	20%	32%	31%		25%
2007/2008	47%	35%	30%	50%	40%

The addition of bus stop clearing in 2008 effectively added 1000 staff hours (50% on overtime) and no increase in resources accompanied the additional requirement.

Efficiency

Efficiency was assessed by how well we met or exceed our established targets as outlined in the service standard table (Appendix 5). The following table illustrates our actual response times and average completion times for the different sidewalk classifications. The time to complete the high and medium priority routes was extended by nearly two days due to the addition of the bus stop clearing. Refer to Appendix 8.

Location	Service Level	Standard Response as of 2005	Actual Response Time Averages	Target to Complete One Pass	Target to Complete one pass 3 year ave.
Snow Conditions				Hours,	
Downtown sidewalks	<= 1 cm	all clear by 9am	mostly clear by 9am	2	3
High priority sidewalks (highest pedestrian vol.)	>= 4cm	completed within 20 hours of end of storm	24 hours	4	16.5
Medium priority sidewalks	>= 4cm	completed within 20 hours of end of storm	24-36 hours	4	7.6
Bus Stops (new in 2008)	>= 4 cm	Not established	24-36 hours	8	11.5
Residential sidewalks (low pedestrian volume)	>= 8cm	completed within 20 hours of end of storm	48-72 hours	12	12.4
Icy Conditions					
High priority sidewalks (highest pedestrian vol.)	icy / freezing raiп	completed within 20 hours of end of storm	24 hours	6-8	11.0
Medium priority sidewalks	icy / freezing rain	completed within 20 hours of end of storm	24-36 hours	6-8	5.1
Residential sidewalks (low pedestrian volume)	icy / freezing rain	completed within 20 hours of end of storm	48-72 hours	24	17.1

Effectiveness

To determine the quality of the work that staff perform, a review of complaints, property damage and insurance claims was undertaken for the past three years. The results do not show a significant increase in dissatisfaction as the numbers increase proportionately to the volume of staff hours and winter events

	2005	2006	2007
Complaints	36	60	146
Property Damages	25	15	81
Insurance Claims	1	5	5
Total	62	80	232
per 1000 households	1.3	2.4	4.8

In addition, a 2008 Community Survey indicated that 73% of residents are satisfied with the current service.

How We Compare

To better understand how the City's sidewalk winter control service compares with other municipalities, a current practice review was undertaken of nine comparable locations including Kingston, Barrie, Kitchener, Oakville, Cambridge, Hamilton, Newmarket, Mississauga and Brampton. While a comprehensive listing of comparative data can be found in Appendix 9, key findings include the following:

- > 78% of the municipalities consulted have property owners in their downtown areas performing the service themselves;
- Guelph, in addition to 2 other municipalities contacted provide this service for able bodied residential property owners; by-laws are in place to enforce sidewalk snow removal in the majority of areas that do not provide the service;
- Bus stops and high priority areas are cleared by all municipalities contacted;
- Guelph has the highest service level for snow clearance in its downtown area – snow is cleared after one centimeter has accumulated;
- Guelph has the highest service level for clearing high priority areas a
 4 cm standard is in place;
- For the downtown area, Guelph provides the fastest response time standard for snow clearance of any other municipality consulted – by 9:00 a.m. It also ensures the fastest response standard of any other municipality consulted for high priority areas (within 20 hours), for residential areas (20 hours) and bus stops (20 hours); and
- The target results for Guelph's Sidewalk Snow Clearance service compare very well to other locations. Requirements are in place for bare conditions which work towards facilitating the highest levels of accessibility.

Service Strengths

The following list identifies some of the most positive aspects of the current service.

- 1. The Operations department has been providing sidewalk winter control to the community for 20 or more years.
- 2. Staff are knowledgeable, experienced and have a familiarity with neighbourhoods, sidewalk conditions and the routes.
- 3. Guelph is one of the few municipalities providing this service which makes us a leader and supports the City's vision "to be the city that makes a difference".
- 4. A 2008 Community Survey indicates that 73% of respondents are satisfied with the sidewalk snow clearing service.
- 5. The approach to shared resources within the department makes the staffing model very efficient, reducing non productive time of the employees trained to provide sidewalk winter control.
- 6. The fleet of sidewalk plows has been replaced with more modern Trackless units over the years, and despite damages to blades and tires, downtime is reported at 7% in 2008. Currently, two units are used as spares when any given unit is in for repairs to reduce the interruption in the service.
- 7. Our downtown core receives a very high level of service, higher than any other municipality contacted.
- 8. Since the Operations department assumed responsibility of clearing the bus stops in 2008, Transit has communicated a higher satisfaction with the quality and timeliness of the work.

Service Issues

The following list summarizes the challenges that staff face to effectively and efficiently deliver the service.

- 1. The purchase of an additional sidewalk plow (requested to address an increase in sidewalk inventory) was deferred by Council in 2007 pending the outcome of this review.
- 2. The clearing of bus stops was added to the operational portfolio this past season with no increase in staff or equipment. This effectively added 1000 staff hours per season, or two additional days of clearing per snow event.
- 3. Staff worked significant overtime (40% of the winter control labour '08) in their attempt to meet the service standards and clear bus stops.
- 4. The current shift structure (single shift Monday to Friday) limits the department's ability to respond in a timely and cost-effective manner.
- 5. By not scheduling staff in a continuous (uninterrupted) 24 hour operation, the current standards can not be met as snow falls at any given hour of the day.
- 6. Staff are aware of some public dissatisfaction with the quality of snow removal performed by the mechanized equipment. The use of straight and v-blade plows on the mechanized plow-units inherently leaves behind residual snow.
- 7. The current practice of applying material to deal with daily freeze-thaw cycles in isolated locations is perceived negatively. The public has difficulty understanding why it is necessary to have these units out on a 'sunny day'.

- 8. The current approach to service priority sidewalks and bus stops causes repeat travel over sections of sidewalk that have already been cleared, and this is perceived by the public as highly ineffective and inefficient.
- 9. Due to the shared resource approach to staffing, other work is not getting completed when these employees are required on winter control.

Opportunities to Improve

The following opportunities for improvement have been identified and should be pursued:

- 1. Analyzing the records, data, staff hours, was a challenge and very labour intensive, which indicates a need to improve the systems, the internal controls and processes.
- 2. Service Standards have not been revised in several years and are no longer applicable due to the shared staffing resource structure and addition of bus stop clearing activities.
- 3. Create and implement a strategic communication plan to the public that will raise understanding and expectations around service levels and standards.
- 4. Due to the bus stop locations along both high and medium priority routes, an opportunity exists to combine the two routes and create a more efficient route plan, reducing the duplication of travel along sidewalks, and increasing the clearing time.
- 5. An additional trackless unit (as planned) would allow for another route to be created, again increasing responsiveness and completion.
- 6. Revise the operator positions as staff are replaced, to allow for winter shifts to be introduced in the sidewalk plow position.
- 7. Add additional staff to allow operation of the sidewalk plows on a more continuous (non-stop) basis, reducing staff overtime and fatigue.

Options

Through interviewing nine other municipalities, alternate service delivery models were researched. It was found that Guelph is one of only a very few municipalities who still provide winter control on all sidewalks throughout the city. The majority require their residents, property owners and occupants clear abutting sidewalks, while the city continues to maintain sidewalks abutting municipal property, commercial areas and bus stops.

This alternate service delivery model could potentially improve the timeliness and quality of snow removal, assuming residents were conscientious in fulfilling this new responsibility. Further, by removal of snow through use of either a shovel or small snow blower, it is likely the end result would increase pedestrian satisfaction with the walking surface and better address the mobility of the infirm or those using wheelchairs or scooters.

Despite these potential benefits, this alternate service delivery model is not recommended for the following reasons:

- Sidewalk winter control service would still need to be provided by city staff on over 100km of sidewalk, all bus stops, and manual clearing locations.

- Operational savings may be minimal as the unit cost to maintain the required sidewalk inventory would increase, and the cost of newly required by-law enforcement, the development and administration of a public assistance are factored in.
- As a 2008 Community Survey showed 73% of residents are satisfied with their current sidewalk snow removal service, it is anticipated the public dissatisfaction would be overwhelming, and a significant amount of time and education would be required for the public to understand why the service was discontinued and the need for them to accept this new responsibility.
- In staff opinion, continuing the service would be consistent with the City's Strategic Plan, i.e. *the City that makes a difference*.

Recommendations

A key objective of the Phase 1 assessment was to make an informed recommendation with strong rationale for either continuing to provide the service or not, in the most cost-effective, efficient and sustainable manner.

To that end, staff recommend that the City of Guelph continues to provide sidewalk winter control to the residents of this community and that the public consultation process be initiated to identify expected service delivery outcomes and community defined service levels.

Additionally, operational improvements can be made immediately by implementing the following:

- proceed with the purchase of the additional trackless unit (Development Charges funded) to create 9 snow plowing routes instead of the current 8;
- optimize routes to create more efficient work flow and reduce non production travel time
- standardize the practice of snow blowing (vs. plowing) at certain snow accumulation levels as a means to improve the quality of work and customer satisfaction

Through redefining service standards, identifying expectations, creating efficiencies in the work performance and work plans and ultimately improving the approach to the work, staff believe that they can provide an acceptable and cost-effective service to this community. While staff do acknowledge that the quality of work and timeliness of delivery may still not fully address the entire community's mobility issues, it is anticipated that the public consultation process will help to understand these issues and identify further strategies to improve the service that is being delivered.

By proceeding with this recommendation, Guelph remains one of the few municipalities to provide this level of service to its residents and promotes the City's vision "**to be the City that makes a difference**".

List of Appendices

i

- Appendix 1 Sidewalk Winter Control Service Review Plan
- **Appendix 2 Minimum Winter Control Standards**
- Appendix 3a Sidewalk Plow Routes
- Appendix 3b Sidewalk Sand Routes
- Appendix 4 Downtown Winter Control Map
- Appendix 5 Sidewalk Winter Control Standards
- Appendix 6 Organizational Structure
- Appendix 7 Sidewalk Winter Control Level of Effort & Cost Comparison
- Appendix 8 Sidewalk Winter Control Mechanized Plowing & Sanding Performance
- Appendix 9 Sidewalk Winter Control Municipal Comparator

COMMITTEE REPORT



то	Governance and Economic Development Committee
SERVICE AREA DATE	Operations Thursday, September 11, 2008
SUBJECT REPORT NUMBER	Sidewalk Winter Control Service Review

RECOMMENDATION

That the staff proposed Sidewalk Winter Control Service Review Plan outlined in the September 11, 2008 report to the Governance and Economic Development Committee be approved.

BACKGROUND

On April 14, 2008 Council approved the following resolutions- "[t]hat a service review be initiated in 2008 to examine sidewalk snow clearing practices" and "[t]hat staff be directed to report back to Council on the proposed parameters for undertaking the service review on sidewalk snowplowing".

A Council directed service review is designed to provide Council and staff with the information necessary to understand the service as well as the full implications of changing, not changing, or removing the service. *The review must include public input to ensure, first and foremost, that the service is desired.* It must also determine the most appropriate way to provide the service and include strategies where possible for reducing the cost of delivery while maintaining or improving the service and community-defined service levels.

The 2008 Community Survey indicated clearly that while 73% of residents are satisfied with the current service, they are evenly split in terms of whether or not Sidewalk Winter Control should be provided for able-bodied residents.

Additional work is required to complete the Sidewalk Winter Control Service Review. To that end, a project plan and time lines have been developed to guide the review process. This plan is consistent with the Council approved Service Review Framework, tabled on July 12, 2007.

REPORT

The Service Review Plan proposed in this report will ensure the objectives, scope, cost, assessment methodology, and timeframe are achieved.

The Service Review Plan

Purpose:

To determine whether Sidewalk Winter Control is a service that should be provided by the City and if so, the most appropriate way to provide the service and at what service level.

Scope:

The Sidewalk Winter Control Service Review will focus on snow plowing, snow removal, salting and sanding practices of City sidewalks (including bus stops) and the methods in which the service is performed.

Objectives:

Phase One

- To provide Council with a full understanding of the current service, its structure, costs, objectives, standards and outcomes
- To examine other municipal practices with respect to Sidewalk Winter Control
- To research alternative delivery model options for consideration by Council
- To make an informed recommendation with strong rationale for either continuing to provide the service or not in the most cost-effective, efficient and sustainable manner

Phase Two

 To identify the expected service delivery outcomes and community-defined service levels for the Sidewalk Winter Control service as recommended from Phase One

Timeframe:

Assuming Council approves the Service Review Plan on September 22, 2008, Phase One assessment will begin immediately, with results presented to Council on November 24, 2008. Phase Two will be completed in 2009.

Team:

The Service Review team will be directed by the Operations Department with representation from the Operations management team, Finance and Corporate Administration. A consultant will be brought in to assist with Phase Two.

The Review Methodology

This service review process includes planning, current assessment, public consultation, implementation and evaluation. These steps will take place in two phases.

Phase One

1. Current State Assessment

In accordance with the Assessment phase of the Service Review Framework, service objectives, standards and performance outcomes will be identified along with service strengths and issues. Practices and service delivery models from other municipalities will also be examined. Key questions to be addressed include:

- What is this service intended to accomplish? What are the benefits?
- What are the current standards, targets and core processes?
- How is performance managed? Is the service effective and efficient?

- What aspects of the service compare most favorably with other municipalities and demonstrate operational excellence?
- Do any work processes create inefficiencies? Are there any barriers to operational excellence or performance gaps?
- What options are possible for delivering this service to the community?

2. Options Identification

Options for alternative delivery approaches that look to maximizing benefits and reducing costs will be researched, assessed and designed.

3. Internal Consultation

Draft recommendations that arise from the current state assessment and option identification work will be presented to the Senior Management Team members for independent review and discussion prior to the report being presented to Council.

4. Report

A comprehensive report summarizing the Phase One results of the service review will be presented for Council review and approval on November 24, 2008.

Phase Two

Phase Two includes the public consultation, implementation and evaluation of the service review process.

1. Stakeholder Focus Groups

There are a number of key stakeholders identified who can provide valuable and unique input and who will be invited to participate in separate focus group sessions:

- o Guelph Downtown Business Association & Downtown Coordinating Committee
- o Guelph Accessibility Committee
- o Neighbourhood Associations

Consultations will take place with a professional, independent facilitator. The sessions will focus on the options recommended from Phase One and will determine the community-defined service levels for the Sidewalk Winter Control Service.

2. Internal Consultation

Draft recommendations that arise from focus groups will be presented to the Senior Management Team members for independent review and discussion prior to the report being finalized.

3. Report

Page 3 of 4

A comprehensive report summarizing the results of Phase Two of the service review will be presented for Council review and approval.

4. Implementation & Evaluation

The last steps of this service review process include implementation and evaluation. The Council approved recommendations will be implemented, monitored and evaluated to determine the effectiveness and efficiency of the changes. A final report will summarize assessment findings and next steps to ensure the ongoing sustainability of the service review outcome(s).

CORPORATE STRATEGIC PLAN

Objective 5.2 – "A consultative and collaborative approach to community decision making"

Objective 5.6 – "Organizational excellence in planning, management, human resources and people practices...."

FINANCIAL IMPLICATIONS

An estimated cost of \$8,000 for the completion of Phase One will be funded through the 2008 Operations Department Operating Budget. Phase Two is estimated to be \$10,000 and will be funded through the 2008 and 2009 approved Operations Department budget.

DEPARTMENTAL CONSULTATION

Consultation took place with a number of departments in the development of this project plan including Corporate Services, Community Services, Financial Services, Economic Development and Tourism.

COMMUNICATIONS

n/a

ATTACHMENTS

n/a

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Brenda Boinvert

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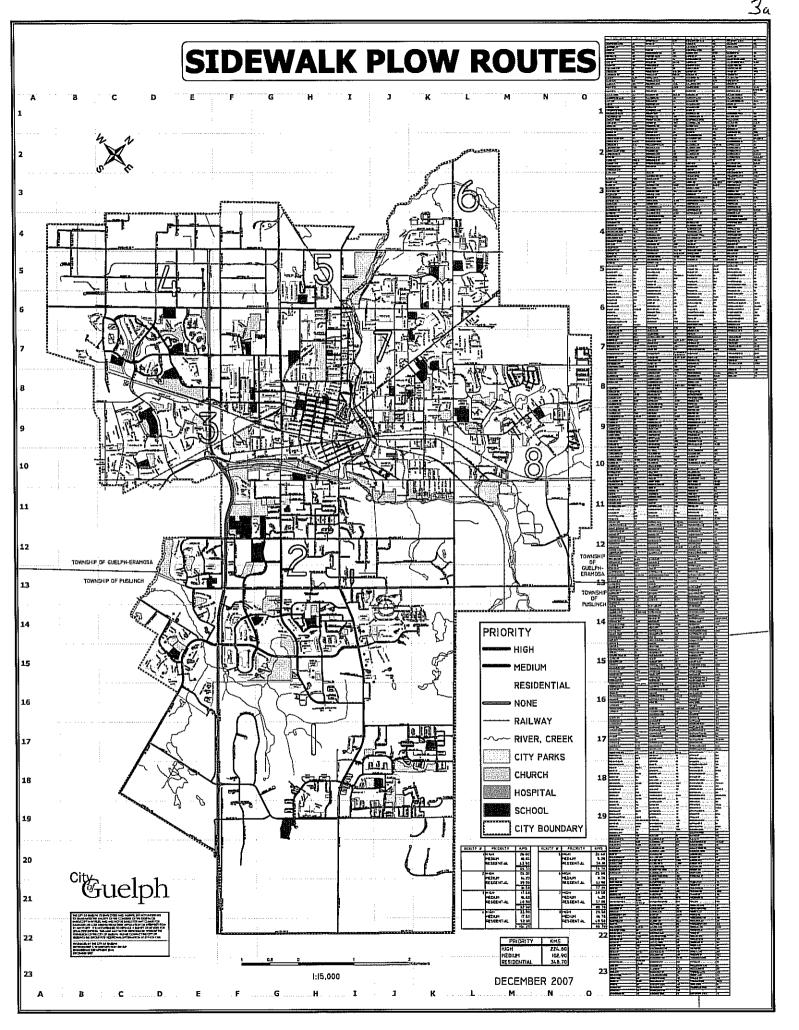
Council approved Feb. 2005

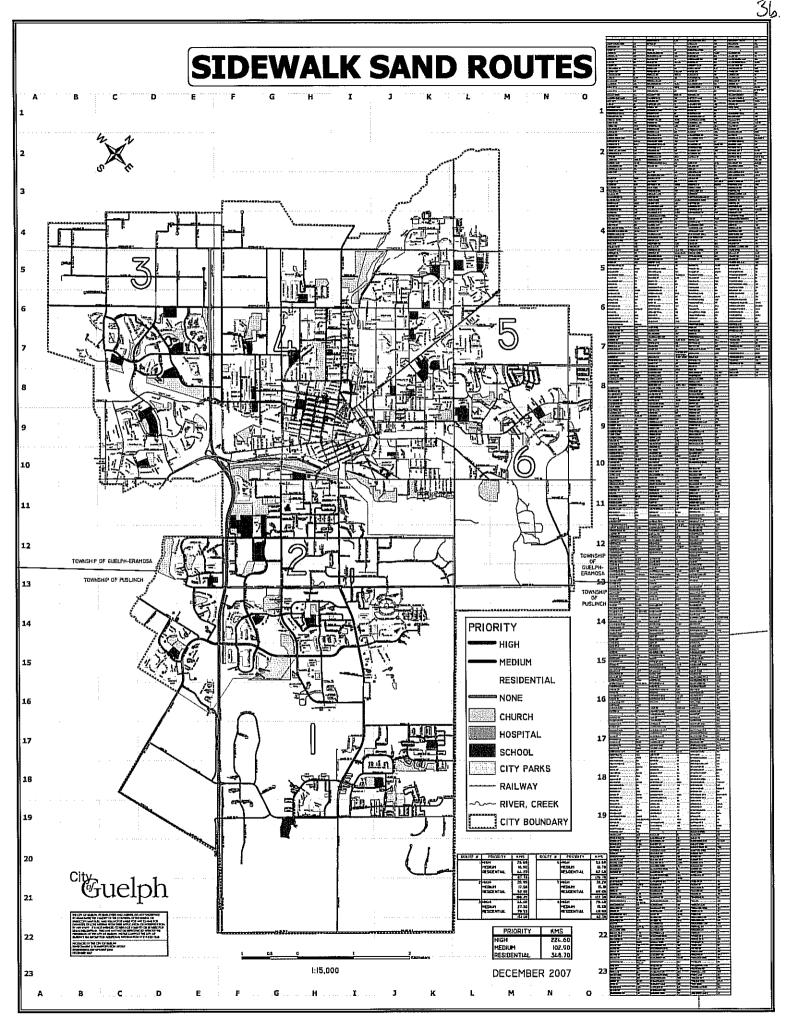
Report to Planning, Environment and Transportation Committee January 31, 2005

Appendix A

MINIMUM WINTER CONTROL STANDARDS

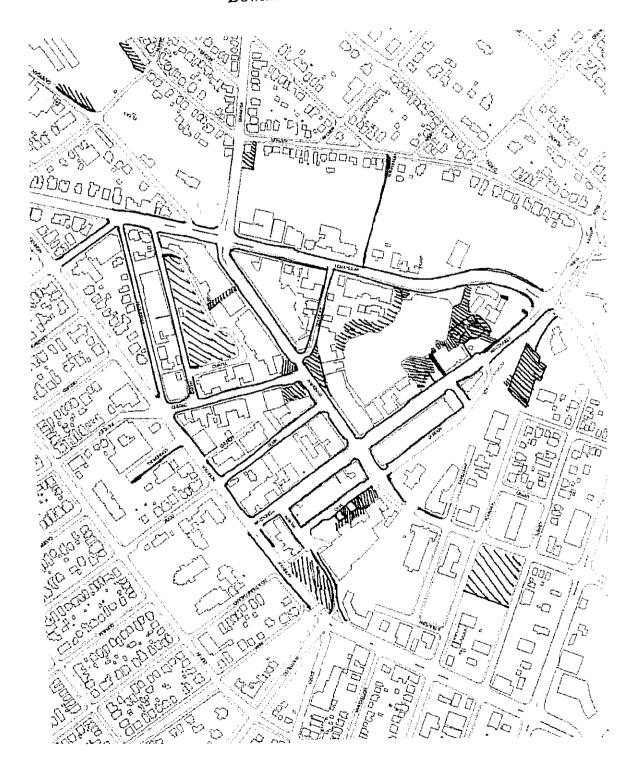
Activity	Discretionary Activity?	Current Stan	dard	Minimum Ma Stand	
		Road Condition	Response Time	Condition	Response Time
Road Patrol	No	Class 2 Roadways Class 3 Roadways	2x every 7 days 1x every 7 days	Class 2 Roadways Class 3 Roadways Class 4 Roadways	2x every 7 days 1x every 7 days 1x every 14 days
		Class 4 Roadways Class 5 Roadways	1x every 14 days 1x every 30 days	Class 5 Roadways	1x every 30 days
Road Plowing	No	Class 2 >/= 2.5 cm ("two-lanes bare")	6 hrs	Class $2 > = 5 \text{ cm}$	6 hrs
		Class 3 >/= 2. 5 cm ("centre-bare")	12 hrs	Class 3 >/= 8 cm	12 hrs
		Class 4 >/= 2.5 cm ("centre-bare")	12 hrs	Class 4 >/= 8 cm	16 hrs
		Class 5 >/= 10 cm ("traction")	24 hrs	Class 5 >/= 10 cm	24 hrs
Road Salting	No	Class 2 >/= 5 cm	4 hrs	Class 2 >/= 5 cm	4 hrs
		Class 3 >/= 8 cm	8 hrs	Class 3 >/= 8 cm	8 hrs
		Class 4 >/= 8 cm	12 hrs	Class 4 >/= 8 cm	12 hrs
Road Sanding	No	Class 2 >/= 5 cm	4 hrs	Class 2 >/= 5 cm	4 hrs
		Class 3 >/= 8 cm	8 hrs	Class 3 >/= 8 cm	8 hrs
		Class 4 >/= 8 cm	12 hrs	Class 4 >/= 8 cm	12 hrs
		Class 5 >/= 10 cm	16 hrs	Class 5 >/= 10 cm	16 hrs
				No Stand	lard Set
Snow Fencing	Yes	No Standard Set – Site spe	cific (~1,500 m)		
		Arterial Roads >/= 4 cm	20 hrs	No Stand	lard Set
Sidewalk s –mechanized	Yes	Collector Roads >/= 4 cm			
Plowing/Salting/Sanding		School Areas >/= 4 cm			
		Local Roads >/= 8 cm			
		>/= 1cm	16 hrs	No stanc	lard Set
Pedestrian Steps/Walkways – Manual Clearing	Yes				1000 010101010111111111111111111111111





Appendix 4 - Downtown Winter Control Map

Downtown Winter Control

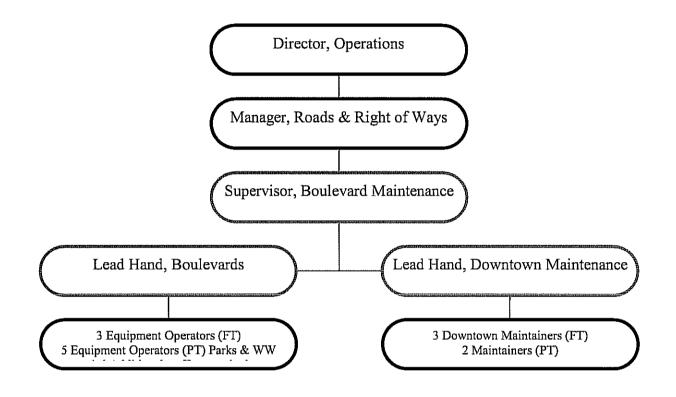


City of Guelph Sidewalk Winter Control Standards

Location	Condition	Response Time Goal	Activity	Accepted condition	Time to complete	# people	# kms	# routes	# shifts
Downtown sidewalks		by 9am	pre-treat with salt brine 3 mix		1	11	1	1	
Snow Conditions									A second seco
Downtown sidewalks	<= 1 cm	all clear by 9am	mechanical snow plowing	bare concrete	2 hours	2	11	2	1
City owned steps, walkways & crosswalks	<= 1 cm	Downtown locations completed by 9am	manual shoveling and sanding	bare concrete	3 hours	4	181 locations	7	1
High priority sidewalks (highest pedestrian volume)	>= 4cm	completed within 20 hours of end of storm	mechanical snow plowing	snow packed	4 hours	8	219	8	1
Medium priority sidewalks	>= 4cm	completed within 20 hours of end of storm	mechanical snow plowing	snow packed	4 hours	8	100	8	1
Residential sidewalks (low pedestrian volume)	>= 8cm	completed within 20 hours of end of storm	mechanical snow plowing	snow packed	12 hours	8	337	8	1
Bus Stops (new in 2008)	>= 4 cm	?	mechanical snow plowing & blowing	bare concrete	14 hours	8	650 bus stops	8	1
lcy Conditions								More than the second s	
Downtown sidewalks	icy / freezing rain	pre-treat with salt brine, and patch sand as necessary	mechanical sanding	ice melted or traction provided	2 hours	2	11	2	1
City owned steps, walkways & crosswalks	icy / freezing rain	all sanded by 9am	manual sanding	ice melted or traction provided	2 hours	2	181 locations	2	1
High priority sidewalks (highest pedestrian volume)	icy / freezing rain	completed within 6 hours	mechanical sanding	ice melted or traction provided	6-8 hours	9	219	6	1
Medium priority sidewalks	icy / freezing rain	completed with 12 hours	mechanical sanding	ice melted or traction provided	6-8 hours	9	100	6	1
Residential sidewalks (low pedestrian volume)	icy / freezing rain	completed with 24 hours	mechanical sanding	ice melted or traction provided	24 hours	9	337	6	1
Winter Maintenance	0								
in between winter events, staff routes, plow drifts, patch sandi banks, etc	ing, removing snow		as required			4	660		1

* NB: Council approved Standards in 2002, sidewalk clearing is a discretionary activity and no Municipal Act Minimum Maintenance Standards exist

Sidewalk Winter Control Organizational Structure



Sidewalk Winter Control Level of Effort & Cost Comparison

Total Sidewalk Winter Control (Dec. 1 - Mar. 31)	²⁰⁰⁵ / ²⁰⁰⁶	2006/2005	80027-5008	3. It altered to	²⁰⁰⁰ B ^{UCOGE}
# Events	13	15	16	14.7	11
Total Labour Hours	3772.8	6,145	10,942	6,953.1	5,200
Labour / Event	290	410	684	461.2	472.7
Actual Total Costs	\$222,238	\$469,456	\$873,229	\$521,641	\$465,400.0
\$ per km	\$337	\$711	\$1,323	\$790.4	\$705.2
\$ per household*	\$5	\$9.8	\$18.3	\$10.94	\$9.8
Downtown				-	_
Total Labour Hours	305	442	1,473	740.0	
Labour / Event	32	29	92	51.2	
Actual Total Costs	\$28,484.0	\$30,651	\$109,660.0	\$56,265	
\$ per km	\$2,589.5	\$2,786	\$9,969.1	\$5,115.0	
\$ per household	\$0.6	\$0.6	\$2.3	\$1.18	
COMBINED					•
Total Labour Hours	4,188	6,587	12,415	7,729.8	
Labour / Event	322	439	776	512.4	
Actual Total Costs	\$250,722.0	\$500,107	\$982,888.6	\$577,906	
\$ per km	\$373.7	\$745	\$1,464.8	\$861.3	
\$ per household	\$5.3	\$10.5	\$20.6	\$12.12	

* based on 2006 census = 47, 696

· · · · · · · · · · · · · · · · · · ·				Target to				
Location	Service Level	Standard Response as of 2002	Actual Response Time Averages	Complete One Pass	2005/2006	2006/2007*	2007/2008	Average
	Selvice Level	83 01 2002		1 035	2000/2000	Hours		
Snow Conditions						แอนเร		
Downtown sidewalks	<= 1 cm	all clear by 9am	mostly clear by 9am	2				3
High priority sidewalks (highest pedestrian volume)	>= 4cm	completed within 20 hours of end of storm	24 hours	4	12.5	18	19	16.5
Medium priority sidewalks	>= 4cm	completed within 20 hours of end of storm	24-36 hours	4	5.3	8.5	9	7.6
Residential sidewalks (low pedestrian volume)	>= 8cm	completed within 20 hours of end of storm	48-72 hours	12	7.3	17.5	12.5	12.4
Bus Stops (new in 2008)	>≕ 4 cm	?	24-36 hours	8	n/a	n/a	11.5	11.5
lcy Conditions								
High priority sidewalks (highest pedestrian volume)	icy / freezing rain	completed within 20 hours of end of storm	24 hours		8.3	11.5	13.3	11.0
Medium priority sidewalks	icy / freezing rain	completed within 20 hours of end of storm	24-36 hours		4	5.3	6	5.1
Residential sidewalks (low pedestrian volume)	icy / freezing rain	completed within 20 hours of end of storm	48-72 hours	24	12.8	18	20.5	17.1

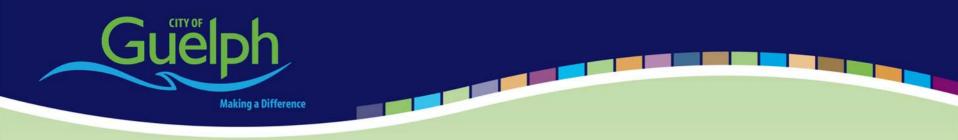
City of Guelph Sidewalk Winter Control - Mechanized Plowing & Sanding Performance

* Impact of layoff & reorg in 2006 = 60% increase

Average Route size = HP - 27.5km, MP - 12.5km, R - 42.5km

Sidewalk Winter Control - Municipal Comparator

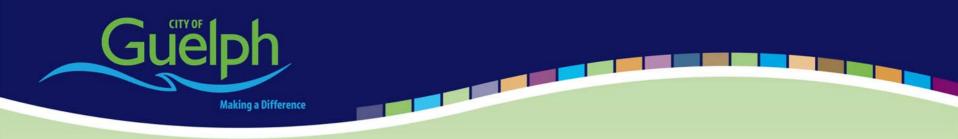
CITY	Guelph	Kingston	Barrie	Kitchener	Oakville	Cambridge	Hamitton	Newmarket	Mississauga	Brampton
population	114,943	117,207	128,430	175.623	165,613	120,371	316,190	55,079	529,160	260,498
# households	47,696	53,838	48,196	71,270	58,826	44,589	136,206	20,100	181,982	87,436
# km of sidewalks	679	430	371	800					2,250	
S per.km/sq ft/sq m	\$753.8									
		1								
Sidewalk Service - wh	no performs the servic									
Downtown / CBD	City	Property Owners / Occupants	Property Owners / Occupants	City & Property Owners	Town	Property Owners / Occupants	Property Owners / Occupants	Property Owners / Occupants	Property Owners / Occupants	Property Owners / Occupants
High Priority/Volume	City	City	City	City	Town	City clears city buildings & some sidewalks	City	Town - 180 km	City clears 55% of sidewalks	City owned sidewalk
Residential	City	City	Property Owners / Occupants	Property Owners / Occupants	Томп	Property Owners / Occupants	Property Owners / Occupants	Property Owners / Occupants	Property Оwлегs / Occupants	Property Owners / Occupants
Bus stops	City	?	City	City	Contractor	City		York Region	City	city
De-icing	City	City		City & provides free sand	Τονη	sand boxes for all to use			sanding < 8cm snow	city owned sidewalks
By-law exists?	110	yes	по	1987	ло	Dec.12/05	Oct. 13/03	1996	no	Nov. 22/76
How Enforced?				inspect, invoice		summons or invoice	\$2000 or clean up charge on tax bill			order to clear
Service Level					* only after roads are cleared 1st					
Downtown / CBD	1cm	2.4 cm	5cm		5cm*	5 cm		Scm	8cm	5cm
High Priority/Volume	4cm	2.5cm	5cm		5cm*	12 cm		5cm	8cm	5cm
Residential	8cm	5cm	8cm	8cm	5cm*			5cm	8cm	5cm
Response Standard		* typically after roads are cleared 1st			* only after roads are cleared 1st					
Downtown / CBD	by 9am	within 24 hours	9am M-F, noon S	with 24 hours		within 24 hours		24 hours		by 11am next day
High Priority/Volume	20 hours	within 24 hours	within 24 hours	with 24 hours	cleared 1st	within 24 hours		24 hours	36 hours	24-48 hours
Residential	20 haurs	within 48 hours	9am M-F, noon S	with 24 hours	cleared 2nd	within 24 hours		24 hours		
Bus stops	-20 hours	7	within 24 hours	within 2 days	within 48 hours	within 48 hours			36 hours	by 11am next day
Target Result										
Downtown / CBD	bare	essentially bare	snow packed	bare		cleared so that persons		kept clear		clear
High Priority/Volume	bare	essentially bare	snow packed	bare		using wheelchairs, scooters, walkers,		esssentially bare		essentially clear
Residential	snow packed	sate & passable	snow packed	bare		strollers, etc can use safely		kept clear		
Bus stops	bare	?	snow packed	bare		auciy				clear
				Volunteers & Agencies		Home Support, Meals on Wheels	Snow Angels (Volunteer Hamilton)	Referral to local services	Financial Assistance \$100	\$150 financial assistance > 65 yrs or disabled



Service Review



Nov. 18, 2008 Governance & Economic Development Committee



What is a Service Review?

• Provides Council and staff with the necessary information to understand a service, the full implications of changing, not changing or removing the service

• Determines the most appropriate way to provide the service, reduce costs, while improving or maintaining the service



Service Review – Phase One

Objectives

- Provide a full understanding of the service, its structure, costs, objectives, standards & outcomes
- Examine municipal practices
- Research alternative delivery model options
- Make an informed recommendation for either continuing to provide the service or not

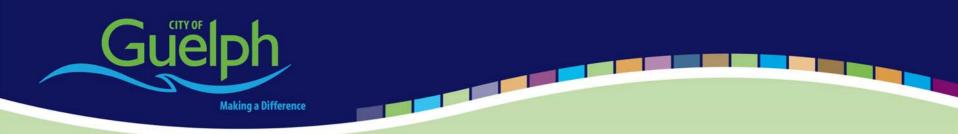


Current Service – How it's done

660 km sidewalks
11 km sidewalks downtown
180 crosswalks, crossings, steps, walkways
650 bus stops (new in '08)

Serviced in priority sequence:

- –Downtown (11 km)
- -High Pedestrian volume (219 km)
- -Medium pedestrian volume (100km)
- -Residential (340km)



Current Service – How it's done

8 snow plowing routes
6 sanding routes
2 downtown routes



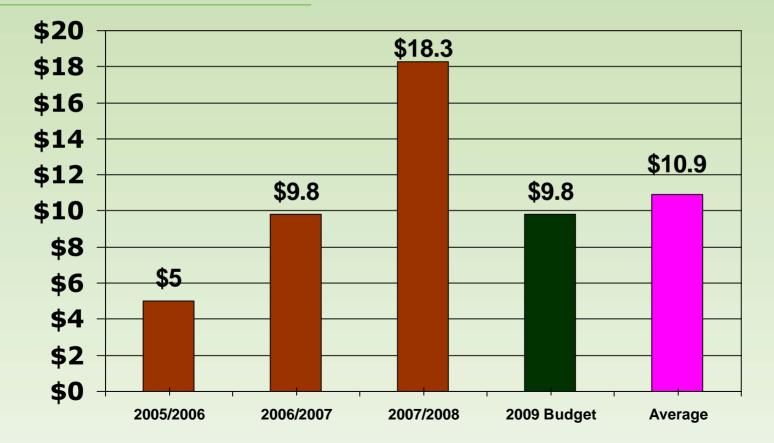
Service begins in priority sequence at:

Walkways, Steps, Crossings => 1 cm High Priority sidewalks => 4 cm Residential sidewalks => 8 cm

to be cleared within 20 hours as per 2005 City standards



Cost of Current Service – per Household



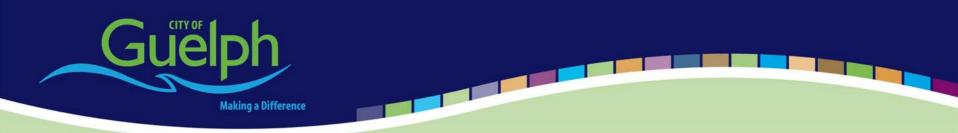
Budget = \$465,400 or 0.3% City's 2009 Operating Budget



How well are we doing?

	Standard Actual Response		Target to Complete Routes	Ave. to Complete Routes
High Priority Sidewalks		24	4	16.5
Med. Priority Sidewalks	All completed in 20	≤ 36	4	7.6
Bus Stops *	hours	≤ 36	8	11.5
Residential	al ≤ 72		12	12.4
	24 hour C	Clock Time	Workir	ng time

* Bus stops added in '08, on HP & MP routes, no additional staff or equipment



Bus Stop Clearing – New in '08

- ~ 650 bus stops
- \$30,000 operating budget increase
- Delay residential clearing by 1 day
- No increase in staff or equipment
- 11.5 hours to clear all stops
- \$85,000 actual cost
- Overtime increased to 40%

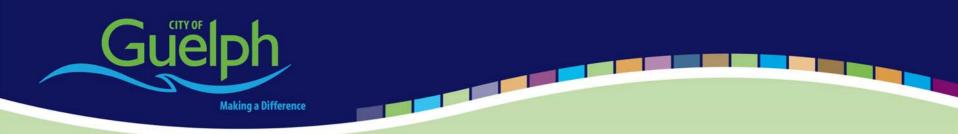


Why is it Taking so Long?

Non continuous service approach

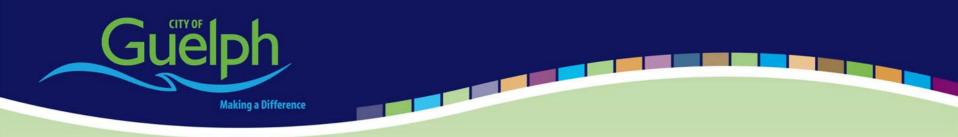
 single shift schedule

 Rely on volunteers to fill scheduling gaps
 Pedestrian traffic, obstructions
 Bus stops clearing
 Continuous precipitation
 Inefficient routes, repetitive travel
 Inventory increasing



Current Service - Advantages

- ✓ 2008 Survey 73% satisfied with service
- ✓ Unique service, consistent with City's Vision to "Make a Difference"
- ✓ Supports several strategic objectives
 - 1.4...Sustainable transportation approach...
 - 5.1 ... Highest municipal customer service satisfaction rating...
 - 1.2 ... Municipal sustainability practices that become the benchmark...
- ✓ Efficient staffing model
- ✓ Newer fleet of equipment
- ✓ Minimal effort by residents
- ✓ Guarantee of service
- ✓ Consistent quality



Current Service - Disadvantages

Some public discontent with quality of snow removal

- mechanical clearing inherently leaves windrows
- not possible to clear snow to bare concrete with mechanized equipment
- can creates mobility issues

Perceptions:

wasted travel, out on 'sunny day'



Alternative Service Model

 All residents clear own sidewalks as per a new by-law and standards (~ 500 km)

 City clears public sidewalks, bus stops, walkways, steps, public buildings, facilities & downtown (~ 150km)





Alternative Service Model

Advantages

Quality Increases

- sidewalk cleared to bare concrete
- improved timeliness immediately following snow
- increased pedestrian satisfaction
- increased mobility

Operational Improvement

- potentially improved service on public sidewalks:
 - more resources
 - more time available
 - completed faster



Alternative Service Model

Disadvantages

Quality Decreases

- assumes all residents fulfill responsibility
- no guarantee of service within desired timeframe
- inconsistency in method of clearing & end result
- anticipate pedestrian dissatisfaction with results
- expect increase complaints residual snow vs. not cleared

Operational Burden

- increased by-law enforcement
- sidewalk inspectors/inspection
- clearing non compliant properties
- community assistance program may be required
- education and communication strategy
- higher per km cost expect increase in 'non productive travel over sidewalks' for City operations



Alternative Service Model - SAVINGS

Potential Initial Savings - \$200,000

(500 km x \$400/km = \$200,000)

Less:

By law enforcement Inspection Assistance program Communication program

Net Savings Estimated < \$100,000 (\$2 per household)

*07/08 labour & equipment for residential routes



Two Options

Option #1 City Clears All Sidewalks

\$9.8* per household

* 2009 Budget

Option #2

Residents clear own sidewalks & City maintains 150km & Downtown

> \$7.8* per household

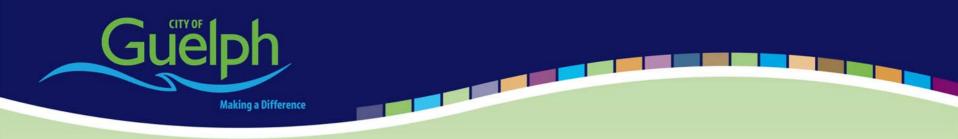
* Estimated '09



Recommendation

the City of Guelph continues to provide sidewalk winter control to its residents





Staff Recommendations

1. City of Guelph continues to provide sidewalk winter control to its residents

2. Commences with Phase 2 of Service Review

- Initiate public consultations
 - Identify desired levels of service
 - Identify desired end result of service
- Implement recommendations
- Monitor recommendations
- Evaluation service review process



`08/'09 Operational Improvements

- proceed with purchase of 1 plow
- create 1 additional route
- In optimize routes, reduce inefficient travel
- In enhanced use of snow blowing equipment



Questions?

Thank you for your attention



Sidewalk Winter Control - Municipal Comparator

CITY	Guelph	Kingston	Barrie	Kitchener	Oakville	Cambridge	Hamilton	Newmarket	Mississauga	Brampton
population	114,943	117,207	128,430	175,623	165,613	120,371	316,190	55,079	529,160	260,498
# households	47,696	53,838	48,196	71,270	58,828	44,589	136,206	20,100	181,982	87,436
# km of sidewalks	679	430	371	800					2,250	
\$ per km/sq ft/sq m	\$753.8									
Sidewalk Service - w	ho performs the servic	ce?								
Downtown / CBD	City	Property Owners / Occupants	Property Owners / Occupants	City & Property Owners	Town	Property Owners / Occupants	Property Owners / Occupants	Property Owners / Occupants	Property Owners / Occupants	Property Owners / Occupants
High Priority/Volume	City	City	City	City	Town	City clears city buildings & some sidewalks	City	Town - 180 km	City clears 55% of sidewalks	City owned sidewall
Residential	City	City	Property Owners / Occupants	Property Owners / Occupants	Town	Property Owners / Occupants	Property Owners / Occupants	Property Owners / Occupants	Property Owners / Occupants	Property Owners / Occupants
Bus stops	City	?	City	City	Contractor	City		York Region	City	city
De-icing	City	City		City & provides free sand	Town	sand boxes for all to use			sanding < 8cm snow	city owned sidewalks
By-law exists?	no	yes	no	1987	no	Dec.12/05	Oct. 13/03	1996	no	Nov. 22/76
How Enforced?				inspect, invoice		summons or invoice	\$2000 or clean up charge on tax bill			order to clear
Service Level					* only after roads are cleared 1st					
Downtown / CBD	1cm	2.4 cm	5cm		5cm*	5 cm		5cm	8cm	5cm
High Priority/Volume	4cm	2.5cm	5cm		5cm*	12 cm		5cm	8cm	5cm
Residential	8cm	5cm	8cm	8cm	5cm*			5cm	8cm	5cm
Response Standard		* typically after roads are cleared 1st			* only after roads are cleared 1st					
Downtown / CBD	by 9am	within 24 hours	9am M-F, noon S	with 24 hours		within 24 hours		24 hours		by 11am next day
High Priority/Volume	20 hours	within 24 hours	within 24 hours	with 24 hours	cleared 1st	within 24 hours		24 hours	36 hours	24-48 hours
Residential	20 hours	within 48 hours	9am M-F, noon S	with 24 hours	cleared 2nd	within 24 hours		24 hours		
Bus stops	~20 hours	?	within 24 hours	within 2 days	within 48 hours	within 48 hours			36 hours	by 11am next day
Target Result										
Downtown / CBD	bare	essentially bare	snow packed	bare		cleared so that persons		kept clear		clear
High Priority/Volume	bare	essentially bare	snow packed	bare		using wheelchairs, scooters, walkers,		esssentially bare		essentially clear
Residential	snow packed	safe & passable	snow packed	bare		strollers, etc can use		kept clear		
Bus stops	bare	?	snow packed	bare		safely				clear
				Volunteers & Agencies		Home Support, Meals on Wheels	Snow Angels (Volunteer Hamilton)	Referral to local services	Financial Assistance \$100	\$150 financial assistance > 65 yrs or disabled

Sidewalk Winter Maintenance Comparison September 2008

				1		r				
Municipality	Do they provide sidewalk winter control throughout entire city	Is there a By-Law requirering residents to clear their sidewalks of snow and ice? what are the penalties for violations?	When did the by-law come into effect?	Does the by-law require ice and snow to be removed from roofs overhanging sidewalks?	What are the service standards?	Do they provide sidewalk winter control in certain areas? If yes where?	, What equipment is used?	Are bus stops cleared? If yes, how often and with what equipment?	Do they have a volunteer group who will assist seniors and people who are unable to clear their sidewalk	Extra Information
Kitchener	No	Yes, Residents have 24 hours after a storm to clear sidewalks, an between storms sidewalks must remain clear of snow and ice. Ci staff will inspect propries on a complaint basis. If there is a violation they leave a note informing the resident that they have 2 hours to clear the snowlice. If the sidewalk namt been cleared aft 24 hours the City will clear the sidewalk namt voice the resident either \$300 or \$500 depending on lot size ⁽¹⁾	revised several 24 times, so there to are some other	Yes, within 24 hours. ⁽²³⁾	Sidewalks should be cleared down t bare pavement to their full width. ⁽¹⁾	Yes. Sidewalks around city buildings, crosswalks, bus stops. ²⁷ They also clear the sidewalks on King street and other downtow streets. ⁽²⁷⁾	City Provides free sand for residential use on icy walks n (Residents pick It up at a City facility) ⁽¹⁾	Yes. There are 1170 bus stops that are generally cleared within two days. ⁽¹⁾	Yes. There are several agencies that can assist people who are unable to clear their sidewalk. (See Contacts) Fees and Eligibility requirements may apply (1)	Con the "Frequenty asked questions" section on the Kitchener Winter control website, the City's response to the question of "Why doesn't the city plow my sidewalk? answer is "Budget constraints do not provide sufficient resources to allow for this service ⁶ In the "2008 City of Kitchener Consolidated Budget Information", the 2008 comprehensive fee review reports that the 2007 rates (per foot of sidewalk cleared of snow) on King Street, other downtown streets and crosswalks were \$4.43. \$1.47 and \$1.33 respective/R ^P . The 2008 proposed rates for clearing sidewalks on King Street, other
Cambridge	No	Yes. Sidewalk Snow Clearing By-law 273-05 requires property owners to clear all abutting sidewalks within 24 hours of a snow fa "Property owners who fall to comply with this requirement will either receive a summons or the City will clear the sidewalks and invoice the property owner for the service ⁴	al. Dec. 12, 2005	Yes, everyday before 9:00am. ⁽²⁴⁾	Sidewalks should be cleared so tha persons using wheelchairs, scooters, walkers, strollers, etc. can use the sidewalk safely ⁽²⁾	Yes. City Buildings, and certain sidewalks and walkways. Ther is a pdf map on the cambridge websitd ⁶⁹	Yellow sandboxes are placed at strategic locations throughout the City and Residents are encouraged to use the sand to di ice their sidewalks. ⁽⁶⁾	Most bus stops will be cleared of snow within 48 hours of a snowfall. ⁽²³⁾	Yes. Cambridge Home Support Meals on Wheels can assist thos who are unalbe to clear their sidewalk.	The following is from the City of Cambridge website, with regards to enforcement of the sidewalk snow clearance By-law: "For the 2005/2006 winter season, notices and be implemented ⁽¹⁾ Description of the Cambridge Times so that residents become more aware of the new regulations. For the 2006/2007 winter season, enforcement of the by-law will be implemented ⁽¹⁾ Description of the Cambridge Times and the Cambridge Times are so that residents become more aware of the new regulations. For the 2006/2007 winter season, enforcement of the by-law will be implemented ⁽¹⁾
Stratford	No	Yes. The City is authorized to remove snow, ice, or icicles at the expense of the owner or occupant, and to invoice the owner or occupant acordingly. In the case of non-payment of the invoice be the owner or occupant, such expenses may be added to the tax rn and recovered in the same manner and in the same priority as municipal taxes. ⁽⁷⁾) oli Dec. 12, 2005	Yes. (7)	Sidewalks must be cleared of all snow and ice by 10:00am on every day of the year except Holidays ⁽⁷⁾				Yes, Stratford Meals on Wheels & Neighbourly Services helps seniors and adults with disabilitie find snow removal services. ⁽²⁸⁾	
Barrie	No	No. Barrie's central business district is maintained by winter road crews at varying degrees. When snow banks exceed 45cm in heig they are removed, but property owners are in charge of clearing sidewalks adjacent to their property by 9am Monday through Saturday, and by 12pm on Sunday. ⁽⁸⁾	J NA	NA	Maintain Sidewalks in a snow packed condition. ⁽⁹⁾ All sidewalks are anticipated to be cleared at leas once within 24 hours. ⁽²⁷⁾	Yes, Downlownsidewalk intersections and 371km of sidewalk throughout the city Also, the City of Barrie maintains 22 parking lots and 49 crosswalks. ⁽²⁷⁾	Rotary Brooms, V-Blade Plows and Blowers. ⁽⁶⁾	Yes, 510 Bus stops and 64 bus shelters. ⁽²⁷⁾		•
Newmarket	No	Yes. Property owners remain responsible for removing snow fronting their property within 24 hours of the end of a snowfall in accordance with Town bylawi ⁹⁰ The maximum penalty on conviction under Bylaw number 1996-38 is \$245 ⁽³⁰⁾	March 18, 1996 (28)	No No	restorms are required to clear sidewalks entrely, to a width of 2.4m, or the actual constructed width, whichever is lesser. ²⁰¹ For Sidewalks mainted by oity, sidewalks mainted by oity, sidewalks mainted by oity, sidewalks are cleared when the maximum new fallen or wind blown snow accumulated on the sidewalk surface is 50 millimetres (2 inches) in any one area ⁽²⁰⁾	The Town ploughs only certain sidewalks, generally on arteria roads and minor collectors. For these sidewalks, residents are still requested to keep snow and lee deared between Town loughings. ⁽¹¹⁾ The Town clears some from paved and concrete walkways that go from one street to another or that go into part and facilities. Walkways are cleared of snow immediately upo satisfactory completion of sidewalks. ⁽¹⁰⁾	attachments, a method that takes	The Region of York provides transit and snow clearing service at bus stops. ⁽¹⁰⁾	If seniors or individuals with disabilities wish to pay for snow removal assistance, the Town of Newmarket can assist by providin telephone numbers for snow removal and referral services ¹⁶⁾	• - • - • - • - • - • - • -
Brampton	No.	Yes. Non City-cleared Sidewalks are the responsibility of the property owner. Property owners are responsible for clearing sno and ice from sidewalks in front of or beside their property by 11 a.t the day after the end of a snowfalt. ^[12]	W Nov. 22, 1976 (31)	Yes. ⁽³¹⁾	Citizens can expect to have all City cleared sidewalks plowed within 24 hours after there of a snowfall. A heavy or continuous snowfall may extend this period to 48 hours or more. ⁽²⁾	property). ⁽¹²⁾ Street-to-Park Walkways are plowed (min. 5 cm), salted or sanded once winter maintenance at the recreation failty, orking lots is complete. It is articipated that the walkwa	9	Brampton Transit Stops and Shelter Pads are cleaned and salted/sanded, usually in the evening, when traffic volumes are lower. Expect to have bus stops and shelter pads cleared of snow and icu by 11 a.m. the day after the end of a snowfall. ⁽²²⁾	There is a snow removal financia assistance program where residents who are physically disabled or over the age of 65 ca receive up to \$150. ⁽¹⁴⁾	
Caledon	Yes. They maintain approximately 100km of sidewalk. ⁽¹⁵⁾	No.	NA	NA		NA				•
Mississauga	No.	No. However, the City asks residents to help keep non-priority sidewalks in their neighbourhoods clear of ice and snow. ⁽⁶⁾	NA	NA	If snowfall is less than 8cm, priority sidewalks are sanded. If snowfall is greater than 8 cm, priority sidewalks are plowed."(or phroity sidewalks are normally cleared within 36 hours after a storm. ⁽¹⁶⁾	Yes. The City will clear snow on sidewalks that have been designated a "Priority Sidewalk". Priority sidewalks are located major cads, bus routes and strets that access bospitals, schools and nursing homes. ⁽¹⁶⁾ A map of priority sidewalks is available online ⁽¹⁷⁾ The City clears about 1,250 kilometers of priority sidewalks which represent 55% of the total length of sidewalks in the City (2,250km). ⁽¹⁶⁾	City Fleet: 21 sidewalk plows. Contracted Fleet: 13 sidewalk plows ⁽³⁸⁾ Note: See reference 38 for a listing of equipment used for all winter maintenance operations (roads and sidewalks)	Bus Stops and cross walks are to be cleared by the City within 36 hours after a storm ⁽³²⁾ 3,250 City bus stops are maintained by a total of 54 loaders. ⁽³³⁾	There is a financial assistance program available to low income seniors or low income disabled persons. Qualified applicants car received up to \$100. ⁽¹⁷⁾	The City of Mississauga website states, with regard to financial assistance for snow clearing, that the "snow clearing match program" is no longer available. The City of Mississauga website has a snow removal tips section that provides residents with safety tips and contacts/advice for hiring a snow removal contraction.
Hamilton	No.	Yes. The by-law requires that all residential and commercial property owner/occupants idear their public sidewalks within 24 hours of the end of a snowstorm. ⁽¹⁹⁾ Failure to comply may result a charge being laid against you under By-law No. 68-77, which provides a maximum penalty of \$2,000.00. If it becomes necessa for City crews to do the work, a substantial cost will be added to th property taxes.	n Oct. 13, 2003 ny ⁽³⁴⁾ he	Yes. (34)	Residents are asked to clear all snow and ice from sidewalks. ⁽²⁴⁾				Yes, Volunteer Hamilton has a "Snow Angel Volunteer Snow Removal Program".	The Snow Angel Program requires volunteers to be 14 years of age or older, go through a screening process and fill out a registration form online. The webiste adve the service as a great way for high school students to achieve some volunteer hours toward their 40-hour community involvement requirement. Seriors or persons with their 40-hour community involvement requirement. Seriors or persons with their 40-hour community involvement requirement. Seriors or persons with their 40-hour some a provide a project summary usa some into doubly is Nerve for solvewark withmare Control. The oniverging a non-inter ⁶⁰ There is a weokse map provides a project summary usa some into doubly is Nerve for solvewark withmare control. The oniverging a non-inter ⁶⁰ Heamilton hired Synetics to assist in the development of a Sidewalk Winter Snow Maintenance Policy by means of developing a questionnaire to be distributed to municipalities in Ontario (for the purposes of collecting best practice information on sidewalk winter snow maintenance), determine the extent, budget, and coverage of sidewalk winter snow maintenance in the former municipalities in the City of Hamilton, and Based on the information collected, develop a set of scenarios representing different lawale of anoiders relation to cidewark some classified. ⁽⁶⁾
Oakville	Yes. ⁽⁴⁰⁾	No.	NA	NĂ	Sidewalks are cleared only after snow accumulates in excess of five centimetres, and only after roads are cleared. Sidewalks located on primary and secondary roads with schools are plowed first, followed by residential sidewalks. Sidewalk	Yes, townwide winter sidewalk contol. ⁴⁶		Oakville Transit contracts the removal of snow from its stops and shelters. This agreement requires that all stops be cleared within 48 hours. ⁽³⁹⁾		In a 2004 citizen's survery, it was found that approximately 65% of citizens said the city should spend the same on winter sidewalk maintenance, and 35% said they should spend more. In the same survery, approximately 70% of residents were satisfied with winter sidewalk maintenance and 30% were dissatisfied.



COMMUNITY SERVICES DIVISION

Roads and Parks Maintenance Department

TO:	Chair and Members of the Community and Corporate Services Committee									
SUBJECT:	Residential Sidewalk Plowing Assessment									
Report Nun	uber: RPM 12/07	Report Date:	July 23, 2007							
Author(s):	Mark Covert	Date to Committee:	August 7, 2007							
Telephone:	905-333-6141 Ext. 6141	Date to Council:	August 13, 2007							
Ward(s) Aff	Fected: 1 2 3 4 5 6 <u>All</u>	File Number(s):	795-03							
APPROVAI	LS: Department Head To be completed by the	General Manager Clerks Department	City Manager							
Committee Disposition & Comments	01– Approved 02 – Not Approved 03 – As Amended ()4 – Referred 05 – Deferred 06 – I	Received & Filed 07 – Withdrawn							
Council Disposition & Comments	01– Approved 02 – Not Approved 03 – As Amended (04 – Referred 05 – Deferred 06 – I	Received & Filed 07 – Withdrawn							

1.0 RECOMMENDATION:

None. For information only.

2.0 PURPOSE:

The purpose of this report is to provide the Community & Corporate Services Committee with an assessment of the city's residential sidewalk plowing program, as requested by the Budget & Strategic Planning Committee on April 5, 2007. During that meeting, there was discussion about the effectiveness of the sidewalk plowing program, the number of complaints received, and the process that may be required to change service in this area.

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3.0 BACKGROUND AND RELATIONSHIP TO STRATEGIC PLAN:

Policy Background

Burlington, like other area municipalities, has been challenged with delivering the appropriate sidewalk snow clearing level of service for decades. In preparing this report, staff reviewed 9 reports written between 1982 and 1994.

In 1994, following rising concern over sidewalk snow clearing in the community, an ad hoc committee, the Sidewalk Snow Clearing Advisory Committee, was formed to examine the following sidewalk snow clearing options:

- 1. Maintain the city's then-current sidewalk snow clearing program (whereby the city cleared almost 50% of residential sidewalks near school zones, bus routes, curb-face sidewalks, etc.),
- 2. Introduce a sidewalk snow clearing by-law (with limited sidewalk clearing by the city and mandatory clearing by residents),
- 3. All sidewalks cleared by the city.

Ultimately, council approved the third option and the city began clearing all municipal sidewalks for the 1994/1995 winter season. The program has remained essentially unchanged since.

In April of 2006, a Winter Control Operational Review was completed by BMA Management Consultants (RPM 4/06, CC-67-06). Contained in the consultant's report were recommendations to continue providing snow-clearing services to all city-owned sidewalks and to in fact increase resources in this area by 50%. As a result, staff proposed a decision unit during 2007 budget deliberations to add 4 contracted sidewalk snow-clearing units. The decision unit was not supported.

The city's current sidewalk snow-clearing resources include 7 city-operated units and 6 contracted units. These units clear 730km of sidewalks in Burlington: 200km on arterial roads; 220km classified as secondaries; and the remaining 310 on residential or "local" roads. The city's current level of service for each of these sidewalk classifications can be found in APPENDIX A.

The sidewalk snow-clearing budget performance history is provided in the table below:

	ANNUAL PLAN	ACTUAL	VARIANCE
2002	221,247	206,060	15,187
2003	260,203	417,685	(157,482)
2004	264,661	387,498	(122,837)
2005	296,955	377,200	(80,245)
2006	331,594	198,307	133,287
2007 (YTD)	346,974	291,512	55,462

TABLE: Sidewalk Snow-Clearing Budget Performance History

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Relationship To Strategic Plan

The city's current strategic plan, Future Focus IV: Pillars For Success contains the following relevant strategies:

LONG-TERM GOAL STATEMENT — LEADING #1

Three-year Goal 1.4

Strategy b) Foster municipal "best practices" to facilitate continuous improvement in everything we do.

Strategy d) Improve services and service delivery across the entire corporation with the goal of achieving the desired Overall Satisfaction rating of 80% in the next Quality of Services survey.

LONG-TERM GOAL STATEMENT — VIBRANT #1:

Three-year Goal 1.2

Strategy a) Balance city services, programs and policies to meet the needs of a diverse community.

In the city's 2006 Quality of Services survey, 55% of respondents rated *Clearing snow from sidewalks* as "excellent" or "good" and 74% rated the importance of the service as either "extremely important" or "very important". In 2003, 49% of respondents rated the service as excellent or good and 72% of the respondents rated the importance of the service as either extremely important or very important.

4.0 **DISCUSSION:**

The Budget & Strategic Planning Committee's debate on April 5, 2007 resulted from a proposed negative budget decision unit to reduce the residential sidewalk snow clearing program. The estimated current budget savings proposed at that time were \$125,000. The discussion focused on the volume of complaints received on the program and the appropriate public consultation that may be required to reduce the program. Ultimately, the decision unit was not supported.

Complaints Received

During the 2006/2007 season, generally considered by staff to be an average winter control season, the Roads & Parks Maintenance Department logged 138 sidewalk clearing-related damage complaints. Of these, 109 were strictly sod damage, 16 involved damage to landscaping features or sprinkler system damage, and 29 included both issues. Staff also received about 20 calls citing performance issues such as missed sidewalks or dissatisfaction with the time of clearing. A review of the damage locations shows no obvious difference in the amount of damage caused by the city's contractor versus the city's own forces. The contractor is responsible for sod damage caused by his operators and the city for its own. The estimated cost for the repairs by the city averages approximately \$20,000.

Considerations

Several key factors in considering sidewalk snow clearing options are briefly discussed below. The 1994 Sidewalk Snow Clearing Advisory Committee reviewed most of these same points and some of its findings, as noted in report PW-153-94, are cited here.

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Operational Effectiveness & Cost

The effectiveness of sidewalk snow clearing is limited. From a timing perspective, sidewalk plowing must follow roadway plowing so that the sidewalk plows can clear roadway plow windrows at crosswalks and remove the windrow from curb-face sidewalks. This means that sidewalk plowing does not commence until the roadway plows have passed, establishing a lower limit on the completion time.

The total time to complete could be improved with more equipment, but of course with the cost of providing that extra equipment. Each contracted sidewalk plowing unit currently costs the city approximately \$45,000 per season. Committee may recall a decision unit proposed during 2007 budget deliberations to add 4 contracted sidewalk snow-clearing units which was not supported.

Another key performance issue is operator availability for sidewalk snow clearing operations. Currently, during weekends or prolonged snow-clearing activities following major events, sufficient staff may not be available to maintain operation of all of the city's sidewalk units. This is because these situations rely on overtime and/or call-in response, neither of which is currently mandatory for employees. Staff are currently investigating options to provide more consistent resources under all scenarios.

Property Damage

As discussed above, municipal sidewalk snow clearing generates a significant number of complaints, mostly relating to sod damage. This damage is the result of two main factors. Firstly, it is simply difficult to exactly trace, often at night, a sidewalk's route in snow swept conditions.

Secondly, the municipal tractors utilized by Burlington and many other municipalities, provide the features necessary for sidewalk snow clearing, but these same features make the equipment unforgiving to operators. In order to handle large and/or heavy snowfalls, these tractors must be of a size that borders on that which a residential sidewalk can accommodate, and to provide the required manoeuvrability, these tractors are articulated which inherently reduces steering response time. This issue is exacerbated by the fact that sidewalk widths vary throughout the city.

Furthermore, municipalities, including Burlington, select this equipment since they can be utilized throughout the year for other activities, such as turf mowing and ball diamond grooming.

The city has an annual program to repair sod damage. Claims regarding landscaping features are generally denied since they are typically inappropriately located on the city right of way. Occasionally, damage to private property is repaired at the contractor or city's expense.

Priority Areas

The city's obligation to clear sidewalks in priority residential areas, such as areas with significant pedestrian traffic, near public facilities, schools, bus routes, etc. has long been maintained. Adding to this the necessity for heavy machinery to clear curb-faced

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sidewalks, which get loaded with the roadway's snow and ice, and the city is somewhat committed to a significant portion of residential sidewalks.

Of the 730km of sidewalks in Burlington, the 200km on arterial roads are not in question here. The 220km secondaries would largely fall under the priority areas noted above. Of the remaining 310km of local sidewalks, staff estimate that about 10% would be extended the same priority status for similar reasons as above, and another 20% are curb face sidewalks. Realistically, another 10% of plowing would be performed in travelling from priority area to priority area. This would potentially leave a patchwork of 186km of local sidewalks un-serviced, or 25% of the city's total sidewalks.

By-law

The 1994 Sidewalk Snow Clearing Advisory Committee considered the pros and cons of a sidewalk snow clearing by-law and noted a number of concerns with the effectiveness and administration of such a by-law. As we know, that option was not pursued at that time.

An earlier staff report, PW-277-91, provided a detailed survey of sidewalk snow clearing by-laws in other local municipalities and concluded, "Staff's investigation has shown that the introduction of a snow clearing by-law brings its own particular set of problems. We are therefore recommending that a by-law not be introduced."

Liability

In March 2004, in response to questions then about the city's exposure to liability if Council were to eliminate or reduce residential sidewalk snow clearing, former City Solicitor Kelly Yerxa rendered an opinion. A copy of Ms. Yerxa's memo can be found in Appendix B (Confidential).

In their report, BMA was of the opinion that municipalities should provide snow-clearing services on all sidewalks as they are a publicly owned facility.

Elderly and Physically Challenged Residents

The accessibility and mobility of residents, notably the elderly and physically challenged, is a key factor in residential snow clearing and was a consideration in the 1994 Sidewalk Snow Clearing Advisory Committee's recommendation.

In addition to the mobility issue, physically challenged residents would be at a disadvantage if clearing of sidewalk adjacent to their properties were to be left to them. Some municipalities without complete sidewalk plowing do offer support and/or grant programs to assist these residents, some in conjunction with driveway windrow removal assistance programs.

Volunteer services have often been seen as a possible solution to assisting physically challenged residents to comply with any by-law, however, as the 1994 Sidewalk Snow Clearing Advisory Committee was advised at the time by Halton Helping Hands (now Links2Care), and staff's own understanding through recent dealings with Links2Care

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regarding the city's driveway windrow clearing pilot program, recruiting volunteers to provide snow clearing service is a difficult, if not an "impossible", task.

The current demographic trends and the city's commitment to accessibility lead more credence to this factor than ever.

Any initiative to reduce sidewalk snow-clearing services currently in place should include a detailed review of each of these factors. In reviewing these considerations, staff do not see a compelling reason to revisit the sidewalk snow-clearing program at this time.

2006 Winter Control Operational Review

The Winter Control Operational Review completed by BMA Management Consultants Inc. in April of 2006 included recommendations to increase the level of service in all pedestrian-related areas. The accompanying staff report, RPM-4/06, which was approved by Council, included plans to meet the BMA recommendation over time, including those related to pedestrian services.

5.0 FINANCIAL MATTERS:

Staff estimate that eliminating residential sidewalk plowing, except on the priority routes noted in this report, such as bus routes and near schools, would save the city approximately \$80,000 annually in the current budget. This amount is a reduction, due to further analysis, from the \$125,000 proposed in the negative decision unit considered during 2007 current budget deliberations.

6.0 ENVIRONMENTAL MATTERS:

A reduction in the level of service currently provided on residential sidewalks would result in a reduction of municipal equipment usage, and hence fuel. This would, however, be somewhat replaced by increased residential snow blower usage.

The city's level of service does not include salting of residential sidewalks (although sand or salt may be applied in extreme cases), so a reduction in sidewalk plowing service would not reduce salt usage by the city.

7.0 COMMUNICATION MATTERS:

Prior to the city's implementation of full residential sidewalk plowing in 1994, an ad hoc multistakeholder committee was formed which met on five occasions. Council ultimately supported the committee's recommendation. Staff are of the opinion that any endeavour to reduce the current level of service should receive similar treatment, including resident representatives.

Reductions to the sidewalk plowing level of service, and/or the introduction of a sidewalk snow clearing by-law, would require significant advertising and public consultation.

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8.0 CONCLUSION:

This report summarizes the progression of the city's current residential sidewalk plowing level of service, a summary of the significant factors involved in this service, and the process that should be followed if Council wished to pursue a reduction in this service in residential areas. Staff do not feel that any of the key considerations have changed such that this matter should be pursued at this time, but do believe that improvements can be made in the area of city equipment utilization.

Respectfully submitted,

Mark Covert Manager of Program Development, Budgets & Contracts

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Appendices:	APPENDIX A: Sidewalk Snow-Clearing Level of Service APPENDIX B: Legal Memo, March 26,2004 (CONFIDENTIAL)				
Staff / Others Consulted:	Name	Telephone			
	Pete Armstrong	X6170			
	John Duncan	X6151			
Notifications:	Name	Mailing or E-mail Address			
Special Instructions:					

APPENDIX A: Sidewalk Snow-Clearing Level of Service

Plowing:

- 1. Plowing shall commence when snowfall accumulation is 50mm.
- 2. For total snowfall accumulation less than 125mm (5"), plowing of all sidewalks shall be completed within 24 hours of snowfall ending.
- 3. For total snowfall accumulation between 125mm (5") and 300mm (12"), plowing of;
 - Primary (arterial) sidewalks shall be completed within 18 hours of snowfall ending,
 - Secondary (collector) sidewalks shall be completed within 36 hours of snowfall ending,
 - Local sidewalks shall be completed within 72 hours of snowfall ending.
- 4. For total snowfall accumulation greater than 300mm (12"), plowing of all sidewalks shall be completed as soon as possible.

Sanding/Salting

1. This work shall be performed on Primary and Secondary roads when necessary.

COUNCIL REPORT



ТО	Guelph	City Council

SERVICE AREAInformation ServicesDATENovember 18th, 2008

SUBJECTReview of Guelph City Council Governance FrameworkREPORT NUMBER

RECOMMENDATIONS:

Recommendation No. 1 – THAT staff be mandated through the Governance Committee to review and recommend improvements to the Governance Framework and associated elements during each term of Council.

Recommendation No. 2 – THAT the following structure for standing committees as outlined in this report, be adopted for the balance of the 2006-10 term of Council:

GOVERNANCE WORKING COMMITTEES	OPERATIONAL STANDING COMMITTEES
GOVERNANCE COMMITTEE (MAYOR + CHAIRS OF STANDING COMMITTEES)	Community Development & Environmental Services Committee (Mayor + 4 Councillors)
AUDIT COMMITTEE (4 COUNCILLORS + MAYOR)	Community services, Emergency Services & Operations Committee (Mayor + 4 Councillors)
Emergency Governance Committee	FINANCE, ADMINISTRATION & CORPORATE SERVICES COMMITTEE (MAYOR + 4 COUNCILLORS)
	LAND AMBULANCE COMMITTEE / JOINT SOCIAL SERVICES COMMITTEE (3 CITY ECO MEMBERS, 3 COUNTY COUNCILLORS MAYOR & WARDEN)

Recommendation No. 3 - THAT the roles of the Land Ambulance Committee and the Joint Social Services Committee as standing committees in Council's new governance structure be reviewed by the City and the County of Wellington.

Recommendation No. 4 – THAT the establishment of an appeals committee to be delegated the authority of Council with respect to the revoking, suspending or cancelling of a business licence be referred to the Finance, Administration & Corporate Services Committee.

Recommendation No. 5 – THAT a consistent template be established for developing terms of reference for Council-established Advisory Committees, and that the Terms of Reference be clearly defined and written in advance of any appointments to Committee, including affiliation with the appropriate standing committee.

Recommendation No. 6 – THAT the terms of appointments to Advisory Committees be concurrent with the term of Council, and reviewed prior to the conclusion of each Council term.

Recommendation No. 7 – THAT the mandates and terms of Advisory Committees be reviewed prior to the end of each term of Council.

Recommendation No. 8 – THAT commencing with the 2010-14 term of Council, members of Council no longer be appointed to advisory committees.

Recommendation No. 9 – THAT at the beginning of each Council term, significant time should be spent in clarifying the roles and relationships between Council, the CAO and Administration.

Recommendation No. 10 – THAT at the beginning of each Council term, significant time should be spent in reviewing the Council/staff protocol.

Recommendation No. 11 – THAT all new projects/ initiatives, or inquiries of significance where the effort required to respond will result in the need to reallocate one or more resources that are currently committed to either an operational function or a formally identified strategic priority, be formally acknowledged by Council and referred to the annual strategic priority planning sessions in early spring. Recommendation No. 12 – THAT the use of consent agendas be adopted for use by the Standing Committees.

Recommendation No. 13 – THAT staff presentations at regular Council meetings, be scheduled at the beginning of the agenda, and that staff presentations at planning and special meetings continue to be scheduled to suit the content of the agenda.

Recommendation No. 14 – THAT Council consider scheduling Mondays for all council and standing committee meetings.

Recommendation No. 15 – THAT the automatic 11:00 pm adjournment be permitted only once to no later than 11:59 pm.

BACKGROUND

The governance framework is the system for decision-making used by the City for directing and managing this organization and for making the decision-makers accountable. In order to ensure that continuous improvements are made to the governance structure, and that the evaluation of the proposed changes are reviewed to determine effectiveness, efficiency, accountability and opportunity for public input, the governance framework should be reviewed by Council at least once each term. This report is prepared to assist Council in reviewing its governance framework. Included in the report are recommendations with respect to governance matters, as well as procedural recommendations from staff.

REPORT

Part "A" – Guelph City Council

I. Composition

Guelph is governed by a Mayor and 12 Councillors. The Mayor and Councillors are elected for a four-year term. Other than the school boards, which are independent of Council, there are no other elected boards or commissions in the City.

II. Ward System

From 1929 until 1988, voters in Guelph elected the Mayor and Councillors under an at large system. The "at large system" meant that all voters were able to vote for every candidate running for a seat as a Councillor.

In early 1988, a group of residents urged the City to change from the current at large system to a ward system for electing councillors. City Council felt it was important to obtain the opinion of the general public, and in November 1988, placed a question on the ballot in the municipal election. 55.43% of the vote returned favoured a change to a ward system. As a result, City Council agreed to implement a ward system of 6 wards with 2 Councillors elected per ward.

In 2006, a question on the ballot in the municipal election, asked voters if they were in favour of retaining the current ward system as the method of electing City councillors. Over 80% of ballots were cast in support of retaining the current system.

III. Full Time vs. Part Time

The Governance & Economic Development Committee will be considering a staff report on a process for reviewing full time/ part time councillors, including but not limited to:

- Establishment and role of a citizen review committee;
- Measures to quantify time Councillors spent on City business; and
- Compensation.

This process is tentatively planned to take place prior to the end of 2008.

Part "B" – Governance Framework

I. Standing Committees

Definition – Committees comprised of the Mayor and Councillors to review, report and make recommendations to Guelph City Council on matters within their functional areas of responsibility, which provide a structured but less formal environment than a Council meeting, for the development of recommendations relating to policy, legislation and service delivery, including interaction with the public and other key stakeholders. Guelph City Council uses standing committees as part of the local decision-making process. They expedite the work of council, since the committees deal with the detailed work of an issue, and present final recommendations for the consideration of council. The meetings of standing committees are much less formal than Council meetings, and this informal atmosphere allows for greater interaction between councillors and staff, as well as the public.

Each Committee appoints a Chair, whose responsibility it is to report on the work of the committee at the Council level. In doing so, the chair will consult with the Mayor, CAO and other staff in the development of agendas. It is the role of the 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 mandate;
- To ensure that 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.

It is the role of the individual 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;
- To represent and advocate on behalf of constituents, keeping in mind the entire municipality when considering and addressing issues.

The current standing committee structure of Council includes the following:

In addition to this structure, Council has also appointed a CAO Performance Appraisal Committee, which is made up of the Mayor and Chairs of the Standing Committees.

In general, the standing committee structure is working, but could be improved by separating Council's governance role from its approval role, with greater emphasis being placed by Council at the strategic governance level. With this separation of roles, operational matters would continue to flow through standing committees, with the agenda being largely staff driven. Matters relating to governance, strategic planning and the role of Council, would be more politically driven.

Recommendation No. 1 – THAT staff be mandated through the Governance Committee to review and recommend improvements to the Governance Framework and associated elements during each term of Council.

Recommendation No. 2 – THAT the following structure for standing committees as outlined in this report, be adopted for the balance of the 2006-10 term of Council:

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GOVERNANCE COMMITTEES	OPERATIONAL COMMITTEES
GOVERNANCE COMMITTEE (MAYOR + CHAIRS OF STANDING COMMITTEES)	Community Development & Environmental Services Committee (Mayor + 4 Councillors)
AUDIT COMMITTEE (MAYOR + 4 COUNCILLORS)	Community services, Emergency Services & Operations Committee (Mayor + 4 Councillors)
Emergency Governance Committee	FINANCE, ADMINISTRATION & CORPORATE SERVICES COMMITTEE (MAYOR + 4 COUNCILLORS)
	LAND AMBULANCE COMMITTEE / JOINT SOCIAL SERVICES COMMITTEE (3 CITY ECO MEMBERS, 3 COUNTY COUNCILLORS MAYOR & WARDEN)

GOVERNANCE COMMITTEES

1. Governance Committee

The Governance Committee will be composed of Mayor and Chairs of the Finance, Administration and Corporate Services Committee, the Emergency Services, Community Services, and Operations Committee, and the Community Design and Environmental Services Committee. The Committee is generally responsible for:

- Oversight of Governance Policies (e.g. Code of Conduct)
- Strategic Planning Processes
- Council Performance Evaluation & Professional Development
- Oversight of CAO and Senior Management Team
- Succession Planning

2. Audit Committee

The Audit Committee will be composed of four councillors and the Mayor. The Committee is generally responsible to oversee and advise Council on matters of financial accountability and internal control, including:

- Ensuring the annual audit is conducted in an efficient, costeffective and objective manner;
- Overseeing the City's financial systems and control systems;
- Recommending to Council approval of the annual financial statements, including selection of appropriate accounting policies and practices;
- Recommending the appointment of the external auditor, and the appropriate fee;
- Monitoring of audit results and follow-up activities;
- Risk Assessment;
- External and internal audit.

3. Emergency Governance Committee

The Emergency Governance Committee will be comprised of a minimum of four and a maximum of six members of Council and is delegated authority by Council to exercise its normal legislative, quasijudicial and administrative powers, subject to the limitations in the Municipal Act, with such delegated authority to only be exercised:

- 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; and
- at such times 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.
- for Council's normal decision making processes, and not for the management or co-ordination of emergency response activities.

OPERATIONAL COMMITTEES

I. Emergency Services, Community Services & Operations Committee

The Emergency Services, Community Services & Operations Committee will be composed of four councillors and the Mayor. The following functional areas will report through this committee:

- Emergency Services
- Community Services
- Operations

2. Community Development and Environmental Services Committee

The Community Development and Environmental Services Committee will be composed of four councillors and the Mayor. The following functional areas will report through this committee:

- Community Design & Development Services
- Environmental Services
- Economic Development

3. Finance, Administration & Corporate Services Committee

The Finance, Administration & Corporate Services Committee will be composed of four councillors and the Mayor. The following functional areas will report through this committee:

- Corporate Services
- Finance
- Human Resources
- Information Services

4. Land Ambulance Committee / Joint Social Services Committee

The Land Ambulance Committee is a standing committee of City Council with representation from both the City of Guelph and the County of Wellington. The City is the designated service provider for land ambulance service in both Guelph and Wellington County. The Committee is composed of three City councillors, the Mayor, three County councillors and the Warden. Joint Social Services Committee is a standing committee of County Council having the same representation as the Land Ambulance Committee.

Recommendation No. 3 - THAT the roles of the Land Ambulance Committee and the Joint Social Services Committee as standing committees in Council's new governance structure be reviewed by the City and the County of Wellington.

Currently, the City's Licensing By-law delegates to the Finance, Administration and Corporate Services Committee, authority to act as an Appeals Committee for the purpose of hearing appeals with respect to the revoking, suspending or cancelling of a business licence. A number of municipalities have delegated this role to a non-standing committee. In light of the workload of the standing committees, consideration should be given to the establishment of a separate appeals committee.

Recommendation No. 4 – THAT the Finance, Administration & Corporate Services Committee explore the feasibility of establishing an appeals committee to be delegated the authority of Council with respect to the revoking, suspending or cancelling of a business licence.

II. Advisory Committees

Definition - established at Council's discretion and provide a means of regular, on-going community input with respect to particular issues and policies. Advisory committees report to a specific Standing Committee and have a relationship with a specific City Department. Advisory Committees enlist persons with special knowledge or interest in a particular topic to give representation to such interests. They report on a regular basis to the Standing Committee. Some advisory committees have an on-going function, while others are created to deal with a specific issue and are established for a limited period of time.

Historically, these advisory committees have been composed of both members of the council and representatives of the community and special interest groups. These committees can be responsible for making recommendations to Council on matters relating to specific subject areas, while in other cases, the committees are aligned with a corporate service area.

The advantages of advisory committees are numerous, and can be briefly summarized as follows:

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

While it has been past practice for members of Guelph City Council to be appointed to some advisory committees, there has recently been discussion over the concern that this places a councillor in the position of being not only the giver and the recipient of advice, but the decision maker as well. In addition, due to the number of advisory committees that exist, this creates a very heavy workload for councillors when combined with the growing number of meetings, and draws Council's time away from its important governance role. As well, some advisory committees exist with potentially overlapping mandates, which can result in conflicting advice or positions taken by the respective committees. As part of this governance review, it should be determined whether members of Council should continue to sit on advisory committees. The function of all advisory committees should also be reviewed to ensure that no overlap or duplication of function exists.

A second concern that has been raised is that the sheer volume of advisory committees has significantly increased the meeting workload for staff and Council, which directly impacts the capacity of the governance system overall. In other words, the number of meetings currently being held restricts our capacity to deal with new and emerging issues. Before creating new advisory committees, serious consideration should be given to availability of resources and time in Council's legislative calendar. When it is appropriate to establish an advisory committee, it should have established terms of reference which outline the composition, duration and reporting mechanism to the appropriate standing committee. These terms should clearly indicate that the committee is to be an advisory body only. The committee's relationship to staff is to be clear, wherein the committee has no authority to direct staff. Senior management are to be provided an opportunity to include committees comments to standing on advisorv committee recommendations. The meetings of advisory committees are to be open to the public in accordance with the provisions of the Municipal Act.

Name of Committee	Mandatory/ Discretionary	Reporting Relationship	Departmental Affiliation	Duration
Accessibility Advisory Committee	Mandatory	FACS	Corporate Svcs.	On-Going
Accountability & Transparency Committee	Discretionary	GED	Information Svcs.	Limited & Task Specific
Development Charge Advisory Committee	Discretionary	FACS	Finance	Limited & Task Specific
Downtown Coordinating Committee	Discretionary	CDES	Economic Dev't.	On-Going
Environmental Advisory Committee	Discretionary	CDES	CDDS	On-Going
Economic Development Advisory Committee	Discretionary	CDES	Economic Dev't.	On-Going
Green Plan Steering Committee	Discretionary	CDES	Environmental Svcs.	On-Going
Guelph Sports Hall of Fame Board of Directors	Discretionary	ECO	Community Svcs.	On-Going
Guelph Twinning Committee	Discretionary	CDES	Economic Dev't.	On-Going

The current advisory committees are:

Heritage Guelph	Discretionary	CDES	CDDS	On-Going
Local Growth	Discretionary	CDES	CDDS	Limited &
Management	•			Task
Strategy				Specific
Locomotive	Discretionary	ECO	Operations	On-Going
6167	,		- 1	
Community				1
Advisory				
Committee				
Organic	Discretionary	CDES	Environmental	Limited &
Processing	· · · · · · · · · · · · · · · · · · ·		Svcs,	Task
Technology				Specific
Advisory				opeand
Committee				
Physician	Discretionary	CDES	Economic	Limited &
Recruitment	· · · · · · · · · · · · · · · · · · ·		Dev't.	Task
and Retention				Specific
Committee				opeeine
Recreation &	Discretionary	ECO	Community	Limited &
Parks Master	,		Svcs.	Task
Plan/South End				Specific
Community				
Centre Advisory				
Committee				
River Systems	Discretionary	CDES	CDDS	Limited &
Advisory	,			Task
Committee				Specific
Transit Ad-Hoc	Discretionary	ECO	Community	On-Going
Committee			Svcs.	
Wastewater	Discretionary	CDES	Enviornmental	Limited &
Treatment Plant			Svcs.	Task
Master Plan				Specific
Public Steering				
Committee				
Water	Discretionary	CDES	Enviornmental	Limited &
Conservation &			Svcs.	Task
Efficiency				Specific
Strategy				
Update Public				
Advisory		1		
Committee				
Well	Discretionary	CDES	Environmental	Limited &
Interference			Svcs.	Task
Committee				Specific

Recommendation No. 5 – THAT a consistent template be established for developing terms of reference for Councilestablished Advisory Committees, and that the Terms of Reference be clearly defined and written in advance of any appointments to Committee, including affiliation with the appropriate standing committee.

Recommendation No. 6 – THAT the terms of appointments to Advisory Committees be concurrent with the term of Council, and reviewed prior to the conclusion of each Council term.

Recommendation No. 7 – THAT the mandates and terms of Advisory Committees be reviewed prior to the end of each term of Council.

Recommendation No. 8 – THAT commencing with the 2010-14 term of Council, members of Council no longer be appointed to advisory committees.

III. AGENCIES, BOARDS, COMMISSIONS/COMMITTEES (ABC's)

Definition - are usually established through legislation that mandates the composition whether it is elected members or citizen members or both, have responsibility for the management and administration of certain public services, are appointed in whole or in part by Council and have such authority as is delegated to them by the relevant by-laws of Council or by an Act of the provincial or federal government.

Board or Committee Name	Statutory authority	Council Appointees	Citizen Appointees
Board of Commissioners of	Specific	1	6 by City
Guelph General Hospital	Legislation		2 by Wellington
			Cty.
			6 by GGH
Board of Directors of Family	Child & Family	1	n/a
and Children's Services	Services Act		
Board of Trustees of The	Specific	1	9
Elliott Community	Legislation		
Committee of Adjustment	Planning Act	n/a	7
Downtown Board of	Municipal Act	2	12
Management			
Eastview Public Liaison	Environmental	2	3 by City
Committee	Protection Act		3 by Guelph-Eramosa
·			2 by Developers

Crand Diver Concernation	Constitution		
Grand River Conservation	Conservation	2	0
Authority	Authorities Act		
Guelph Cemetery	Specific	0	2 by City
Commission	Legislation		2 by Guelph-
			Eramosa
			2 by Church of
			England
Board of Directors of	Ontario Energy	1	8
Guelph Hydro	Board Act		
Guelph Junction Railway	Specific	3	4
Company Directors	Legislation	Councillors	
		+ Mayor	
Guelph Museums Board of	Municipal By-	1	9
Management	law		-
Guelph Non-Profit Housing	Social Housing	1	6
Corporation Board of	Reform Act		
Directors			
Guelph Police Services	Police Services	2	1
Board	Act	_	-
Guelph Public Library Board	Public Libraries	1	5 by City
	Act		2 by UGDSB
			1 by WDCSB
MacDonald Stewart Art	Specific	1	2
Centre Board of Trustees	Legislation	~	
Property Standards/Fence	Planning Act/Line	0	5
Viewers Committee	Fences Act	0	-
River Run Centre Board of	Municipal By-law	1	14
Directors		_ _	**
Board of Trustees of St.	Public Hospitals	1	0
Joseph's Health Care Centre	Act		
Wellington Dufferin Guelph	Health Protection	1 Councillor	1 by City
Health Unit	& Promotion Act	+ Mayor	4 by Province
			3 by Wellington
		1	County
			2 by Dufferin
			County
	I		

IV. DELEGATION OF AUTHORITY

Guelph City Council, as a duly elected municipal government is directly accountable to its constituents for its legislative decision making, policies, and administrative functions. Council's decisions are generally expressed by by-law or resolution of Council carried by a majority vote. The efficient management of the municipal corporation and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to committees and staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative functions. Council authority will be delegated within the context set out in the Act and will respect the applicable restrictions outlined in the Act.

The *Municipal Act, 2001* (the Act) requires that all municipalities adopt and maintain a policy with respect to the delegation of Council's legislative and administrative authority. The purpose of this policy is to set out the scope of the powers and duties by which Council may delegate its legislative and administrative authority and to establish principles governing such delegation. This policy has been developed in accordance with the Act in order to comply with its other applicable sections, including section 270. This policy applies to all committees of Council, departments and staff. *(See Appendix 5)*

PART "C" – GOVERNANCE RESPONSIBILITIES

I. ROLE OF CITY COUNCIL

The Municipal Act provides that it is the role of the Mayor -

- to act as chief executive officer of the municipality;
- to preside over council meetings so that its business can be carried out efficiently and effectively;
- to provide leadership to the council;
- to provide information and recommendations to the council with respect to the role of council in ensuring that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council and in ensuring the accountability and transparency of the operations of the municipality, including the activities of the senior management;
- to represent the municipality at official functions; and
- to carry out the duties of the head of council under this or any other Act.

The Municipal Act provides that it is the role of Council -

 to represent the public and to consider the well-being and interests of the municipality;

- to develop and evaluate the policies and programs of the municipality;
- to determine which services the municipality provides;
- to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- to maintain the financial integrity of the municipality; and
- to carry out the duties of council under this or any other Act.

An effective relationship between the mayor and the councillors will help to promote the successful delivery of council's strategic priorities in an atmosphere of accountability and transparency. The relationship needs to be based on mutual respect and understanding of the different roles. Some important aspects of the relationship are:

- The mayor is the leader of the council and this role should be respected by all councillors.
- The mayor acts as chief spokesperson for major initiatives involving the City.
- The mayor should facilitate an inclusive approach to decisionmaking and involvement in council activities in general.
- The mayor can assist councillors to get their issues considered by the council.
- The mayor should take some responsibility for councillors' training and development and should work with the CAO to ensure that Councillors receive necessary training opportunities.
- The mayor is able to help councillors and should assist in facilitating the resolution of any disputes between councillors.

II. CAO/SENIOR MANAGEMENT TEAM

A fundamental role of Council is to ensure the effective management of the affairs of the Corporation of the City of Guelph for the purpose of ensuring the efficient and effective operation of the municipality. Guelph's model of administration follows the Municipal Act in the establishment of a Chief Administrative Officer (CAO) position as the head of the administrative arm of city government. The CAO is responsible to Council to administer the business affairs of the City in accordance with the policies and plans established and approved by Council. The Senior Management Team (SMT) is accountable to the CAO for the effective operation of their departments and related service areas.

The hiring of the CAO is one of the key responsibilities of Council. The CAO is the only position that Council is directly responsible for hiring. Hiring of the statutory positions of City Clerk and City Treasurer has been delegated to the CAO. A number of policies and by-laws govern the Council's role with respect to the CAO, including recruitment, terms of employment, tenure, compensation, performance appraisal, etc. (See Appendix 1)

While Councils are responsible for strategy, policy and governance, the Senior Management Team is responsible for advice, implementation and operations. To govern effectively, this role differential must exist and be well understood by both groups. There should however, be a sophisticated approach to how this differential works. While both Council and the Senior Management Team have their own roles, each will also have a legitimate interest in the roles of the other. For example, the CAO is responsible for the establishment of management structures, but Council will have an interest in the management structure and whether the structure is achieving the council's goals. Therefore it is imperative that the CAO will always consult with Council before making significant changes to the management structure. Similarly, while policy and strategy are elected representative roles, the Senior Management Team should be consulted and offer advice when policy or strategy is being contemplated by Council.

This relationship requires an understanding that the administration is working with and for an elected council in a political environment and one of its key functions is to assist the elected council to meet its accountability requirements to its constituency and in accordance with legislative requirements. There will be a need for administration to acknowledge that political and community pressures are part of the local government environment and are legitimate factors that need to be taken into account when considering the development of advice to Council on matters of policy and service delivery.

In 2000, City Council formally adopted a document entitled "Expectations of Working Together". This document recognizes the benefits of Council and the Senior Management Team working together, and speaks to the values that are to be reflected in the work of Council and staff. (See Appendix 2)

At the beginning of each Council term, significant time should be spent in clarifying these roles, and acknowledging the legitimate interest each entity has in the other. This can also be achieved through appropriate training programs that will assist each party in fulfilling their roles effectively.

III. COUNCIL/STAFF PROTOCOL

In order to support a highly effective working relationship between staff and City Council, a protocol that sets out the working ground rules is essential for all. This Council/staff protocol augments other formal governance policies and procedures, such as the code of conduct, delegation of authority, accountability and transparency, etc, as well as other corporate policies and procedures including health and safety. (See Appendix 3)

Given that staff and the elected representatives are all individuals with different personalities and styles, there must be some flexibility within the guidelines for working relationships. In all cases, we commit to the following requirements of a highly effective working relationship together:

Contact- A formal relationship exists between City staff and members of Council. This will ensure that all members of staff and Council are treated equitably without favouritism. A chain of command exists to deal with issues of significance. Council members are encouraged to discuss clarification of reports and related information directly with the Director and/or author of the report. Issues, additions, changes and/or challenges to the content of any report are to be addressed through senior staff at the Director level in order to ensure an appropriate departmental response. Senior staff may suggest direct consultation with other staff members and/or continue open communication through the senior staff channel. All staff should feel comfortable responding appropriately to straightforward Council requests, advising their supervisors of the inquiry. Any staff response to a request for information from a member of Council between Committee deliberations and the Council meeting at which a decision is to be made on a specific issue, should be answered in writing and circulated to all Council members.

Expectations – Open lines of communication are essential. It is expected that Council members will:

- Request staff input prior to making important policy decisions and convey feedback to staff;
- Discuss issues with staff and advise staff of questions prior to committee and Council meetings, whenever possible;

- Request advice from the City Clerk about the appropriate wording of motions, amendments, and formal directions to staff in accordance with the procedural by-law; and
- Consult with staff prior to making commitments to constituents.

It is expected that staff will:

- Ensure that Council is apprised of any issues that may impact upon their decision making process;
- Present a departmental or corporate perspective, in writing, at Council or in person at committee;
- In answer to questions, where a departmental position may not be available, staff may clarify that their comments reflect their professional opinion, and are not necessarily representative of a departmental or corporate position;
- Notify Council in a timely fashion of changes to legislation and any unintended or unexpected impacts of policy decisions through written reports or presentations;
- Through senior staff at the manager, director or CAO level, convey feedback to Council members who may not be aware of existing policy or other workload demands and related issues.

Time is valuable. Priorities and timelines should be respected, and changes to anticipated timelines should be well communicated. When staff are asked to complete a task, the timeline should always be clarified. Recognizing that priorities may need to shift at the Council level, discussion should take place if re-prioritization is necessary in order to accommodate a new project or initiative that is not identified in Council's priorities.

The City's annual planning cycle includes the following components:

- Departmental Workplan Preparation January/February
- Strategic Priorities- April/May
- Budget Planning July/August/September
- Budget Deliberations and Approval October/ November/December

These steps are balanced throughout the year to allow for a natural progression that ensures that established priorities are re-assessed in light of any new and emerging issues. Once a budget is approved, City departments will then proceed to develop workplans to accomplish the currently identified priorities. In the spring, Council will review identified priorities for the upcoming year, and determine if any adjustments to priorities are necessary to

accommodate a new project or initiative. Staff will then proceed to prepare budgets for the coming year based on Council's established priorities. Through the budget approval process, Council will align appropriate resources and funding to the priority projects and initiatives. These budget decisions then form the basis of the ongoing cycle for the upcoming year.

In recognition of the limitations placed on City resources (budget, time, identified priorities, day to day operational requirements, etc.), it is imperative that requests requiring a detailed inquiry into potential new projects or initiatives are directed to the appropriate step in the City's planning cycle. A new project or initiative would be defined as a request where the effort required to respond will result in the need to reallocate one or more resources that are currently committed to either an operational function or a formally identified strategic priority. By referring new projects and initiatives to the strategic planning process, Council can deliberate them, and balance their importance against established priorities and the availability of resources to achieve the desired outcomes.

While individual members of council will have their own personal views on what constitutes a priority project for the City, it is the formally adopted Council priorities that will determine how resources are to be aligned. Once Council's priorities are formally established during the annual planning cycle, new requests would be identified and brought forward to the whole of Council for formal consideration and direction. The ideal timing for this to occur is the strategic priority process. In this way, the whole of Council determines whether a previously unidentified project or initiative will take precedence over and use resources committed to an established priority project. Strategic priority deliberations are open to the public, and having new projects or initiatives introduced at this time, supports the concepts of accountability and transparency.

Social Events – Various City-sponsored social events take place which both City staff and members of Council attend, such as recognition events and barbeques. Informal social events are also held to celebrate life events such as marriages or the birth of a child. Staff are to ensure that where a Council presence is required, all members of Council receive an invitation. For social events that include the general public, Council members and City staff should recognize that they are representatives of the City and are encouraged to enjoy themselves appropriately. These City sponsored events are considered to be a workplace, and all corporate policies will apply to City staff and members of Council who attend.

Recommendation No. 9 – THAT at the beginning of each Council term, significant time should be spent in clarifying the roles, relationships between Council, the CAO and Administration.

Recommendation No. 10 – THAT at the beginning of each Council term, significant time should be spent in reviewing the Council/staff protocol.

Recommendation No. 11 - THAT all new projects/ initiatives, or inquiries of significance where the effort required to respond will result in the need to reallocate one or more resources that are currently committed to either an operational function or a formally identified strategic priority, be formally acknowledged by Council and referred to the annual strategic priority planning sessions in early spring.

IV. STRATEGIC DIRECTION

To be developed separately.

V. OVERSIGHT AND MONITORING

To be developed separately.

VI. ACCOUNTABILITY AND TRANSPARENCY

Accountability, transparency and openness are standards of good government that enhance public trust. They are achieved through the City adopting measures ensuring, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to its community stakeholders. The Province of Ontario made changes to the Municipal Act in 2007 to ensure that local councils are accountable to the public and that the processes for making decisions are transparent. These provisions included:

- Integrity provisions which speak to the ability of council to appoint certain integrity officers and to create a council code of conduct;
- Transparency of government provisions which deal with the requirements for open meetings; and

• Policy development provisions which detail the obligations of the municipality to develop policies in certain areas.

In responding to this legislation, Guelph City Council has implemented the following measures:

- Adoption of a Code of Conduct for members of Council and local boards. The code is designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. (See Appendix 4)
- Adoption of new policies -
 - Notice To The Public (See Appendix 5)
 - Accountability And Transparency (See Appendix 6)
 - o Delegation Of Authority (See Appendix 7)
- Appointment of the Association of Municipalities of Ontario Local Authority Services Ltd. (LAS) as the City's Investigator pursuant to S. 239 of the Municipal Act with respect to closed meetings. (See Appendix 8)
- Guiding Principles for Public Involvement. (See Appendix 9). These principles ensure that participation will be:
 - Inclusive not Exclusive
 - Voluntary
 - Purpose Driven
 - Respectful of Diverse Interests
 - Adaptable as Required

PART "D" – PROCEDURAL IMPROVEMENTS (See Appendix 10)

I. **Consent Agendas For Standing Committees**. The advantage of using a consent agenda at standing committee meetings, would be that public attendees and staff would not have to sit through a full meeting if their item of interest was adopted by consent and without discussion at the beginning of the meeting. In addition, the reports of standing committees to Council would be presented in a consent agenda format. This eliminates the need for standing committee chairs to read lengthy recommendations. For the benefit of attendees and viewers, items on the consent agendas could be identified by general topic.

- II. Staff Presentations As a general rule, staff presentations should be made at standing committee meetings and not at the regular Council business meetings. Where it is determined that a staff presentation is required at a regular Council meeting, such presentation will be listed at the beginning of the agenda. Staff presentations at planning and special meetings will be scheduled to suit the content of the agenda.
- III. Monday Meetings Council may wish to give consideration to using Mondays for all council and standing committee meetings, so that all reports would go to the 4th Monday regular business meeting.
- IV. Extending 11 p.m. Adjournment Staff are recommending only one extension of the automatic 11 p.m. adjournment to no later than 11:59 p.m. Where it is clear that additional time is required, Council will set a date and time for the continuance of the meeting.

Recommendation No. 12 – THAT the use of consent agendas be adopted for use by the Standing Committees.

Recommendation No. 13 – THAT staff presentations at regular Council meetings, be scheduled at the beginning of the agenda, and that staff presentations at planning and special meetings continue to be scheduled to suit the content of the agenda.

Recommendation No. 14 – THAT Council consider scheduling Mondays for all council and standing committee meetings.

Recommendation No. 15 – THAT the automatic 11:00 pm adjournment be permitted only once to no later than 11:59 pm.

CORPORATE STRATEGIC PLAN

Goal 5 – A community-focused, responsive and accountable government.

FINANCIAL IMPLICATIONS

n/a

DEPARTMENTAL CONSULTATION

n/a

COMMUNICATIONS

Through the City's web-site.

ATTACHMENTS

- I. Chief Administrative Officer
 - a. By-law to Define the General Duties, Roles and Responsibilities of the CAO
 - b. CAO Employment Policy
 - c. Procedures for Hiring the CAO
 - d. Position Mandate for the CAO
 - e. Position Profile for the CAO
 - f. CAO Employment Agreement Template
 - g. Delegation of CAO Duties
- II. Council Code of Conduct
- III. Occupational Health and Safety Policy Statement
- IV. Expectations of Working Together
- V. Notice Policy
- VI. Accountability and Transparency Policy
- VII. Delegation of Authority Policy
- VIII. AMO/LAS Meeting Investigator By-law
- IX. Guiding Principles for Public Involvement
 - X. Procedural By-law

Prepared By:

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Appendix I – CAO RELATED BY-LAW, POLICIES, AND PROCEDURES

"A" - CAO By-law

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2008)- [Insert Data] A by-law to define the general duties, roles and responsibilities of the Chief Administrative Officer.

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

THAT Council shall appoint [Insert Data] as Chief Administrative Officer who shall be responsible to Council for exercising general control and management of the affairs of the Corporation of the City of Guelph for the purpose of ensuring the efficient and effective operation of the municipality, in accordance with Schedule "A" and Schedule "B" attached.

PASSED this [Insert Data] day of [Insert Data], 2008.

KAREN FARBRIDGE – MAYOR

LOIS A. GILES - CITY CLERK

Schedule "A"

General Duties, Roles and Responsibilities

Introduction

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

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

1. General Duties and Responsibilities

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

(a) To report to, be accountable to, and receive authority from the Council of the Corporation of the City of Guelph and to perform his/her duties in conformity with Council decisions;

(b) To coordinate, lead and direct the Senior Management Team (SMT) in the administration of the business affairs of the Corporation;

(c) To delegate appropriate duties and responsibilities to the SMT within the organizational structure for the purpose of establishing an efficient and effective administrative structure;

(d) To be responsible for motivating and developing the skills of the SMT members and fostering productivity, professionalism, adherence to the corporate values and open communications;

(e) To provide hands on direction and assistance in planning and implementing difficult and complex tasks which may cover a number of departmental disciplines and which require the co-ordination and cooperation of the various departments;

(f) To provide information and advice, in co-operation with the SMT, as required or as might be useful to Council for purposes of decision making and by-law approvals;

(g) To attend meetings of Council and Committees of Council as required with the right to speak, but not to vote;

(h) To present to the Council, in co-operation with the SMT, reports and information regarding progress and accomplishments of programs and projects, the status of revenue and expenditures and the general administrative management of the Corporation;

(i) To direct the coordination of all policy decisions of the Council and deal with matters arising from Council's decisions in accordance with such established policies without further reference to the Council except to regularly report to the Council upon action taken. Also, to develop and maintain, for reference purposes, of a comprehensive manual of policies approved by Council;

(j) To guide the strategic planning process for the Corporation which includes departmental work plan development, as established by Council;

(k) To attend to the interests of the Corporation on federal, provincial, regional or local municipal intergovernmental issues and with boards, agencies and commissions at the administrative level; and

(I) To perform any additional responsibilities and to exercise the powers incidental thereto which may, from time to time, be assigned to the CAO by Council.

2. Personnel Administration

(a) To advise Council as to the appointment, promotion, demotion, suspension or dismissal of a SMT member reporting directly to the CAO;

(b) To have authority and responsibility to appoint, promote, demote, suspend or dismiss any employees of the Corporation below the position of Director in accordance with the lines of authority defined in the organization structure;

(c) To have authority to appoint, promote, demote, dismiss any other employees of the Corporation in accordance with procedures contained in all collective agreement and in accordance with the lines of authority that are defined in the organization structure;

(d) To oversee the collective bargaining process with all unionized Corporation employees and to recommend to Council collective agreements concerning wages, benefits, and terms of service and upon approval of Council, to direct the administration of such collective agreements; (e) To administer all salaries and performance review of employees who are subject to the supervision of the CAO, within the limitation of any salary plan or salary contract agreement, in consultation with Council, as required; and

(f) To carry out an annual performance evaluation of all SMT members recognizing achievements, correcting deficiencies and improving overall individual or departmental performance in consultation with Council, as required.

3. Financial Management

(a) To direct, in co-operation with the Director of Finance and the SMT, the preparation and presentation of operating and capital budgets on an annual basis;

(b) To exercise financial control over all corporate operations in conjunction with the Director of Finance, to ensure compliance with the annual estimates of revenue and expenditure approved by Council;

(c) To direct the review of fiscal policy and its management;

(d) To approve all purchasing with authority to enter into contracts;

(e) To approve all tenders and quotation awards where funds are provided in the budget and established purchasing policies have been observed; and

(f) To approve all tenders and quotation awards when Council is unavailable, where funds are provided in the budget and established purchasing policies have been observed.

4. Administrative Organization and Management

(a) To create and reorganize, in consultation with the SMT, such departments of the City as may be considered necessary and proper to fulfil obligations for the Corporation, and will report to Council on the changes;

(b) To annually meet with Council to review and assess his/her performance during the past year and review and discuss the salary and benefit provisions as well as priorities to be pursued during the following year; and

(c) To hold office at the pleasure of Council for the agreed upon term. Council may, in its sole discretion, suspend or dismiss the CAO subject to compliance with any statutory requirements or contractual agreements, and subject to the right of the CAO to a hearing before Council or such Committee therefore as Council may by by-law authorize in respect of such suspension or dismissal, if so requested by the CAO.

Schedule "B"

Reporting Protocols

Appendix I – CAO RELATED BY-LAW, POLICIES, AND PROCEDURES - con't...

"B" – CAO Employment Policy

Tab	City Council		
Authority	City Council		Council
Subject	Chief Administrative Officer (CAO) Employment Policy		
Related Policies	Procedure for Hiring the CAO, Delegation of CAO Duties, City Purchasing policy		
Approved by	City Council (INSERT DATE)		
Revision Date	Beginning of New Term of Council		
Policy Statement	As part of administrative governance for the City of Guelph, Council acknowledges the requirement for a policy outlining all aspects of employment of a Chief Administrative Officer.		
PURPOSE	The purpose of this policy is to establish criteria for the recruitment, selection/offer of employment, terms and conditions of employment, performance development, compensation and termination of employment.		
PROCEDURE	Recruitment (Council Approval June 18, 2007) At such time the CAO position becomes vacant, the Mayor shall notify the Director, Human Resources to commence		
	the recruitment process to fill the vacancy as per the Procedure for Hiring a CAO. Appendix 1		
	Options (Future) Succession Management- Where the City of Guelph has demonstrated a 'robust' succession management program (i.e. where available 'high' potential candidates have been identified within the City, a well established program exists where candidate skills/competencies are measured against those required for the CAO position, and where development plans are in place, regular reviews are conducted and assessments are made to determine a candidate's readiness for the CAO position), 		

Council may opt to limit the CAO vacancy internally amongst only those identified 'high' potential candidates.

2) Executive Search Firm – Where Council has determined that there are no internal candidates through a succession management program that are deemed to be 'ready' to assume the CAO role OR at any time should Council wish to evaluate internal candidates to the external job market, they may decide that the position may be filled utilizing the services of an external executive search firm. The firm would be selected following an RFP process. The successful firm would be selected on the basis of 'lowest acceptable bid' – reference Purchasing Policy. The position would be available to both internal and external candidates.

Selection

As per the Procedure for Hiring the CAO, the Selection Committee shall be comprised of the Mayor and the Chairs of the Standing Committees, or delegates, to a maximum of 6 individuals. (i.e. Mayor, Chairs of Standing Committees and optional community member).

Hiring/Offer of Employment

As per the template in Appendix 2, the following categories will be included in a CAO Employment Contract – Effective Date and Term of Agreement, Duties, City Policies (i.e. adherence to), Remuneration inclusive of salary, car allowance, parking, applicable moving allowance, professional memberships, Confidentiality, Vacation/Overtime, Termination (see below), Voluntary Resignation, Return of Property, Severability, Release and Acknowledgement, Assignment of Rights, Notices, Applicable Law, and Independent Legal Advice

Tenure of Employment

During the tenure of the CAO, the duties and responsibilities will be governed by a CAO By-Law and a Job Description/Profile/Position Mandate – Appendix 3.

Performance Development and Appraisal

On an annual basis, performance goals and objectives will be set for the CAO that are aligned to Council's Strategic Plan. The performance of CAO will be reviewed by the Mayor and Chairs of the Standing Committees at least once annually and will include a development plan for the proceeding year. Areas of evaluation will include, but are not limited to: leadership, management, communication, and technical functions. It is recommended that the performance review period commence in January of each year and end no later than March (i.e. a three month process).

The Performance Appraisal portion of the review shall be inclusive and evaluative of work results expected versus achieved as well as an evaluation of how the CAO has modelled and lived the Corporate Values (i.e. what and how work has been accomplished). The development plan referenced above should include areas for development, but not limited to – strategic planning, relationship management, team leadership, and communication.

A process of 360 degree feedback shall also form part of the development plan, subject to participants having received appropriate training on the process. The 360 degree process shall be a separate process from the performance review (i.e. to commence after the performance review period). It should be structured in such a way as to provide feedback for personal, professional and leadership development to augment development that had been identified through the performance review period. Results of the 360 feedback shall be shared only with the CAO. The CAO shall provide a summary of the feedback to the Mayor. Results may alter the development plan established during the performance review, and will be confirmed by the Mayor and Chairs of the Standing Committees. Typically, the 360 degree feedback process is managed through an external Human Resources Consultant with expertise in this area.

<u>Compensation(Council approval September 17, 2007)</u>

Where the salary range for the CAO provides a minimum and maximum as a range, inclusive of steps in the range, the CAO shall advance through the range on an annual basis from step to step subject to satisfactory performance.

Compensation for the CAO is based on an annual market evaluation of comparable CAO positions in other municipalities (defined as the comparator group – a list of 18 municipalities, reflective of local, regional, and single tier) and set at the 60th percentile of the comparator group.

Governing factors that determine the comparator group are:

- 1. Size of municipality
- 2. Organization Structure and scope of services (Tier)
- 3. Average family income for residents within the municipality
- 4. Number of Employees working for the municipality
- 5. Operating Budget size
- 6. Geographic location/employment market/labour pool/market competition within 60KM of Guelph

Pay for Performance

Where Council has approved a pay for performance compensation approach for the CAO position, movement through the salary range shall be in accordance with the approved policy. Where the CAO is at job rate i.e. top of the range, pay for performance shall be in the form of a re-earnable lump sum.

<u>Acting/Interim/Assistant CAO (Council Approval –</u> <u>January 28, 2008)</u>

Appendix 4

The CAO may appoint an Assistant CAO in accordance with the Council approved policy where temporary administrative responsibilities are given to a member of the Senior Management Team for a specified period of time to enable the CAO to engage in corporate business opportunities, sabbaticals/leaves of absence and/or

mentoring for members of the SMT.

The CAO may also appoint an Acting CAO in accordance with the policy for a period of less than 1 month due to the absence of the CAO.

Authority to appoint an Interim CAO for a specified period of time, due to a vacancy in the CAO position, rests with City Council.

<u>Termination of Employment (See contract template</u> <u>Appendix 2)</u>

Resignation

In the event the CAO resigns his/her position from the City, the CAO would be required to provide a minimum of

eight weeks written notice. The City may waive or reduce this requirement, by Council resolution at any point within the eight weeks notice period. The CAO would receive any unpaid salary and vacation accrual up to the date of resignation.

<u>With Cause</u>

In cases of termination with cause, no severance payments are provided. The CAO would receive any unpaid salary earned to the date of termination and any unused vacation accrual.

Without Cause

Council may opt to negotiate separate terms and conditions for termination without cause within the employment contract contingent on the length of the contract. Typically, for tenure less than 2 years, common law principles would dictate severance provisions for up to 10 months.

For contract duration that extend beyond 2 years, severance provisions for termination without cause provide for:

- 1) Payment of 12 months salary plus 1 month for each completed year of service to a maximum of 20 months, in the form of salary continuation.
- 2) Benefit continuation with the exception of short and long term disability.
- 3) OMERS pension contributions
- 4) Car allowance and vacation accrual for the Employment Standards notice period only
- 5) Reimbursement of moving expenses if termination occurs within the first year of employment
- 6) Career Outplacement services for up to six months
- 7) Mitigation of employment in the event the departing CAO secures alternate employment during the severance period, the City would pay, in the form of a lump sum, one half of the balance of the remaining severance payments owing.

DEFINITIONS CHIEF ADMINISTRATIVE OFFICER – LONG TERM CONTRACTUAL POSITION REPORTING DIRECTLY TO COUNCIL AS PER THE MUNICIPAL ACT, 2000

ASSISTANT CAO – MEMBER OF SENIOR MANAGEMENT TEAM APPOINTED BY CAO FOR A SPECIFIED PERIOD TO ALLOW THE CAO TO ENGAGE IN CORPORATE BUSINESS OPPORTUNITIES, SABBATICALS/LEAVES OF ABSENCE, AND/OR MENTORING OF MEMBERS OF SMT.

ACTING CAO - MEMBER OF SENIOR MANAGEMENT TEAM APPOINTED BY CAO FOR A PERIOD OF UP TO 1 MONTH DUE TO ABSENCE OF THE CAO

INTERIM CAO – APPOINTMENT BY COUNCIL OF A CAO ON A TEMPORARY BASIS, FOR A SPECIFIED TIME PERIOD DUE TO A VACANCY IN THE CAO POSITION.

RECRUITMENT – THE PROCESS OF ADVERTISING A POSITION VACANCY TO ATTRACT QUALIFIED CANDIDATES

SUCCESSION MANAGEMENT – A PROGRAM TO DEVELOP HIGH POTENTIAL TALENT IN AN ORGANIZATION TO FILL KEY LEADERSHIP ROLES

SELECTION – THE PROCESS OF CHOOSING THE MOST QUALIFIED APPLICANT FROM A POOL OF APPLICANTS FOR AN ADVERTISED VACANCY

CAO By-LAW – REQUIRED BY THE MUNICIPAL ACT, 2001 TO PRESCRIBE THE DUTIES AND RESPONSIBILITIES OF A CHIEF ADMINISTRATIVE OFFICER

POSITION DESCRIPTION/PROFILE/MANDATE – AN OFFICIAL INTERNAL DOCUMENT THAT PROVIDES DETAILED DESCRIPTION OF A POSITION'S ROLES, RESPONSIBLIITIES AND QUALIFICATIONS.

PERFORMANCE DEVELOPMENT/APPRAISAL – AN ANNUAL PROCESS WHEREBY A POSITIONS' DIRECT REPORT ASSESSES AND EVALUATES THE PRECEEDING TERM ACCOMPLISHMENTS AND PROGRESS REGARDING PRE-DETERMINED GOALS AND OBJECTIVES FOR THE REVIEW PERIOD.

360 DEGREE FEEDBACK – A PROCESS WHEREIN A POSITION'S DIRECT REPORT, PEERS AND SUB-ORDINATES PROVIDE FEEDBACK TO AN INCUMBENT ON DEVELOPMENT OPPORTUNITIES.

PAY FOR PERFORMANCE – A PRACTICE WHEREBY AN EMPLOYEE IS PROVIDED VARIABLE REMUNERATION (EITHER THROUGH MOVEMENT WITHIN A SALARY RANGE OR IN ADDITION TO BASE SALARY) BASED ON AN ASSESSMENT OF DEGREE OF ACHIEVEMENT ACCOMPLISHMENTS AND PROGRESS TOWARD PRE-DETERMINED GOALS AND OBJECTIVES.

TERMINATION WITH CAUSE – TERMINATION OF EMPLOYMENT BASED ON A REPUDIATION OF THE EMPLOYMENT CONTRACT E.G. SERIOUS MISCONDUCT, BREACH OF TRUST, INSUBORDINATION, CONFLICT OF INTEREST, BREACH OF HARASSMENT/HUMAN RIGHTS POLICY, FRAUD

TERMINATION WITHOUT CAUSE – TERMINATION OF EMPLOYMENT AT THE DISCRETION OF AN EMPLOYER THAT IS NOT DONE IN AN ARBITRARY MANNER, WHERE THERE ARE INSUFFICIENT GROUNDS TO SUBSTANTIATE A WITH CAUSE TERMINATION

COMMON LAW - LAW DEVELOPED THROUGH DECISIONS OF COURTS AND SIMILAR TRIBUNALS, RATHER THAN THROUGH LEGISLATIVE STATUTES OR EXECUTIVE ACTION. **Appendix I – CAO RELATED BY-LAW, POLICIES, AND PROCEDURES** con't...

"C" - Procedure for Hiring the Chief Administrative Officer (CAO)

- 1. The recruitment of a CAO reporting to Council will include a thorough and comprehensive analysis of the position requirements and a thorough assessment of the skills, experience, knowledge and qualifications of both *internal* and *external* candidates.
- 2. The Search Team will consist of the Mayor and Chairs of the Community Development and Environmental Services Committee, Emergency Services, Community Services and Operations Committee, Finance, Administration and Corporate Services Committee and Governance and Economic Development Committee, or their designates. An independent person from the community may form part of the Search team.
- 3. The recruitment process will be determined by the Search Team with the assistance of a recruitment consultant and/or recruitment search firm. The position will be advertised both internally and externally.
- 4. The Search Team will recommend a preferred recruitment consultant and/or recruitment search firm to Council for approval. Selection of a recruitment consultant and/or recruitment search firm will be consistent with the City of Guelph's purchasing policy.
- 5. The recruitment consultant and/or recruitment search firm will screen prospective candidates and develop a short list of candidates to be interviewed by the Search Team.
- 6. Appropriate further testing and evaluations as required will be completed, along with reference verification.
- 7. Based on the results of testing, evaluation, reference checking and input and evaluation, the Search Team will make a recommendation on a preferred candidate to Council.
- 8. A summary of the process, the overall evaluations of all candidates and the final decision will be presented by the Search Team to Council prior to offering the position to the candidate.

Appendix I – CAO RELATED BY-LAW, POLICIES, AND PROCEDURES - con't...

"D" - Position Mandate for the Position of Chief Administrative Officer

Key Responsibilities

Leadership

Coordinate staff support and provide advice to the Mayor and Council as they establish and maintain a clear vision and strategic direction for the City as well as priority setting for annual business plans and long term capital projects.

In conjunction with Directors, establish annual business plans and priorities to implement the City's vision and strategic direction.

Set a visible and positive leadership example in order to promote empowerment of employees through coaching, mentoring, two-way communications and delegation of responsibility; take necessary steps to anticipate impact of changes and to identify and remove barriers to empowerment.

Act as the chief policy advisor to Council and provide Council with advice based on professional standards and best practices.

Provide leadership in the on-going identification and tracking of "best practices" (including benchmarking of other municipalities) and latest technology; make recommendations for application to support continuous improvement efforts and to position the Administration at the leading edge of the state-of-the-art in Municipal Government.

Management

Oversee the day-to-day management of operations and service delivery ensuring efficient work scheduling for employees in all Departments; also ensure on a City-wide basis the proper hiring/dehiring practices, new employee orientation, job training as necessary, performance feedback, discipline when required, counselling and career development for the employees in all Departments.

Consolidate and review annual work plans and capital and operating budgets for all Departments with recommendation to Council for approval in accordance with established policies. Establish procedures to monitor the performance of the Departments against plan/budget, identifying and correcting as necessary variances from plan/budget.

Review calls for tender and purchase requisitions requiring CAO's approval for facilities, equipment, rolling stock and contracted services; submit to Council for approval in accordance with established policies.

Provide direction to the Department Directors to ensure coordination of operations and service delivery between all City Departments.

Act as project leader for one or more Corporation-wide improvement projects involving multiple City Departments as regulated or directed by Council.

Technical Functions

Provide business and technical advice to the Mayor and Councillors re: decisions/actions requiring their approval; also provide input to Council on its corporate governance framework and modus operandi.

Review and approval of all materials and documentation sent to members of Council; final review and recommendation to Mayor and Committee Chairs re: Council and Council Committee agendas.

Implementation of Council directives and decisions; follow-up on implementation with initiation of corrective action where required.

Review on an on-going basis, technical trends, developments and advances being tracked by each Department; consolidate findings with results from best practices identification and benchmarking for potential application and continuous improvement of City operations, service delivery and administration.

Approve policies, operating procedures and work procedures for all Departments; monitor Departments operating performance against established policies and procedures and follow-up on corrective action in the Departments as required.

Approve and monitor the implementation of preventative maintenance programs and an asset management program for Corporation's infrastructure, facilities and rolling stock.

Approve and monitor the implementation of a quality assurance program covering the delivery of services by all Departments to residents and commercial interests; review customer complaints/inquiries with followup on corrective action taken.

Provide technical advice and problem-solving assistance to members of the Senior Management Team.

Coordinate and integrate the results of studies/analyses carried out by the Departments covering the forecasting of service delivery required to meet customer demand in the future.

Coordinate a corporation-wide risk assessment of potential exposure with recommendations to Council on remedial action and/or preventative measures.

Communications

Provide periodic reports to Council and Community representatives/partners with explanation and interpretation of the application of the policies, procedures and service standards relevant to City operations and administration of City Departments; also provide briefings to Council on the status of operations and service delivery by the Departments; also act as a key spokesperson for the City with the written and electronic media.

Communicate the long term direction and orientation of the Corporation to the members of the Management Team; arrange for periodic briefings of Department operations so employees within all City Departments can gain an appreciation of how each Department's service delivery fits into the "big picture".

Play a lead role in the on-going marketing and education to promote the various services delivered by City Departments to the public enabling residents and community associations/partnerships to understand the value received for their tax dollars and/or grants/contributions; act as an on-call speaker for community groups/associations and business and commercial groups/associations.

Develop and maintain a contact network covering: 1) citizens' associations/rate payer groups. 2) Representatives of development, business and industry, 3) counterparts in other municipalities, 4) representatives of professional associations, and 5) federal and provincial government officials at the policy level.

Appendix I – CAO RELATED BY-LAW, POLICIES, AND PROCEDURES - con't...

"E"- Chief Administrative Officer City Of Guelph Position Profile

SUMMARY OF QUALIFICATIONS

- minimum of ten to fifteen years municipal management experience with at least five to ten years as a CAO or a strong, well experienced Department Head with Council exposure – good academic credentials
- a generalist municipal manager with broad experiences in all areas (finance, planning issues)
- initiate, nurture and improve the Municipality's programs (strategic planning, administrative structure, team building, departmental business plans, priority setting with Council)
- able to build and maintain the organization's morale, and encourage bottom-up participation and empowerment of staff
- enhance relations with County, outside allied agencies (Province, Chamber, employers, etc.)
- aggressive negotiator, municipal visionary, business orientation,
- create transparent, openly communicative, team relationship between Council, staff

SUCCESS FACTORS

- high intelligence, integrity, honesty, provide Council with recommendations/options
- ability to make others comfortable community's interests at heart accessible to staff
- common sense, practical judgment, foresight, luck, a passion for the work
- able to carry a demanding workload over a long period of time

SKILL FACTORS

- team building experience, handling interpersonal relations, strategic planning
- situational analysis- (assessing the community's, staff and Council's needs)
- · appropriate balance between leadership skills and management skills
- delegating authority and responsibility to management team, holding them accountable
- supportive

STYLE FACTORS

- PROACTIVE STYLE- constantly initiates, tries things out takes risks
- TEAMWORK STYLE- crosses organizational boundaries, vertically and horizontally

- MODIFIED CHANGE AGENT STYLE- sees turbulence, flux and ambiguity as opportunities
- COACH STYLE- sees self as mentor and developer of people

PERSONALITY FACTORS

- high energy level, self confident, team player good sense of humor
- high need for achievement, optimistic yet a realist, objective, self sufficient
- willing and able to fit in with and lead the management team
- good social poise, comfortable dealing with and understanding others

CULTURAL DEVELOPMENT FACTORS

- able to ensure all groups are aware they are part of the team, are vital to it and are supportive of the culture
- willing to encourage a free flow of two-way information across the organization

Appendix I – CAO RELATED BY-LAW, POLICIES, AND PROCEDURES – *con't...*

"F" – CAO EMPLOYMENT AGREEMENT TEMPLATE

AGREEMENT

BETWEEN:

NAME

(hereinafter called the "Employee")

and

THE CORPORATION OF THE CITY OF GUELPH (hereinafter called "the Employer")

WHEREAS the *Municipal Act,* S.O. 2001, as amended, authorizes a municipal council to appoint a Chief Administrative Officer ("CAO");

AND WHEREAS the Employer wishes to employ the Employee and the Employee wishes to accept this employment with the Employer as its Chief Administrative Officer (CAO);

NOW THEREFORE, in consideration of mutual covenants set out in this Agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each of the Parties, the Parties covenant and agree as follows:

1. Effective Date and Term of Agreement

1.01 Subject to the provisions for earlier termination as hereinafter provided, the term of this Agreement shall begin on **[Insert Data]** and shall terminate at midnight on **[Insert Data]** (to represent length of contract such in years).

1.02 The Employer and the Employee shall give consideration to the renewal of this Agreement during its final year. Each party shall advise the other not later than the last day of **[Insert Data]** (DATE WHICH IS 60 DAYS IN ADVANCE OF LAST DAY OF CONTRACT) whether or not they wish to extend or renew this Agreement and the Parties shall thereafter meet to determine the terms, if any, under which they might be willing to extend or

renew this Agreement but neither party shall be obligated to agree to any such renewal or extension and may terminate any renewal discussions at any time in their absolute discretion.

1.03 The term of this Agreement cannot be extended or renewed without a further Agreement in writing under which this Agreement is extended or renewed.

1.04 In the event that the Employer does not wish to exercise its option to renew this Agreement or the Parties cannot agree upon the terms and conditions for the renewal, the Agreement shall terminate at the expiration of the existing term and the Employee will be entitled to receive notice in accordance with Clause 7.02.

2. Duties

2.01 The duties of the Employee shall be those duties set forth in the *Municipal Act* and any amendments thereto, and those duties set forth in City of Guelph By-law Number (2002) – 16837, and such other duties as Council may, from time to time, assign. The Employee shall report to the Mayor and City Council. A copy of the Position Description (will be attached as Appendix A to this Agreement upon hire of CAO).

2.02 The Employee undertakes to fully and faithfully discharge the duties and responsibilities of the Chief Administrative Officer to a high standard of professional competence.

2.03 The Employee will devote the whole of his/her time; effort and attention to the business and well-being of the Corporation of the City of Guelph. Without limiting the generality of the foregoing, the Employee:

(i) will not engage in or accept any office or position or business that might interfere with the business and well-being of the Employer, except with the prior written consent of Council; and

(ii) will not engage in or accept any office or position or business for gain, except with the prior written consent of Council.

2.04 At the initiative of the Mayor of the City of Guelph, the performance of the Chief Administrative Officer shall be reviewed annually, at a minimum, by a designated committee of Councillors, inclusive of the Mayor as Chair of said committee. The performance evaluation shall be conducted in a manner generally consistent with the performance evaluation process employed for all senior management of the Employer. The completed written performance evaluation shall be confidential and it shall include goals and expectations for the following year.

2.05 During the term of this Agreement and during any renewed terms of employment, the Employee agrees to reside within the City of Guelph. This residency requirement is to take effect as soon as practicable, and no later than **[Insert Data].**

3. City Policies

3.01 Except as specifically provided for in this Agreement, the terms and conditions of the Chief Administrative Officer's employment shall be governed by the Employer's human resource policies and practices.

4. Remuneration

Salary

4.01 Effective **[Insert Data]** the Employer will pay the Employee an annual salary of **[Insert Data]** (subject to any deductions required under the Employer's policies and by law). The Employee's salary will be subject to annual adjustments at the same incremental rate as other senior staff of the Employer, including any adjustment for 2005. The Employee shall be classified in pay grade **[Insert Data]** of the City of Guelph's Job Evaluation and Salary Administration Plan. The Parties agree that if, at any time, a review of the position results in a higher salary grade and/or level approved for this position this Agreement will be amended to reflect such changes.

Benefits

4.02 The Employee will be entitled to participate in all health, disability, insurance, and any other employee benefit plans and programs of the Employer in effect for senior staff in accordance with the terms of those plans and policies and which may be subject to change by the Employer from time to time. A schedule of these benefits currently in place will be attached as Appendix B (upon hire of CAO).

Automotive Allowance

4.03 The Employee will receive an automotive allowance of **[Insert Data]** er month as compensation for the use of his/her personal vehicle for business purposes. This allowance will be reviewed and updated on a yearly basis in accordance with the Employer's Automotive Expense Reimbursement Policy.

Parking

4.04 The Employee will be provided with a reserved parking space for one vehicle.

Moving Allowance

4.05 The Employee shall be provided with a one-time moving allowance to recompense the Employee for costs related to his/her relocation to the City of Guelph. These costs may include but are not limited to the sale and purchase of homes, temporary relocation and moving costs. The payment of this one-time moving allowance will be made in accordance with the following schedule:

- A maximum [Insert Data] if the Employee's residency in Guelph commences within the first [Insert Data] months of this Agreement, OR
- A maximum of **[Insert Data]** if residency in Guelph commences after the first **[Insert Data]** months and before the first **[Insert Data]** months of this Agreement.

The Employee shall provide receipts proving any such expenses to the satisfaction of the City Treasurer. In the event that the employment of the Employee is terminated for cause or as a result of his/her resignation, during the first two (2) years following the payment of such allowance, the said moving allowance shall be fully refunded by the Employee.

Professional Memberships

4.06 The Employer agrees to maintain at no cost to the Employee, his/her membership in the following professional organizations: [Insert Data]

5. Confidentiality and Contract Details

5.01 - It is understood that the salary range of this position and policies governing benefits for management employees of the Employer are a matter of public record. The Employee acknowledges that this contract may be subject to an access request under the Municipal Freedom of Information and Protection of Privacy Act, and that those provisions of the agreement that are not deemed to be personal information will be released by the Employer. Prior to releasing any details of this contract that are not deemed to be personal information, the Employer shall first inform the Employee of its intention to do so.

6. Vacation/Overtime

6.01 The Employee will be entitled to **[Insert Data]** weeks paid vacation per year of employment.

6.02 The Employee will not be compensated for any overtime save and except the Employee will be entitled to one (1) week in lieu of all overtime worked in a year, in accordance with the City of Guelph's compensation policy for Senior Management to be attached in Appendix C (upon hire of CAO).

7. Termination

(A) With Cause

7.01 The Employer may terminate the Employee's position, without notice, at any time, for "just cause". The Employee's employment and rights under this Agreement shall terminate on the day that notice of termination is delivered. Upon termination for just cause, the Employee shall be paid all unpaid salary owing to the date of termination. No further payments will be made by the Employer and all of the Employer's obligations under this Agreement shall cease.

(B) Without Cause

7.02 At any time during the term of this Agreement, the Employer may, at its sole discretion, terminate the Employee for any reason, without cause. If the Employee's employment is terminated in accordance with this provision, the Parties agree as follows:

- the Employer will continue to pay the Employee's base salary for a period of *[Insert Data]* months, plus one (1) month for each year completed during the term of this Agreement up to a maximum of *[Insert Data]* months. This payment will be made from the date of termination, payable in bi-weekly instalments on the normal payroll day;
- (ii) with the exception of short-term and long-term disability benefits, and the automotive allowance, the Employer will continue the Employee's employment benefits, including pension contributions, throughout the notice period in which the Employer continues to pay the Employee's salary. The Employer will continue the Employee's short term and long term disability benefits as per the minimum requirements set out in the *Employment Standards Act, 2000.* The automotive allowance will cease on the effective date of termination.
- (iii) all payments provided under this paragraph will be subject to all deductions required under Employer's policies and by law.
- (iv) Any future entitlement to salary continuation terminates immediately upon the death of the Employee.

(C) Voluntary Resignation

7.03 The Employee may voluntarily resign from his/her position as Chief Administrative Officer by providing the Employer with at least eight (8) weeks' written notice. Upon being provided with said notice of resignation, the Employer may, by Resolution, waive or reduce this period and may require the Employee to cease work at any point within the eight (8) week period. Upon receiving the Employee's notice of resignation, the Employer will pay the Employee all unpaid salary to the proposed date of resignation.

8. Return of Property

8.01 All equipment, material, written correspondence, memoranda, communication, reports, or other documents pertaining to the business of the Employer used or produced by the Employee in connection with his/her employment, or in the Employee's possession or control, shall at all times remain the property of the Employer. The Employee shall return all property of the Employer in his/her possession or control in good condition within one (1) week of a request by the Employee, or within one (1) week of the Employee.

9. Entire Agreement

9.01 This Agreement constitutes the entire Agreement between the Employee and the Employer. This Agreement may not be modified or amended except in writing by Resolution of the Employer with the agreement of the Employee.

10. Severability

10.01If any provision of this Agreement is held to be illegal, invalid or unenforceable by any competent authority, such illegality, invalidity or unenforceability shall not in any manner affect or render illegal, invalid or unenforceable any other provision of this Agreement.

11. Release and Acknowledgement

11.01The Employee acknowledges and agrees that the consideration contained in this Agreement is inclusive of any and all compensation, payments, notice, pay in lieu of notice or severance payments to which he/she may be entitled under the Employment Standards Act, 2000 and any other applicable legislation, common law, or otherwise. The Employee further acknowledges and agrees that the consideration herein is fair and reasonable. The Employee agrees that upon any termination of his/her employment by the Employer, the Employee shall have no cause of action, against the Employer, including its successors, or demand claim predecessors, and all affiliated entities, and the Mayor, Councillors, Officers, Directors, Employees and agents thereof, as the case may be, for any matter related to the Employee's employment or the termination of or resignation from said employment, and the Employee hereby releases and discharges the Employer, including its successors, predecessors, and all affiliated entities, and the Mayor, Councillors, Officers, Directors, Employees and agents thereof, as the case may be, from any and all liability related to his/her employment on the termination of or resignation from said employment other than for his/her entitlements as set out herein, including wrongful dismissal.

12. Assignment of Rights

12.01The rights and obligations of the Employer under this Agreement shall pass and be binding upon its successors. The Employee's rights under this Agreement are not assignable or transferable in any manner without the consent of the Employer.

13. Notices

13.01Any notice required or permitted to be given to the Employee shall be sufficiently given if delivered to the Employee personally, delivered by facsimile transmission (with confirmation of receipt) or if mailed by ordinary or registered mail to the Employee's address last known to the Employer. Service shall be effective on the fifth day after mailing.

13.02Any notice required or permitted to be given to the Employer shall be sufficiently given if delivered or mailed to the Mayor or Clerk by ordinary or registered mail to the City of Guelph and shall be effective on the fifth day after mailing.

14. Applicable Law

14.01This Agreement shall be governed by and construed in accordance with the laws applicable in the Province of Ontario by a court of competent jurisdiction.

15. Independent Legal Advice

15.01the Employee acknowledges that he/she has had the opportunity to obtain independent legal advice before executing this Agreement and acknowledges that he/she fully understands the nature of the Agreement, which the Employee voluntarily enters into. The Employer agrees to compensate the Employee, up to a maximum of five hundred (\$500.00) dollars, for the cost of legal advice obtained by him/her in this regard.

DATED at Guelph this [Insert Data] day of [Insert Data], 2008.

SIGNED, SEALED AND DELIVERED

Witness

The Employee

Mayor

City Clerk

Appendix I – CAO RELATED BY-LAW, POLICIES, AND PROCEDURES *con't...*

"G" – Delegation of CAO Duties

Tab Subject Related Policies Approved by Review Date	CITY COUNCIL DELEGATION OF CAO DUTIES Procedure for Hiring the CAO Procedure for Hiring the Assistant CAO Council, January 28, 2008 Beginning of New Term of Council
Policy Statement	The City Council acknowledges that it is responsible for ensuring the effective management of the Corporation.
PURPOSE	The purpose of this policy is to establish roles and responsibilities with respect to the delegation of CAO duties.
DEFINITIONS	Chief Administrative Officer (CAO) Long-term contractual position reporting directly to City Council.
	Acting CAO Short-term (less than 1 month) appointment to carry out the duties of CAO for a specific period of time due to an absence of the CAO.
	Interim CAO Appointment to carry out the duties of CAO for a specific period of time due to a vacancy in the CAO position.
	Assistant CAO Added temporary administrative responsibilities to a Director/Member of the Senior Management Team (SMT), to assist the CAO in the administration of the Corporation. This appointment is for a specified period of time to enable the CAO to engage in corporate business opportunities, sabbaticals/leaves and/or mentoring program for members of SMT.

-

Acting CAO

POLICY REOUIREMENTS Guelph City Council delegates authority to the CAO to appoint an Acting CAO.

Interim CAO

Guelph City Council appoints the Interim CAO. **Assistant CAO**

> Guelph City Council delegates authority to the CAO to appoint an assistant CAO as described in the "Procedure for Appointing an Assistant CAO".

Procedure for Appointing an Assistant CAO Who Reports Directly to the Chief Administrative Officer (CAO)

- 1. The authority to appoint an Assistant CAO is delegated to the CAO.
- 2. The purpose of the Assistant CAO is to enable the CAO to engage in corporate business opportunities, sabbaticals/leaves and/or mentoring programs for members of the Senior Management Team.
- 3. Added temporary administrative responsibilities will be assigned by the CAO to a Director/Member of the Senior Management Team to assist the CAO in the administration of the Corporation.
- 4. The CAO will advise Council of the candidate and purpose and term of the appointment prior to appointing an Assistant CAO.

Appendix II – Code of Conduct for Council and Local Boards

Tab	CITY COUNCIL
Authority	S. 223.2(1) Municipal Act
Subject	COUNCIL CODE OF CONDUCT
Related Policies	Accountability and Transparency
Approved by	Date
Review Date	Annually

POLICY STATEMENT

A written Code of Conduct helps to ensure that the members of Council, advisory committees, and local boards of the municipality (as defined in the *Municipal Act*), share a common basis for acceptable conduct. This code is designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. These standards should serve to enhance public confidence that Guelph's elected and appointed representatives operate from a base of integrity, justice and courtesy. The key principles that underline the Code of Conduct are as follows:

- all members shall serve and be seen to serve their constituents in a conscientious and diligent manner;
- members should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both real and apparent;
- members are expected to perform their duties in office in a manner that promotes public confidence and will bear close public scrutiny;
- members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the City Council.

PURPOSE Municipal Council Members hold positions of privilege. Therefore, they must discharge their duties in a manner that recognizes a fundamental commitment to the well being of the community and regard for the integrity of the Corporation. The purpose of the Code of Conduct is to:

- Protect the public interest.
- Encourage high ethical standards among members of Guelph City Council and local boards.
- Provide a universal understanding of the fundamental rights, privileges, and obligations of members of Guelph

City Council and local boards.

• Provide a means for members of Guelph City Council and local boards to obtain information on some contemplated conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct.

DEFINITIONS **Members** - include the Mayor and Members of Guelph City Council and the following local boards:

- Accessibility Advisory Committee
- Committee of Adjustment
- Downtown Board of Management
- Board of Trustees of the Elliott
- Guelph General Hospital Commission
- Guelph Museums Board of Management
- Guelph Non-Profit Housing Corporation
- Heritage Guelph
- Property Standards/Fence Viewers Committee
 River Run Board of Directors

Confidential Information – while the classification of information as "confidential" is a matter of Council discretion whether labelled as confidential or not, disclosure of information will not constitute a breach of the Code of Ethics unless that information is of an inherently confidential nature such as:

- Personal data of employees or others.
- Records related to internal policies and practices, which if disclosed, may prejudice the effective performance of a municipal operation.
- Records of a financial nature reflecting information given or accumulated in confidence.
- Files prepared in connection with litigation and adjudicative proceedings.
- Reports of consultants, draft documents and internal communications, which, if disclosed, may prejudice the effective operation and reputation of the municipality, it's officers and employees and its effective operation.

GIFTS AND BENEFITS No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his / her duties of office, unless permitted by the exceptions listed below. For these purposes, a fee or advance paid to, or a gift or benefit provided with the member's knowledge to a member's spouse, child or parent or to a member's staff that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member. The following are recognized as exceptions:

- a) compensation authorized by by-law;
- b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- c) a political contribution otherwise reported by law;
- d) services provided without compensation by persons volunteering their time;
- e) a suitable memento of a function honouring the member;
- food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign country;
- g) food and beverages consumed at banquets, receptions or similar events, if:
 - I. attendance is in keeping with his or her representative role;
 - II. the person extending the invitation or a representative of the organization is in attendance; and,
 - III. the value is reasonable and attendance at events sponsored by the same entity is infrequent.
- h) communication to the offices of a member, including subscriptions to newspapers and periodicals.

In the case of categories (b) (e) (f) (g) and (h), if the value of the gift or benefit exceeds \$300, or if the total value received from any one source during the course of a calendar year exceeds \$300, the member shall within 30 days of receipt of the gift or reaching the annual limit, <u>file a disclosure statement</u> with the City Clerk.

The disclosure statement must indicate:

- the nature of the gift or benefit;
- its source and date of receipt;
- the circumstances under which it was given or received;
- its estimated value;
- what the recipient intends to do with the gift; and,
- whether any gift will at any point be left with the City.

Any disclosure statements will be a matter of public record.

Except in the case of category (f), a member may not accept a gift or benefit worth in excess of \$500 or gifts or benefits from one source during a calendar year worth in excess of \$500. No member shall seek or obtain by reason of his / her office any personal privilege or advantage with respect to City services not otherwise available to the general public and not consequent to his or her official duties.

CONFIDENTIALITY All information, including documentation or deliberation received, reviewed or taken in closed session of Council and its committees is confidential. Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required by law to do so. Under the Procedural By-law, authorized under section 239 of the *Municipal Act*, where a matter that has been discussed at an in-camera (closed) meeting remains confidential, no member shall disclose the content of the matter, or the substance of deliberations, of the in camera meeting. Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential. Particular care should be exercised in ensuring confidentiality of the following types of information:

• items under litigation, negotiation, or personnel matters;

• information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence);

• price schedules in contract tender or Request For Proposal submissions if so specified;

• information deemed to be "personal information" under the *Municipal Conflict of Interest Act*; and

statistical data required by law not to be released (e.g. certain

census or assessment data).

This list is provided as an example and is not exhaustive. Requests for information should be referred to appropriate staff to be addressed as either an informal request for access to municipal records or as a formal request under the *Municipal Freedom of Information and Protection of Privacy Act*. Members of Council should not access or attempt to gain access to confidential information in the custody of the City unless it is necessary for the performance of their duties and not prohibited by Council policy.

USE OF CITY PROPERTY

No member shall for personal purposes or profit, permit the use of any City property, equipment, services, or supplies other than for purposes connected with the discharge of City duties or associated community activities of which City Council has been advised, unless such use is permitted by one of the following exceptions:

- Reasonable and incidental personal use of equipment such as computers, fax machines, cell phones, blackberries, etc., where the City incurs no additional costs relating to such use, and the use is of limited duration and frequency.
- Use of City property and facilities where such use is universally known to be available to other residents upon request and on equal terms.

No member shall obtain financial gain from the use of City developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the City of Guelph.

No member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.

WORK OF A POLITICAL OR PERSONAL NATURE

Members are required to follow the provisions of the *Municipal Elections Act, 1996.* No member shall use the facilities, equipment, supplies, services or other resources of the City (including Councillor newsletters and websites linked through the City's website) for any election campaign or campaign-related activities. No member shall undertake campaign-related activities in any City facility for the purpose of seeking the support of City employees working in that facility. No member shall use the services of persons for his or her election campaign purposes during the working hours for which those persons receive compensation from the City.

No Member shall use City facilities, services or property for his or her personal or business use. No member shall use the services of persons for his or her personal or personal business use during the working hours for which those persons receive compensation from the City. Conduct Respecting Current and Prospective Employment

No member shall allow the prospect of his / her future employment by a person or entity to detrimentally affect the performance of his / her duties to the City.

BUSINESS No member shall act as a paid agent before Council, its committees, or an agency, board or commission of the City except in compliance with the terms of the *Municipal Conflict of Interest Act*. A member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

INFLUENCE ON STAFF

Only Council as a whole has the authority to approve budget, policy, committee processes and other such matters. Members shall be respectful of the fact that staff work for the City as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or group of members. Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of the City.

Council directs the business of the City and passes by-laws, or resolutions as appropriate, for decisions adopted by Council. Council has delegated responsibility to the Chief Administrative Officer (CAO) for the administration of the affairs of the City in accordance with decisions adopted by Council. This means that under the direction of the CAO, staff have the responsibility and the authority to provide consultation, advice and direction to Council and to implement Council approved policy. Accordingly, staff establish the appropriate administrative policies, systems, structures and internal controls to implement the goals and objectives of Council, and manage implementation within the resources at their disposal. The Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions. No member shall compel any staff member to engage in activities that are contrary to the directions of Council or the policies of the municipality.

No member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any member use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

IMPROPER USENo member of Council shall use the influence of her or hisOF INFLUENCEoffice for any purpose other than for the exercise of her or hisofficial duties.

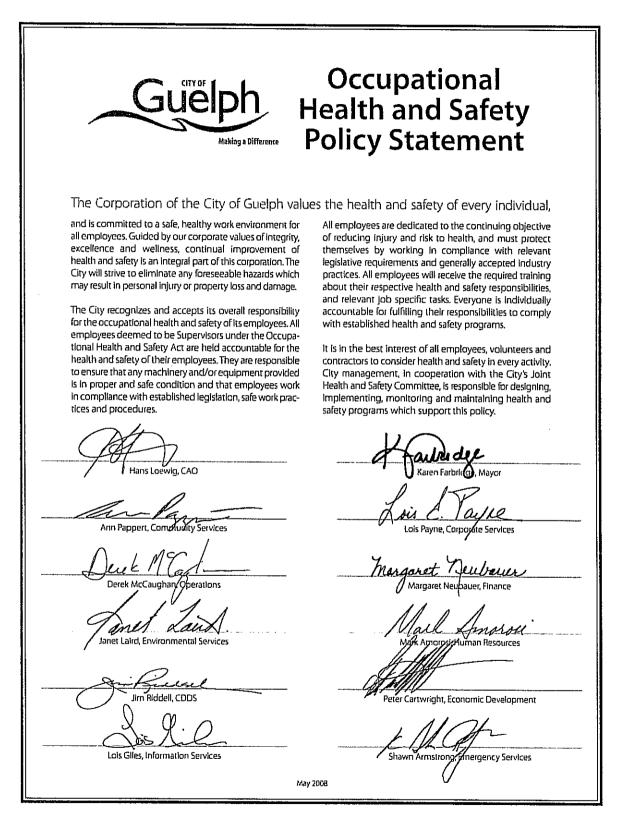
Examples of prohibited conduct are the use of one's status as a member of Council to improperly influence the decision of another person to the private advantage of oneself, or one's immediate relatives, staff members, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member's supposed influence within Council in return for present actions or inaction.

For the purposes of this provision:

"private advantage" does not include a matter:

- that is of general application;
- that affects a member of Council, his / her immediate relatives, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or
- that concerns the remuneration or benefits of a member of Council.

Appendix III – Occupational Health and Safety Policy Statement



Appendix IV - Values and Behaviours

In 2000, City Council formally adopted the following Values and Behaviours Statements.

City of Guelph Expectations of Working Together				
As members of the City Council and the City's Senior Management Team, we recognize the benefits of working together:	 Improved quality and image of the public service – better decision making Increased efficiency and effectiveness – a better run municipality A satisfying work environment – being an employer of choice 			
We value the following characteristics and are committed to see that they are reflected in our work with Council, staff community partners and residents.	RespectProfessionalismTrustPositive AttitudesUnderstandingEthical BehaviourOpennessMutuallySupportiveLeadership			
These expectations will be demonstrated through the following behaviours:	 Working together to achieve common goals. Being polite to each other and treating everyone fairly. Listening carefully to all views expressed. Keeping promises made to each other and to the group. Encouraging creativity in our thinking and in our work. Being consistent in what we say and how we act. Supporting each other individually and as a group. Recognizing publicly each other's accomplishments. 			

9.	Demonstrating and supporting leadership.
10.	Sharing information.
11.	Encouraging ongoing learning, training and skills enhancement.
12.	Moving forward and accepting the democratic decision-making process.

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Appendix V - Notice Policy

Tab Authority Subject	Council Policy Clerk's Office, Corporate Services PUBLIC NOTICE PROVISIONS
Related Policies Approved by Revision Date	Guiding Principles for Public Involvement Council As required
Policy Statement	This policy is to establish public notice provisions for matters directly affecting the public that are not otherwise prescribed by legislation.
PURPOSE	To allow for the giving of notice to the public of matters that may affect them and to afford them the opportunity to make submissions, attend, and delegate before Council and standing committees.
PROCEDURE	In this policy, "Newspaper" means a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than a week, consisting in great part of news of current events of general interest and sold to the public and to regular subscribers.
	Where notice provisions are prescribed for by statute or in a City By-law, those notice provisions shall prevail over this policy.
	Nothing in this policy shall prevent the City from exceeding the notice provisions as set out in this policy.
	Where Council or staff deems it in the public interest to exceed the standards set out in this policy, additional notice using various methods may be used, which may include but not be exclusive to the

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following: newspaper advertisements, notice by mail, notice by personal delivery etc.

Where the City is required to give notice under a provision of the Municipal Act in respect of a matter set out in the Schedules attached hereto, the notice shall be given in a form and manner and at the times set out in the Schedules unless:

(a)the Municipal Act, another Act, or a regulation prescribes otherwise for the notice;

(b)the requirements for notice are prescribed in another City by-law; or

(c)Council directs that other notice is to be given that Council considers adequate to give reasonable notice under the provision.

Where notice is required under the Municipal Act for a matter to be considered by Council, but such notice is not otherwise provided for, notice shall be given by way of passing of a Council resolution at an open meeting of Council. Such notice shall be provided a minimum of ten days before the meeting at which the matter will be considered and the notice shall contain the following information:

a)a general description of the matter;

b)relevant section of the Act, including reference to regulations, if applicable;

c)the date, time and place of the meeting at which the matter will be considered;

d)where the matter relates to specific lands within the City of Guelph, sufficient particulars of such lands, such as municipal address, legal description or key map; and

e)where additional information may be obtained.

Notice of Council and Standing Committee meetings shall be given in accordance with the Procedural Bylaw. If a matter for which notice was given under this policy is deferred, adjourned or continued to a future meeting, no further notice is required, unless there is a statutory requirement requiring otherwise, if:

a)a public statement is made at the meeting advising that the matter has been deferred, adjourned or continued to a future meeting specified in the statement, or

b)a written statement is posted at the meeting location advising that the matter has been deferred, adjourned or continued to a future meeting specified in the statement.

If a matter arises, which in the opinion of the Chief Administrative Officer, in consultation with the Mayor, is considered urgent, time sensitive or an extraordinary occasion, or which could affect the health, safety or well-being of the residents of the City of Guelph, or if a State of Emergency is declared, or is so advised by a Provincial Ministry, the notice requirements of this policy may be waived and the City Clerk shall make best efforts to provide as much notice as is reasonable under the circumstances.

SCHEDULE TO POLICY REGARDING PUBLIC NOTICE PROVISIONS:

CLOSURE OR RENAMING OF HIGHWAYS

(a) Highway Closings and Alterations

1. In this Schedule,

"Permanently Altering" means if the alteration is likely to deprive any person of the sole means of motor vehicle access to and from the person's land over any highway.

2. The following are the requirements for giving notice of intention to pass a by-law in respect of permanently closing a

highway or permanently altering a highway:

(1) <u>Manner of Notice</u>

Notice shall be published in a Newspaper.

Where the highway that is to be permanently closed or permanently altered is within one kilometre of a neighbouring municipality, notice shall also be sent to the Clerk of that municipality by prepaid, ordinary mail or by facsimile before the meeting at which the by-law will be considered.

(2) <u>Time of Notice</u>

Notice published in a Newspaper shall be published once a week for two consecutive weeks in the Newspaper before the meeting at which the proposed by-law will be considered.

(3) Form of Notice

Notice shall contain the following information:

- General description of the purpose of the meeting or proposed by-law;
- (ii) Relevant section of the Municipal Act, including reference to regulations, if applicable;

(iii) The date, time and location of the meeting;

- (iv) Where the purpose of the meeting or proposed by-law is related to specific lands within the City, sufficient particulars of such lands, such as municipal address, legal description or key map;
- (v) Contact information for submitting written comments on the matter

which is the subject of the meeting or proposed by-law and the deadline for receiving such comments;

 (vi) Contact information for persons wishing to appear as delegations and deadline for registration as a delegation.

(b)Changing Names of Highways

1. The following are the requirements for giving notice of intention to pass a by-law renaming a highway:

(1) Manner of Notice

Notice shall be published in a Newspaper.

Where the highway that is to have its name changed is within one kilometre of a neighbouring municipality, notice shall also be sent to the Clerk of that municipality by prepaid, ordinary mail or by facsimile before the meeting at which the by-law will be considered.

(2) <u>Time of Notice</u>

Notice published in a Newspaper shall be published once a week for two consecutive weeks before the meeting at which the matter or proposed by-law will be considered.

(3) Form of Notice

Notice shall contain the following information:

(i) General description of the purpose of the meeting or proposed by-law;

(ii) Relevant section of the Act, including reference to regulations, if applicable; (iii) The date, time and location of the meeting;

(iv) Where the purpose of the meeting or proposed by-law is related to specific lands within the City, sufficient particulars of such lands, such as municipal address, legal description or key map; Contact information for (v) submitting written comments on the matter which is the subject of the meeting or proposed by-law and the deadline for receiving such comments; (vi) Contact information for persons wishing to appear as delegations and deadline for registration as a delegation.

(II) ADDITION OF NEW BUSINESS LICENSING CATEGORY OR AMENDMENT TO CONDITIONS REQUIRED FOR OBTAINING OR MAINTAINING A BUSINESS LICENCE

1. The following are the requirements for giving notice of intention to pass a by-law amending the Business Licensing By-law to add a new business licensing category or to amend the conditions required for obtaining or maintaining a business licence.

(1) Manner of Notice

Notice shall be published in a Newspaper.

(2) <u>Time of Notice</u>

Notice shall be given a minimum of fourteen days prior to the meeting at which the matter or proposed by-law will be considered.

(3) Form of Notice

Notice shall contain the following

information:

(i) General description of the purpose of the meeting or proposed by-law;

(ii) Relevant section of the Act, including reference to regulations, if applicable;

(iii) The date, time and location of the meeting;

(iv) Where the purpose of the meeting or proposed by-law is related to specific lands within the City, sufficient particulars of such lands, such as municipal address, legal description or key map;

(v) Contact information for submitting written comments on the matter which is the subject of the meeting or proposed by-law and the deadline for receiving such comments;

(vi) Contact information for persons wishing to appear as delegations and

deadline for registration as a delegation.

(III)AMENDMENT TO THE CITY'S SIGN BY-LAW REGARDING SIGNAGE REQUIREMENTS

1. The following are the requirements for giving notice of intention to pass a by-law amending the Sign Bylaw to make any changes regarding signage requirements

(1) <u>Manner of Notice</u>

Notice shall be published in a Newspaper.

(2) <u>Time of Notice</u>

Notice shall be given a minimum of fourteen days prior to the meeting at

which the matter or proposed by-law will be considered.

(3)Form of Notice

Notice shall contain the following information:

> (i) General description of the purpose of the meeting or proposed by-law;

(ii) Relevant section of the Act, including reference to regulations, if applicable;

(iii) The date, time and location of the meeting;

(iv) Where the purpose of the meeting or proposed by-law is related to specific lands within the City, sufficient particulars of such lands, such as municipal address, legal description or key map;

(v) Contact information for submitting written comments on the matter which is the subject of the meeting or proposed by-law and the deadline for receiving such

comments;

(vi) Contact information for persons wishing to appear as delegations and

deadline for registration as a delegation.

(IV) MUNICIPAL RESTRUCTURING

1. The following are the requirements for notice of a public meeting under Section 173(3) of the Municipal Act respecting a restructuring proposal.

> (1)Manner of Notice

Notice shall be published in a Newspaper.

(2) <u>Time of Notice</u>

Notice shall be given a minimum of twenty-one days prior to the public meeting at which the matter will be considered.

(3) Form of Notice

Notice shall contain the following information:

(i) General description of the purpose of the meeting;

(ii) Relevant section of the Act, including reference to regulations, if applicable;

(iii) The date, time and location of the meeting;

(iv) Where the purpose of the meeting is related to specific lands within the City, sufficient particulars of such lands, such as municipal address, legal description or key map;

 (v) Contact information for submitting written comments on the matter which is the subject of the meeting and the deadline for receiving such comments;

(vi) Contact information for persons wishing to appear as delegations and deadline for registration as a delegation.

(V) EFFICIENCY AND EFFECTIVENESS OF THE MUNICIPALITY'S OPERATIONS

1. The following are the requirements for notice in respect of the efficiency and effectiveness of the municipality's operations under section 299(4) of the Municipal Act.

Information regarding the efficiency and effectiveness of the City's operations as may be

designated by the Minister of Municipal Affairs and Housing shall be published in a newspaper at the times designated by the Minister.

Appendix VI – Accountability and Transparency Policy

Tab CITY COUNCIL

Subject ACCOUNTABILITY AND TRANSPARENCY

RelatedDisposition of Surplus Property By-law (1995)-14835PoliciesHiring Of Employees
Procurement Of Goods And Services By-law (2005)-17679
Notice To The Public
Delegation Of Authority
Guiding Principles for Public Involvement
Council Code of Ethics

Approved by (date)

Review Date Annually

POLICYGuelph City Council acknowledges that it is responsible to**STATEMENT**provide good government for its community stakeholders in an
accountable and transparent manner by:

- Encouraging public access and participation to ensure that decision making is responsive to the needs of its constituents and receptive to their opinions;
- Delivering high quality services to our constituents; and
- Promoting the efficient use of public resources.

Accountability, transparency and openness are standards of good government that enhance public trust. They are achieved through the City adopting measures ensuring, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to its community stakeholders. In addition, wherever possible, the City of Guelph will engage its stakeholders throughout its decision making process which will be open, visible and transparent to the public.

Guelph City Council also acknowledges that there will be matters that due to their very nature must be considered at meetings that are not open to the public, and when these occasions occur, the City of Guelph commits to compliance with the statutory requirements regarding closed meetings under S. 239 of the Municipal Act. **PURPOSE** The purpose of this policy is to comply with S. 270 of the Municipal Act which requires that all municipalities adopt and maintain a policy with respect to the manner in which the City of Guelph will try to ensure that it is accountable to the public for its actions, and the manner in which we will try to ensure that our actions are transparent to the public. This policy will provide guidance for the delivery of the City's activities and services in accordance with the principles as outlined herein.
 DEFINITIONS Accountability - The principle that the City of Guelph will be responsible to its stakeholders for decisions made and policies implemented, as well as its actions or inactions.

Transparency – The principle that the City of Guelph actively encourages and fosters stakeholder participation and openness in its decision making processes. Additionally, transparency means that the municipality's decision making process is open and clear to the public.

POLICY The principles of accountability and transparency shall apply equally to the political process for decision making and to the administrative practices of the municipality.

"A" - Financial Matters

The City of Guelph will be open, accountable and transparent to its stakeholders in its financial dealings as required under the Act. Some examples of how the City of Guelph provides such accountability and transparency in its financial matters, are as follows:

- 1.• internal/external audit
- 2.• reporting/statements
- 3.• long term financial planning
- asset management
- purchasing/procurement
- disposition of surplus property
- budget process

<u>"B" - Internal Governance</u>

The municipality's administrative practices ensure specific accountability on the part of its employees through the following initiatives:

- 1.• code of conduct for staff
- 2.• performance management and evaluation
- 3.• hiring policy

- 4.• orientation/continuing education
- 5.• health and safety
- 6.• work/life balance
- 7.• compensation/benefit
- commitment of senior management to ensure that administrative practices and procedures recognize Council's commitment to accountability and transparency

<u>"C" - Public Participation</u>

The City of Guelph ensures that it is open and accountable to its stakeholders through implementing processes outlining how, when and under what rules meetings will take place. The City's meetings will be open to the public when and as required under the Act, and members of the public will have an opportunity to make delegations or submit comments in writing on specific items at these meetings. In addition, the City of Guelph has adopted guiding principles for public involvement which ensure that participation by the public can be meaningful and effective by encouraging participation that is:

- inclusive not exclusive
- voluntary
- purpose driven
- respectful of time and financial constraints
- open communication
- adaptable
- accessible to information and decision making
- respectful of for diverse interests
- regularly evaluated

These guidelines are available in the City Clerk's Office and on the City's website.

"D" - Disclosure of Information

The City is committed to timely disclosure of information by various means including print media, websites, etc. Some specific examples include:

- The City's website <u>www.guelph.ca</u>
- The City News Page
- Use of various communication vehicles (newsletters, brochures, print and radio advertising, etc.)
- A robust media relations programme
- Direct communication with constituents (both verbal and written)
- Development of corporate communication strategies

- Public meetings and open houses on municipal initiatives
- Engagement of the public through an effective public consultation process, so as to receive and not just convey information.

Appendix VII - Delegation of Authority Policy

Tab	CITY COUNCIL
Subject	DELEGATION OF AUTHORITY
Related	Accountability And Transparency
Policies	Purchasing By-law (2005)-17679
Approved by	(date)
Review Date	Annually

POLICY STATEMENT	Guelph City Council, as a duly elected municipal government is directly accountable to its constituents for its legislative decision making, policies, and administrative functions. Council's decisions are generally expressed by by-law or resolution of Council carried by a majority vote. The efficient management of the municipal corporation and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to committees and staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative functions. Council authority will be delegated within the context set out in the Act and will respect the applicable restrictions outlined in the Act.
DUBBOSE	The Municipal Act 2001 (the Act) required that all

- **PURPOSE** The *Municipal Act, 2001* (the Act) requires that all municipalities adopt and maintain a policy with respect to the delegation of Council's legislative and administrative authority. The purpose of this policy is to set out the scope of the powers and duties by which Council may delegate its legislative and administrative authority and to establish principles governing such delegation. This policy has been developed in accordance with the Act in order to comply with its other applicable sections, including section 270. This policy applies to all committees of Council, departments and staff.
- **DEFINITIONS** Legislative Powers Includes all matters where council acts in a legislative or quasi-judicial function including enacting by-laws, setting policies, and exercising decision making authority.

Administrative Powers - Includes all matters required for the management of the corporation subject to such limitations as Council may deem appropriate.

Delegate(s) – The person, persons or body to whom a delegation of authority is made by Council.

Delegation – The granting of authority by City Council to a person, persons or a body to exercise a legislative or administrative power of the Council.

POLICY REQUIREMENTS

- 1. All delegations of Council powers, duties or functions shall be effected by bylaw.
- 2. Unless a power, duty, or function of Council has been expressly delegated by bylaw, all of the powers, duties and functions of Council remain with Council.
- 3. A delegation of a power, duty or function under any bylaw to any member of staff includes a delegation to a person who is appointed by the CAO or selected from time to time by the delegate to act in the capacity of the delegate in the delegate's absence.
- 4. Subject to section 3, a person to whom a power, duty or function has been delegated by bylaw has no authority to further delegate to another person any power, duty or function that has been delegated, unless such sub-delegation is expressly permitted.
- 5. Legislative matters may be delegated by Council where they are minor in nature or where Council has explicitly provided for the terms and conditions under which the powers shall be exercised, and must take into account the limitations set out in the Act.
- 6. Administrative matters may generally be delegated to staff subject to the conditions set out in the delegation and in this policy, and must take into account the limitations set out in the Act.

IMPLEMENTATION "A" - ADMINISTRATIVE POWERS PROCEDURE

In order for Council to authorize the delegation of any of its Administrative Powers, it shall first approve the conditions and limitations of the delegation by the approval of a by-law. Council shall approve policy and procedures for the delegation which includes measures for the monitoring and accountability of the delegate and the transparency of the delegate's actions and decisions. In exercising any delegated power, the delegate shall ensure the following:

- 1. Any expenditure related to the matter shall have been provided for in the current year's budget, or authorized by the Purchasing By-law (2005)-17679.
- 2. The scope of the delegated authority shall not be exceeded by the delegate.
- 3. Where required by the specific delegated authority, reports shall be submitted to Council advising of the exercise of a delegated power and confirming compliance with the delegated authority and this policy.

"B" - LEGISLATIVE POWERS

In order for Council to authorize the delegation of any of its legislative and quasi-judicial powers, it is recognized that these powers can only be delegated to the following:

- One or more members of municipal council
- A body that has at least 2 members, of which 50% are council members, council appointees, or a combination thereof
- An officer, employee or agent of the municipality (if the power delegated is of a "minor nature" as provided in S. 23.2 of the Municipal Act).

Council shall approve the conditions and limitations for the delegation of any of its Legislative Powers.

Council shall approve specific and individual policy and procedures for each delegation which include measures for the monitoring and accountability of the delegate and the transparency of the delegate's actions and decisions.

Council shall only delegate Legislative Powers to an officer, employee or agent of the municipality which are minor in nature.

The delegation of Legislative Powers of Council are restricted to powers found in the Municipal Act, the Planning Act, a private act relating to the municipality and "such other Acts as may be prescribed."

RELATING TO	A delegation may be revoked at any time without notice unless the delegation by-law specifically limits the municipality's power to revoke the delegation.
	A delegation shall not limit the right to revoke the delegation beyond the term of the council which made the delegation.

A delegation may provide that only the delegate can exercise the delegated power or that both the municipality and the delegate can exercise the power.

A delegation or deemed delegation of a duty results in the duty being a joint duty of the municipality and the delegate.

A delegation may be made subject to such conditions and limits as the Council considers appropriate. Council shall outline the procedures that the delegate is required to follow and specific measures for accountability of the delegate and the transparency of the delegate's actions.

Where a power is delegated, the power is deemed to be delegated subject to any limits on the power and to any procedural requirements, including conditions, approvals and appeals which apply to the power and any duties related to the power are deemed to be delegated with the power.

RESTRICTIONS Council is not authorized to delegate any of the following powers and duties:

- To appoint or remove from office statutory officers of the municipality.
- To pass a by-law and deal with issues regarding taxes.
- To incorporate corporations.
- To adopt an official plan or an amendment to an official plan under the Planning Act.
- To pass a zoning by-law under the Planning Act.
- To pass a by-law related to small business counselling & municipal capital facilities
- To adopt a community improvement plan
- To adopt or amend the municipal budget
- Any other power that may be prescribed

No delegation of legislative or quasi-judicial powers to a corporation is permitted.

Any delegation of legislative or quasi-judicial powers may be subject to any regulation made by the Minister.

Any delegation of administrative powers may be subject to any regulation made by the Minister.

Appendix VIII – Meeting Investigator By-law

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2008)-18492 A by-law to appoint Local Authority Services Ltd. as Investigator Pursuant to Sections 8, 9, 10 and 239.1 of the Municipal Act, 2001.

WHEREAS effective January 1, 2008, Section 239.1 of the Municipal Act, 2001 as amended permits a person to request an investigation of whether a municipality or local board has complied with section 239 of the Municipal Act, 2001, as amended, or a procedure by-law under subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public;

AND WHEREAS Council deems it desirable to appoint Local Authority Services Limited (LAS) as the Investigator to investigate all requests on behalf of the City of Guelph and its Local Boards for a two year term commencing January 1, 2008;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH HEREBY ENACTS AS FOLLOWS:

- 1. That pursuant to sections 9, 10, 11 and 239.2 of the Municipal Act, 2001, as amended, (the "Act") Council hereby appoints LAS as the independent Investigator to investigate in accordance with the legislation all requests for an investigation of the Council and Committees of the Municipality and the Local Boards and their Committees of the Municipality. For the purposes of this By-Law "committee" and "local board" shall have the meaning as defined in section 238 of the Act.
- 2. The appointment shall be for an initial term of two years commencing the first day of January, 2008 and ending on December 31, 2009 and may be renewed for subsequent two year terms.
- 3. LAS and its delegate shall, in carrying out the functions of Investigator, have regard to, among other matters, the importance of the Investigator's credibility, the independence, impartiality and confidentiality with respect to the investigative process.

- 4. The Investigator or the delegate may hear or obtain information from such persons as the Investigator or the delegate thinks fit, and may make such inquiries as the Investigator or the delegate thinks fit and it is not necessary for the Investigator or the delegate to hold any hearing.
- 5. Subject to section 6, no person is entitled as of right to be heard by the Investigator or the delegate.
- 6. If at any time during the course of an investigation it appears to the Investigator or the delegate that there may be sufficient grounds for a report or recommendation that may adversely affect the municipality, a local board or any other person, the Investigator or the delegate shall give him, her or it an opportunity to make representations respecting the adverse report or recommendation, either personally or by counsel.
- 7. After conducting an investigation, the Investigator or the delegate shall report to the municipality or in the case of a local board, to the local board and the Municipality. The report shall include an opinion and the reasons for it and may make such recommendations as the Investigator or the delegate thinks fit. The report shall be included on the next agenda of the Council or in the case of a Local Board, the Council and the Local Board agendas, immediately following receipt of the report.
 - 8. Every request for an investigation by a person shall include all of the following:
 - a. be directed to the Clerk,
 - b. be in writing,
 - c. include reasons for the request,
 - d. be signed, and
 - e. include an address and telephone number of the person making the request.

This By-law shall come into force and take effect immediately upon the final passing thereof.

PASSED this 28^{th} day of January , 2008

..... Karen Farbridge - Mayor

Lois A. Giles - City Clerk

Appendix IX – Guiding Principles for Public Involvement

- **Inclusive not Exclusive** Everyone's participation will be welcome. Anyone with a known interest in the issue will be identified, invited and encouraged to be involved early in the process.
- Voluntary Participation The process will seek the support of those participants willing to invest the time necessary to make it work.
- Purpose Driven The process will be clearly linked to when and how decisions are made. These linkages will be communicated to participants.
- **Time and Financial Constraints** The process will operate within an appropriate time frame and budget.
- Communication The process and its progress will be communicated to participants and the community at-large using appropriate methods and technologies.
- Adaptability The process will be adaptable, recognizing all limits or constraints and allowing the level of public involvement to be reflective of the magnitude of the issue and the needs of the participants.
- Access to Information The process will provide participants with timely access to all relevant information in an understandable and user-friendly way. Education and training requirements will be considered.
- Access to Decision Making The process will give participants the opportunity to influence decision making. The participants will be provided with feedback as to how their input influenced the decisions as they are made.
- **Respect for Diverse Interests** The process will foster respect for the diverse values, interests and knowledge of those involved.
- Accountability The process will recognize that participants are accountable to both their constituents and to the success of the process.
- **Evaluation** The success and results of the process will be measured and evaluated.

Roles and Responsibilities

Council

City Council is ultimately responsible to all the citizens of Guelph and must weigh each of its decisions accordingly. Councillors are responsible to their local constituents under the ward system, however they must carefully consider the concerns expressed by all parties. Council must ultimately meet the needs of the entire community and act in the best interests of the City as a whole.

During its review and decision-making process, Council has an obligation to recognize the efforts and activities that have preceded its deliberations. Council should have regard for the public involvement processes that have been completed in support of projects, and Councillors should be prepared to discuss their rationale for their decisions in light of that public involvement.

City Staff

The future of the City should be designed to meet the needs and priorities of its citizens. Staff responsible for the design and implementation of public participation processes have an obligation to ensure that the Guiding Principles are the backbone of their processes. In addition to the responsibilities established by the Guiding Principles, staff have a responsibility to:

- pursue public involvement with a spirit that recognizes the value it adds to projects;
- in all public involvement activities, work towards fostering long-term relationships based on respect and trust;
- encourage positive working partnerships;
- take-up the challenge to draw out the silent majority, the voiceless and the disempowered;
- ensure that decisions and recommendations reflect the needs and desires of the entire community; and
- ensure that no participant or group is marginalized or ignored.

All Participants (Proponents, Public, Council, Staff)

The public is also accountable to the process and to the enhancement of the capacity to accomplish the project goals. All parties (including council, staff, other proponents and the public) have a responsibility to:

- focus on the real issues and not on the furthering of personal agendas;
- balance personal concerns with the needs of the community as a whole;
- have realistic expectations;
- participate openly, honestly and constructively, offering ideas, suggestions, alternatives, etc.;
- listen carefully and completely;
- identify their concerns and issues early in the process;
- provide their names and contact information if they want direct feedback;
- make every effort to work within the project schedule; if this is not possible then this should be discussed with the proponent as soon as possible. Participants must also recognize that process schedules may be constrained by external factors (e.g. broader project schedules or legislative requirements);
- recognize that there is no single voice that is more important than all others, and that there are diverse opinions to be considered;
- work within the process in an integrated and cooperative manner;
- accept some responsibility for keeping themselves aware of current issues; when possible, participants should also make others aware of project activities and solicit their input; and
- recognize that the measure of the success of the process is the fullness of public involvement and the quality of the outcome.

Appendix X - Procedural By-law

Consolidated Procedural By-law

THE CORPORTION OF THE CITY OF GUELPH

By-law Number (1996)-15200

A By-law to provide rules for governing the order and procedures of the Council of the City of Guelph, to adopt Municipal Code Amendment #179, and to repeal (1992)-14220, as amended.

[Amended by By-laws (1998)-15690, (2000)-16326, (2003)-17071, (2005)-17807, (2006)-17923, (2006)-18060, (2007)-18222, (2007)-18249, (2007)-18274, (2007)-18372, (2007)-18454 and (2008)-18595, (2008)-18618]

WHEREAS it is necessary and expedient that there should be rules governing the order and procedure of the Council and its committees;

AND WHEREAS section 55 of The Municipal Act, R.S.O. 1990 c.M.45, as amended requires Council and every local board to adopt a procedure by-law for governing the calling, place and proceedings of meetings;

NOW THEREFORE the Corporation of the City of Guelph ENACTS AS FOLLOWS:

GENERAL

1. (1) The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business of the Council and wherever possible with the necessary modifications, for all committees of Council, unless otherwise prescribed.

(2) Any reference to a member of Council shall include the Mayor.

MEETINGS

INAUGURAL

2. (1) The Inaugural meeting of the Council following a regular election shall be held on the first Monday in December at 7:00 p.m. in the Council Chambers of City Hall or at such alternate location as may be named by City Council. If this day is a public holiday, the Council shall meet at the same hour on the next day, not being a public holiday.

(2) At the inaugural meeting, all members present shall make their declaration of office, and no regular business shall be proceeded with at this meeting.

REGULAR MEETINGS

- 3. (1)Council shall meet on the dates and times as provided by schedule as set by Council by resolution each year at 7:00 p.m. in the Council Chambers of City Hall unless by way of resolution the Council selects an alternate meeting date, time or another location. In the event the regular meeting date falls on a public holiday, the Council shall meet at the same hour on the next day not being a public holiday. Where required, meetings that are closed to the public pursuant to Section 239 of the Municipal Act, may be scheduled no earlier than 5:00 p.m. on the day of a regular scheduled Council meeting. [Amended 2005-08-22 by By-law (2005)-17807] [Amended 2007-01-08 by By-law (2007)-18222] [Amended 2007-03-05 by By-law (2007)-18249] [Amended 2007-12-017 by By-law (2007)-18454]
 - (2) Unless there is a quorum consisting of seven members of Council present within fifteen minutes after the time appointed for the meeting of the Council, the Council shall stand adjourned until the next meeting date, and the City Clerk shall take down the names of the members present at the expiration of such fifteen minutes.
 - (3) As soon after the hour of meeting as there shall be a quorum present, the Mayor shall take the Chair and call the members to order. In the absence of the Mayor or Acting Mayor, the City Clerk shall call the members to order. A Chair shall be chosen from the members present and that person shall preside during the meeting or until the arrival of the Mayor or Acting Mayor.

SPECIAL COUNCIL MEETINGS

4. (1) The Mayor may at any time summon a special meeting of Council and it shall be the duty of the Mayor to summon a special meeting when so requested in writing by a majority of members of Council.

- (2) Upon receipt of a petition of the majority of the members of the Council, the City Clerk shall summon a special meeting for the purpose and at the time and place mentioned in the petition.
- (3) The City Clerk shall give notice of the time, place and the purpose thereof of every special meeting to all members not less than 48 hours prior to the time fixed for the meeting.
- (4) The notice calling a special meeting of the Council shall state the business to be considered at the special meeting and no business other than that stated in the notice shall be considered at such meeting, except with the unanimous consent of all members present at such meeting.

(5) On urgent or extraordinary occasions, an emergency special council meeting may be called by the Mayor, and the notice provided in sub-section (3) above shall not be required.

AGENDA

5. The City Clerk shall have prepared and printed for the use of members at the regular meetings of Council, an agenda with the following headings: Singing of O Canada Silent Prayer Declaration of possible Pecuniary Interest Confirmation of previous Council Minutes Presentations Public Meetings pursuant to legislation including The Planning Act Delegations Matters arising out of Delegations heard Reports of Committees of Council and other Boards, Committees and Commissions Consent Agenda Special Resolutions **By-laws** Ouestions and Announcements Notice of Motions Adjournment

PUBLIC NOTICE OF MEETINGS [Amended 2007-12-017 by By-law (2007)-18454]

- 5.(1) Public notice of all regular open and closed Council and Standing Committee meetings will be given by:
 - including them on the general calendar on the City's website at least 72 hours prior to the 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.
 - (2) Public notice of all special open and closed Council and Standing Committee meetings will be given by:
 - including them on the general calendar on the City's webpage at least 24 hours prior to the meeting,
 - wherever possible, 2 weeks in advance of the meeting,
 - wherever practicable, as soon after the meeting is called.

MINUTES

6. (1) The minutes of the previous meeting not yet adopted shall be presented by the City Clerk for adoption. It shall not be necessary to have the minutes read where copies thereof have been provided to members of Council with the agenda.

(2) When the minutes have been adopted, they shall be signed by the Mayor and City Clerk.

PRESENTATIONS

7. Council shall hear any presentation, for information purposes only, and presentations shall be limited to a maximum of ten minutes.

PUBLIC MEETINGS PURSUANT TO LEGISLATION

8. Where required, statutory public meetings under the Planning Act shall be held on the first Monday of the month starting at 7:00 p.m. Reports on planning matters shall be made available to the public one week in advance of the meeting. Notwithstanding subsection 9(2) of this by-law, the time limitation for delegations at a public meeting for the purpose of informing the public of matters under the Planning Act, shall not exceed ten minutes. The ten minute time period may be extended by the Council by a majority vote of the Council members present. Such question shall be decided by Council without debate. Questions by Council of staff may be asked after the staff presentation and prior to delegations. [Amended 2003-03-03 by By-law (2003)-17071] [Amended 2005-08-22 by By-law (2005)-17807]] [Amended 2007-01-08 by By-law (2007)-18222] [Amended 2007-03-05 by By-law (2007)-18249]

DELEGATIONS

9. (1) No person, except members of Council and appointed officials of the City of Guelph, shall be allowed to come within the horseshoe during the sittings of the Council without the permission of Council.

- (2) Upon approval of the Council, a person wishing to appear as a delegation may address the Council for a period of time not exceeding five minutes. The five minute time period may be extended by the Council by a majority vote of the Council members present. Such question shall be decided by the Council without debate.
- (3) Delegations wishing to address Council shall notify the City Clerk no later than the Wednesday immediately preceding the regular Council meeting in order that they may be listed on the agenda along with the subject matter of their address. The delegation where possible, should provide a written copy

of the submission before 4:00 p.m. on the Wednesday prior to the regular Council meeting. Delegations notifying the City Clerk after 4:00 p.m. on the Wednesday prior to the regular Council meeting who wish to address matters on the agenda have until 12:00 noon on the day of the Council meeting to have their name and written outline notated on the addendum. **[Amended 2005-08-22 by By-law (2005)-17807]**

- (4) (a) Delegations wishing to address Council on a matter not on the agenda, or on a matter clearly beyond Council's jurisdiction shall be directed by the City Clerk to the appropriate standing committee of Council to make representation. The delegation shall provide a written outline identifying the subject matter and the general nature of the request to the City Clerk for inclusion with the applicable agenda package.
 - (b) In the event that the matter is of an urgent nature and requires a decision prior to the next Council meeting, sub-section 9(4)(a) shall not apply and the delegation shall be heard at the conclusion of all items of business on the agenda.
- (5) In the case of special Council meetings the above rules will apply with the necessary modifications.
- (6) Delegations shall not be permitted to appear before Council for the sole purpose of generating publicity for an event.
- (7) Delegations that have previously appeared before Council on a subject matter shall provide new information only in any subsequent presentations relating to that matter.
- (8) A person who is unable to attend a Council meeting may arrange for another person to appear as a delegation on such person's behalf and to read aloud a prepared statement pertaining to an item listed on the Council agenda.
- (9) Except on matters of order, members of Council shall not interrupt a delegation while he or she is addressing Council.
- (10) Members of Council may only ask questions of delegations and shall not express an opinion or enter into debate with the delegations.
- (11) An organized body wishing to address Council as a delegation shall be limited to a maximum of five minutes regardless of the number of representatives of that group wishing to address Council.
- (12) All delegations on an issue shall be heard before questions are asked of staff or discussion among Council.

(13) Where delegations have appeared on an item on the Council agenda, the item shall be brought forward for consideration immediately after all delegations have been heard. [Amended 2005-08-22 by By-law (2005)-17807]

MATTERS BEFORE COURT, TRIBUNAL, ETC.

10. Council shall not permit any person to address Council during a closed meeting on litigation or potential litigation, including matters which are before and under the jurisdiction of any court or administrative tribunals affecting the municipality or local board unless such matter is referred to Council by the said administrative tribunal or court or, in the alternative, Council deems this matter to be sufficiently important to allow the delegation to be heard.

REPORTS FROM COMMITTEES, BOARD AND COMMISSIONS

- 11. (1) Reports of Committees of Council and other Board, Committees and Commissions shall be submitted in the following order:
 - (a) Standing Committees
 - (b) Special Committees appointed from time to time by Council; and
 - (c) Boards and Commissions
 - (2) All reports from Committees of Council shall be presented by the Chair of the Committee or, in their absence, by a member of the Committee, who shall move the adoption of the Report, or that the Report be received.
 - (3) Reports from Boards and Commissions submitted in writing shall be signed by the Chair or Secretary. When the reports are such that action of Council is required, appropriate resolutions shall be presented for consideration.

CONSENT AGENDA

- 12. (1) The Consent Agenda shall consist of the following items:
 - (a) Reports from Administrative Staff which are recommended by the City Administrator and may be submitted;
 - i) on the initiative of the City Administrator or, through the City Administrator, a Department Head, or
 - ii) as a result of correspondence received by any official of the City.

- (b) Correspondence for the direction of Council shall include:
 - i) correspondence for which a policy decision or approval of Council is required, and
 - ii) correspondence accompanied by a recommendation from the City Clerk
 - iii) correspondence where a member of Council has requested that the item be placed on the consent agenda
- (c) Correspondence for the information of Council.

POINT OF ORDER OR PRIVILEGE

- 13.(1)A member may raise a point of order at any time, whereupon the Mayor shall:
 - a) interrupt a matter of consideration on the agenda; and
 - b) ask the member who has been speaking to be seated; and
 - c) ask the member raising the point of order to state the substance of and the basis for the point of order; and the applicable rule involved; and
 - d) ask the member raising the point of order to be seated; and
 - e) rule on the point of order immediately without debate by Council.

If there is no appeal, the decision of the Mayor is final. The Council, if appealed to, shall decide the question without debate and its decision is final.

- (2) A member may raise a point of privilege at any time if they consider that their integrity or the integrity of Council as a whole has been impugned, whereupon the Mayor shall:
 - a) interrupt a matter of consideration on the agenda; and
 - b) ask the member who has been speaking to be seated; and
 - c) ask the member raising the point of privilege to state the substance of and the basis for the point of privilege; and
 - d) ask the member raising the point of privilege to be seated; and
 - rule on the point of privilege immediately without debate by Council.

If there is no appeal, the decision of the Mayor is final. The Council, if appealed to, shall decide the question without debate and its decision is final.

Where the Mayor considers that the integrity of any City employee has been impugned or questioned, the Mayor may permit the City Administrator, department head or other city employee to make a statement to Council. [Amended 2005-08-22 by By-law (2005)-17807]

CONDUCT OF MEMBERS IN COUNCIL

- 14. (1) The Mayor shall preserve order and decide questions of order and privilege.
 - (2) Every member desiring to speak, shall raise his or her hand so as to be recognized by the Mayor.
 - (3) Every member, on being recognized shall remain seated in their place, and address themselves to the Mayor. [Amended 2007-08-13 by By-law Number (2008)-18372]
 - (4) A member called to order by the Mayor shall immediately sit down, but then may rise to explain and appeal to the Council. The Council, if appealed to, shall decide on the case, but without debate. If there is no appeal, the decision of the Mayor shall be final.
 - (5) No member shall:
 - (a) without leave of the Council: [amended 1998-03-02 by By-law (1998)-15690] [Amended 2005-08-22 by By-law (2005)-17807]
 - i) speak to an issue for more than 5 minutes (cumulative);
 - (b) use offensive words or speak disrespectfully of Council or any person;
 - (c) speak on any subject other than the subject under debate;
 - (d) speak in contempt of any decision of the Council except when speaking in support of a motion for reconsideration;
 - (e) leave his or her seat or make any noise or disturbance while a vote is being taken or until the result is declared;
 - (f) disobey the rules or decisions of Council or a decision of the Mayor on questions of order or practice or upon the interpretation of the rules of the Council, and in case a member persists in any such disobedience after having been called to order by the Mayor, such member may be ordered by Council to leave his or her seat for that meeting and, in case of their refusing to do so, they may, on the order of the head of Council, be removed therefrom by the police. In case of adequate apology being made by the member they may, by vote of the Council, be permitted to take their seat.
 - (6) Section 14(5)(a) shall not apply to any Chair of a Standing Committee, or his or her designate, when presenting the Committee's report to Council.
 [Amended 1998-03-02 by By-iaw (1998)-15690]

MOTIONS AND ORDER OF PUTTING QUESTIONS IN COUNCIL

15. (1) All motions shall be seconded before being debated. When a motion is seconded, it may upon request, be read or stated by the Mayor or City Clerk at any time during the debate.

- (2) Whenever the Mayor is of the opinion that a motion is contrary to the rules and privileges of the Council, the Mayor shall apprise the members thereof immediately and shall cite the rule or authority applicable to the case without argument or comment.
- (3) A motion in respect of a matter which is not within the jurisdiction of the Council shall not be in order.
- (4) After a motion is moved and seconded, it shall be deemed to be possession of the Council but may, with the consent of the Council, be withdrawn at any time before decision or amendment.
- (5) When a motion is under consideration no other motion shall be received unless:
 - (a) to refer the motion to a standing committee, committee of council, administrative staff or any person or body and such motion:
 - (i) is open to debate;
 - (ii) is amendable; and
 - (iii) shall preclude amendment or debate of the preceding motion unless resolved in the negative.
 - (b) to amend the motion and such motion to amend:
 - (i) is open to debate;
 - (ii) shall not propose a direct negative to the main motion;
 - (iii) shall be relevant to the main motion;
 - (iv) is subject to only one amendment at one time, and any amendment more than one must be to the main question; and
 - (v) shall be put in the reverse order to that in which they are moved, and shall be decided or withdrawn before the main question is put to the vote.
 - (c) to defer the motion to another time and such motion to defer:
 - (i) is not open to debate;
 - (ii) is not subject to amendment; and
 - (iii) applies to the main motion and any amendments thereto under debate at the time the motion to defer is made.

- (d) to adjourn the meeting and such motion to adjourn:
 - (i) is not open to debate;
 - (ii) is not subject to amendment; and
 - (iii) shall always be in order, but no other such motion shall be made unless some intermediate proceeding has taken place.
- (e) to move the previous question and such motion:
 - (i) cannot be amended;
 - (ii) cannot be proposed when there is an amendment under consideration;
 - (iii) shall preclude all amendments of the main question;
 - (iv) when resolved in the affirmative, the question is to be put forthwith, without debate or amendment;
 - (v) when resolved in the negative, the debate shall continue;
 - (vi) cannot be received in any committee of Council; and
 - (vii) may be voted against by the mover and seconder.

VOTING

- 16. (1) When one or more of the motions set out in Section 15 has been made, the order of the vote shall be as follows:
 - (a) to defer consideration of the motion;
 - (b) to refer the motion;
 - (c) upon the amendments in the reverse order of presentation, dealing with an amendment to an amendment immediately before the amendment it proposes to amend; and
 - (d) then, upon the main motion or upon the main motion as amended, if any amendments have been carried.
 - (2) When the question under consideration contains distinct propositions, upon the request of any member of Council, the vote upon each proposition shall be taken separately.
 - (3) After a question is finally put by the Mayor, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared.
 - (4) (i) After a question is finally put by the Mayor (other than motions regarding procedural matters) members of Council must distinguish their vote when voting on any matter by voting in favour or opposed using an electronic voting system.

- (ii) Should Council meet in a place where there is no electronic voting system or should the electronic voting system in the Council Chambers be inoperable, the members of Council must distinguish their vote by clearly calling out if they are in favour or opposed to the question when their name is called.
- (iii) After a question is put on a procedural motion, Members of Council must clearly distinguish their vote by placing their hand up in the air above their shoulder. [Amended 2007-08-13 by By-law Number (2008)-18372]
- (5) The City Clerk shall for all motions, other than procedural motions, record the name and vote of every member voting on a matter of question. [Amended 2007-08-13 by By-law Number (2008)-18372]
- (6) The Mayor shall vote on any question while in possession of the Chair, however, if the Mayor wishes to propose a motion he or she must step down and shall not resume the Chair until the vote is taken. [Amended 2007-08-13 by By-law Number (2008)-18372]
- (7) The City Clerk shall record in the minutes the name of any member of Council who is not present in the Chamber when such recorded vote is taken.

RECONSIDERATION OF COUNCIL DECISION:

- 17. (1) After a resolution is passed, any member of Council who voted with the majority in respect of such motion, may move a motion for reconsideration. The motion shall only be seconded by a member of Council who voted with the majority.
 - (2) No discussion on the main motion shall be allowed unless the motion for reconsideration is carried in the affirmative by a vote of a minimum vote of seven of the entire Council. [Amended 2000-06-05 by By-law (2000)-16326]
 - (3) Any member of Council who did not vote on the motion to be reconsidered by reason of not being a duly elected member of Council at the time the vote was taken or who was absent at the time a vote was taken on the motion, shall be deemed to be a member of Council who voted with the majority for the purposes of sub-section (1).
 - (4) Debate on a motion for reconsideration must be confined to reasons for or against the reconsideration, and no discussion on the main question shall be allowed until the motion for reconsideration is carried.
 - (5) No question shall be reconsidered more than once during the term of Council, nor shall a vote to reconsider be reconsidered.

- (6) If a motion to reconsider is decided in the affirmative, such reconsideration of the original motion shall become the next order of business, unless the motion for reconsideration calls for a future definite date. Debate on the motion to be reconsidered may proceed as though it had never previously been voted on.
- (7) A motion to reconsider may also be introduced by a Notice of Motion. The mover or seconder is not required to have voted with the majority of Council. This notice of motion shall appear on the agenda of a subsequent meeting or the meeting specified by the mover and seconder. This motion is deemed to have been passed in the affirmative if it received a vote of at least 7 of the entire Council. [Amended 2000-06-05 by By-law (2000)-16326]

BY-LAWS

- 18. (1) The City Clerk shall submit to Council a summary of all by-laws proposed for adoption, including the by-law numbers, titles and explanatory notes.
 - (2) Every proposed by-law shall be at the Council Meeting and be available to any person interested in reviewing same. [Amended 2008-07-28 by Bylaw (2008)-18595]
 - (3) Every by-law proposed for adoption shall be passed in one motion. [Amended 2008-07-28 by By-law (2008)-18595]
 - (4) After the by-laws have been passed, the City Clerk shall be responsible for their correctness should they be amended at the Council meeting.
 - (5) Every by-law passed by Council shall:
 - (a) be signed by the Mayor, or the presiding officer at the meeting;
 - (b) be signed by the City Clerk;
 - (c) be sealed with the seal of the Corporation, and;
 - (d) indicate the date of passage.

CONFIRMATORY BY-LAW

19. Council shall, at each meeting, enact a by-law to confirm each motion, resolution and action passed and taken by the Council at that meeting.

QUESTIONS AND ANNOUNCEMENTS

20. Any member of Council may ask questions relating to matters of general interest or benefit to the Council or the City. No argument or opinion is to be offered or facts to be stated, except as far as necessary to clarify the question. In answering any questions a member is not to debate the matter. All 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. [Amended 2005-08-22 by By-law (2005)-17807]

NOTICE OF MOTION AND SPECIAL RESOLUTIONS

- 21.(1) Any member may give notice of intent that he or she will introduce a motion at the next or a subsequent meeting of Council to initiate any measure or to make any change in the Council's established policy. At the time of giving of notice, members shall fully disclose the intent of the motion to Council. The giving of notice requires no seconder and is not at that time debatable. [Amended 2006-06-19 by By-law (2006)-18060]
 - (2) Notices of motion shall be in writing, and shall be submitted to the City Clerk for inclusion in the Agenda of the next meeting of Council following the meeting at which notice was given or such other time as is specified in the notice. Notices received after the time of printing of the agenda for a Council meeting, shall be placed on the agenda for the next following regular Council Meeting.
 - (3) Motions for which previous notice has been given shall be listed on the agenda under the heading "Special Resolutions". Special resolutions for which previous notice was given shall not be placed on supplementary or addendum agendas.
 - (4) In introducing a special resolution to Council, a member shall be permitted the opportunity of providing material and information in support of the resolution for the benefit of Council.
 - (5) Where Council has passed a resolution at a meeting closed to the public in accordance with Appendix #1 "Matters for Closed Meetings", such resolution shall only be added to the agenda of a regular or special meeting by the Clerk when so directed by Council. This resolution shall be incorporated in the Special Resolution section of the Council agenda.

ADDENDUM/SUPPLEMENTARY AGENDAS

- 22. (1) An addendum or supplementary agenda shall be prepared by the City Clerk to advise Council of names of persons who wish to speak to matters on the agenda who have contacted the City Clerk after the agenda has been distributed.
 - (2) Items or matters will not be added to the agenda after its distribution to Council by inclusion on the addendum unless directed by the Mayor or member of Council or senior staff if the urgent nature of the matter requires a decision prior to the next Council meeting.

ADJOURNMENT

- 23. (1) The Council shall always adjourn at 11:00 p.m. if in session at that hour, unless otherwise decided before that hour by a two-thirds vote of the members present. When the Council is adjourned at 11:00 p.m., before the agenda is completed, a time and date shall be established for consideration of the balance of the agenda.
 - (2) A motion to adjourn may be made by a member who has the floor, requires no seconder and need not be in writing. However, no motion to adjourn may be made during the taking of a vote on any other motion.
 - (3) If a motion to extend the automatic adjournment time is required prior to the hearing of all delegations on a matter being considered at the time such motion to adjourn is made, the meeting shall not be adjourned until all delegations listed have been heard, and Council has disposed of the matter and have completed the time sensitive issues on the agenda. [Amended 2005-08-22 by By-law (2005)-17807]

DISCLOSURE OF PECUNIARY INTEREST

24. When a member of Council has participated in any matter despite having previously declared a possible pecuniary interest, Council may consider deferring the matter for sufficient time to assess any impact such participation may have had on the decision making process.

COMMITTEE OF THE WHOLE

- 25. (1) When it is moved and seconded that the Council go into Committee of the Whole, the Mayor shall remain as Chair of the Committee of the Whole and shall maintain order in the Committee.
 - (2) The rules governing the procedure of the Council and the conduct of members in Council shall be observed in Committee of the Whole so far as they are applicable, except that a motion shall not be required to be seconded before debate is permitted. [Amended 1998-03-02 by By-law (1998)-15690]

STRIKING COMMITTEE

26. (1) In the first year of a new term, the Council shall meet as a striking committee for the purpose of making appointments to the Standing Committees and Boards, Committees and Commissions.

(2) In all other years of the Council term, the striking committee shall meet as part of the regularly scheduled Council meeting on the last regularly scheduled meeting in November.

STANDING AND SPECIAL COMMITTEES

- 27. (1) Council shall appoint the following standing committees:
 - (a) Community Development and Environmental Services Committee,
 - (b) Emergency Services, Community Services and Operations Committee
 - (c) Finance, Administration & Corporate Services Committee, and
 - (d) Governance and Economic Development Committee
 - (e) Land Ambulance Committee
 - (f) Emergency Governance Committee

[Amended 2006-01-09 by By-law (2006)-17923] [Amended 2007-01-08 by By-law (2007)-18222] [Amended 2007-04-16 by By-law (2007)-18274] [Amended 2008-09-22 by By-law Number (2008)-18618]

- (2) (a) Each standing committee shall be composed of four councillors and the Mayor. Each standing committee shall select a Chair from among its members. The selected Chair and members of each standing committee shall be appointed by Council for a one year term. A quorum for a standing committee shall be three members.
 - (b) Notwithstanding Section 27(2)(a), the Land Ambulance Committee shall also be composed of the Warden of Wellington County and three members of County Council and quorum shall be five members.
 [Amended 2007-04-16 by By-law (2007)-18274]
 - (c) Notwithstanding Section 27(2)(a), the Emergency Governance Committee shall be comprised of a minimum of four and a maximum of six members of Council. A quorum shall be four members.
 [Amended 2008-09-22 by By-law Number (2008)-18618]
- (3) Council may by resolution, appoint special committees for such purposes as are specified in the resolution.
- (4) Council may appoint a member to act on any committee in lieu and during the absence of any member who is absent from the municipality or unable from illness to attend the meetings of such committee. The member appointed shall be deemed to be a member of the committee and entitled to act thereon during the member's absence or illness.
- (5) Wherever possible the business of the standing or special committees shall be conducted in accordance with the rules of conduct and debate which apply to Council meetings.

- (6) Members of Council may attend the meetings of any of its committees and, upon being recognized by the Chair, shall be allowed to take part in any discussion or debate. However, non-committee members shall be disqualified from voting.
- (7) Standing and special committees shall report to Council on all matters that have been referred to them and shall recommend such action as they deem necessary. The Council may refer back to any committee any report in whole or in part or any question or matter for further consideration.
- (8) The Chair of each standing committee shall preside at every meeting or, in the Chair's absence, such other Member as may be chosen by the Committee.
- (9) The Chair shall preside at every meeting and may vote on all questions submitted. In the case of an equal division of votes, the question shall be passed in the negative. A recorded vote may be requested by any member of a committee on any question before the committee.
- (10) The Chair of each committee shall sign the minutes of their respective committee meetings after they have been adopted by resolution of the committee.
- (11) Each standing committee shall establish regular meeting dates and the Chair of each committee shall be responsible for the calling of the meetings.
- (12) At the direction of the Chair of a standing committee or special committee, the City Clerk shall call a special meeting or cancel a scheduled meeting. The City Clerk shall give at least forty-eight hours notice of the calling or cancellation of any meetings.

CALLING MEETINGS

28. The Chair of the Standing Committee shall establish regular meeting dates and be responsible for the calling of meetings. The Mayor being an ex-officio member of each standing committee also has the authority to call a standing committee meeting. Lastly, the majority of members of a standing committee have the authority to call a meeting. Once a request is made the arrangements for the meeting shall be made within the next day and a meeting scheduled for the first possible time when a quorum would be available.

MEMBER ABSENT FROM MEETINGS

29. The appointment of a member of Council to a standing committee may be terminated if the member is absent from meetings of the Committee for three consecutive months without being authorized to do so by a resolution of the committee entered upon its minutes.

STANDING COMMITTEE FUNCTIONS

- 30. (1) The general service area responsibilities of the Community Development and Environmental Services Committee shall be to study and report to Council on matters relating to, but not limited to, the following:
 - (a) Community Design & Development Services (with the exception of Economic Development and Tourism)
 - (b) Environmental Services
 - (2) The general service area responsibilities of the Emergency Services, Community Services and Operations Committee shall be to study and report on matters relating to, but not limited to, the following: [Amended 2007-04-16 by By-law (2007)-18274]
 - (a) Community Services
 - (b) Emergency Services
 - (c) Operations
 - (d) Wellness
 - (3) The general service area responsibilities of the Finance, Administration and Corporate Services Committee shall be to study and report on matters relating to, but not limited to, the following:
 - (a) Corporate Services
 - (b) Finance
 - (c) Human Resources
 - (d) Financial Audit
 - (4) The general service area responsibilities of the Governance and Economic Development Committee shall be to study and report on matters relating to, but not limited to, the following:
 - (a) Economic Development and Tourism
 - (b) Strategic Planning and Corporate Initiatives
 - (c) Intergovernmental Liaison
 - (d) Governance Policy Review
 - (5) The general service area responsibilities of the Land Ambulance Committee shall be to study and report on matters relating to, but not limited to the following:
 - (a) Land Ambulance Services provided to the residents of the City of Guelph and the Council of Wellington. [Amended 2007-04-16 by By-law (2007)-18274]

- (6) Where a matter may fall under the responsibility of more than one standing committee, the City Clerk shall consult with the Mayor and the committee chairs involved, for a determination of which standing committee shall deal with the matter. [Amended 2007-01-08 by By-law (2007)-18222] [Amended 2007-04-16 by By-law (2007)-18274]
- (7)Council delegates to the Emergency Governance Committee authority to exercise its normal legislative, quais-judicial and administrative powers, subject to the limitations of the Municipal Act, with such delegated authority to only be exercised:
 - (a) for the duration of an emergency which has been declared by the Mayo rand his/her designate, in accordance with the City's Emergency Response Plan; and
 - (b) 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
 - (c) for Council's normal decision making process and not for the management or co-ordination of emergency response activities.
 [Amended 2008-09-22 by By-law Number (2008)-18618]

SUSPENSION OF RULES

31. No provision of this by-law shall be suspended except by affirmative vote of two-thirds of the entire Council.

UNPROVIDED RULES

32. In any unprovided case in the proceedings of Council, or a Committee, the procedure followed shall be as provided in Bourinot's Rules of Order.

PROCEDURAL BY-LAWS FOR OTHER COMMITTEES

33. Where a board, committee or commission has not adopted a procedural bylaw, 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.

MUNICIPAL CODE AMENDMENT

34. Municipal Code Amendment #179, which amends Chapter 20 of the City of Guelph Municipal Code by removing Article II and substituting the aforementioned clauses is hereby adopted.

REPEAL OF PREVIOUS BY-LAWS

35. By-law Number (1992)-14220, and the accompanying amendments numbered By-law (1994)-14522, (1994)-14627, (1995)-14771 are hereby repealed.

PASSED THIS SIXTEENTH DAY OF JUNE, 1996.

Original Signed by: Mayor Joe Young V. Charlene Lavigne, Deputy Clerk

APPENDIX

MATTERS FOR CLOSED MEETINGS

239. (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Exceptions

- (2) Meetings of Council as well as standing committees of Council shall be open to the public unless one of the following matters shall be discussed:
 - (a) the security of the property of the municipality or local board;
 - (b) personal matters about an identifiable individual, including municipal or local board employees;
 - (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
 - (d) labour relations or employee negotiations;
 - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;

Other Criteria

(3) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the council, board, commission or other body is the head of an institution for the purposes of that Act. 2001, c. 25, s. 239 (3).

Educational or training sessions

- (3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
 - 1. The meeting is held for the purpose of educating or training the members.
 - At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decisionmaking of the council, local board or committee.

Prior to holding the meeting which is closed to the public, council or the committee must convene in a formal session and pass a resolution indicating which of the issues as identified in section 1 shall be discussed at the closed meeting.

Updated September 25, 2008

CONSENT AGENDA

Her Worship the Mayor and Members of Guelph City Council.

SUMMARY OF REPORTS:

attach.

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

A Reports from Administrative Staff

REPORT		DIRECTION	
A-1)	GUELPH HYDRO INC.	Approve	
	THAT a steering committee representing the Mayor and four members of City Council (as shareholder) and the Guelph Hydro Inc. Board be established to explore the future direction and opportunities of the Guelph Hydro business enterprise;		
	AND THAT Councillors,,		
	, and Mayor Farbridge be appointed to the steering committee to explore the future direction and opportunities of the Guelph Hydro business enterprise.		
В	ITEMS FOR DIRECTION OF COUNCIL		
С	ITEMS FOR INFORMATION OF COUNCIL		

COUNCIL REPORT



то	Guelph City Council
SERVICE AREA	Corporate Administration
DATE	November 24, 2008
SUBJECT	Guelph Hydro Inc.
REPORT NUMBER	ନ-

RECOMMENDATION

That a steering committee representing the Mayor and four members of City Council (as shareholder) and the Guelph Hydro Inc. Board be established to explore the future direction and opportunities of the Guelph Hydro business enterprise.

BACKGROUND

At the September 29, 2008 meeting of City Council regarding the matter of the hydro merger, a resolution was passed directing the CAO and Mayor to meet with the Guelph Hydro Board (GHI) to discuss possible next steps.

REPORT

On October 22, 2008 a meeting was held with the Board of GHI where discussions took place on merger options and strategies, corporate structure, and the community energy plan, all in the context of future directions. The matter of the provincial announcement on the extension of the tax exemption to October 16, 2009 was also discussed, and it was agreed that this provincial strategy needed to be incorporated into further discussions regarding the next steps.

There was consensus that a Steering Committee be established with representation from City Council (as shareholder) and the GHI Board along with the appropriate staff to continue with more extensive discussions on the matters of merger, corporate structure and community energy plan implementation.

Attached is a copy of a letter received from the Chair of the GHI Board that confirms our discussions and their continued interest in moving forward and exploring these opportunities.

CORPORATE STRATEGIC PLAN

The proposed recommendation will assist the City in achieving Goal 1.2 and 6.5 of the Strategic Plan.

FINANCIAL IMPLICATIONS

N/A

DEPARTMENTAL CONSULTATION

N/A

COMMUNICATIONS

N/A

ATTACHMENTS

Letter from Chair of GHI Board dated October 27, 2008.

Prepared By: Hans Loewig Chief Administrative Officer 519-837-5602 hans.loewig@guelph.ca



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RECEIVED City of Guelph OCT 2 7 2008 Chief Administrative Officer

October 27, 2008

Mr. Hans Loewig Chief Administrative Officer City of Guelph City Hall, 59 Carden Street Guelph, ON N1H 3A1

Dear Hans:

I am writing to thank you and Karen for meeting with us last week. We appreciated the opportunity to discuss the Shareholder's rejection of our merger proposal, and GHI's potential role in the implementation of the Community Energy Plan.

Merger

As we discussed, we continue to believe it is in the best interests of the employee community and the people and businesses of Guelph that we continue to explore merger opportunities for our local distribution company. This view is further endorsed by the clear signal provided by Finance Minister Dwight Duncan in his recent announcement that he is extending the electricity transfer tax exemption to "… promote consolidation and further efficiencies in the sector and improve the quality of services for consumers."

Before continuing in earnest with this strategic direction, though, we agree with your suggestion that we need to arrange opportunities to better understand the position of our Shareholder regarding merger options. And we look forward to providing additional information to the Shareholder about our business plans, including the financial challenges, regulatory pressure and interference we face.

Community Energy Plan

We agree with, and thank you for, your suggestion that GHI is well-positioned to lead the implementation of the CEP. Our leadership contributions during the development of the CEP itself and our accomplishments to date demonstrate that we have the expertise, innovative human resources and industry linkages to move the plan forward. (An internal memo summarizing GHI's activities related to the CEP to date is attached for reference.)

As well, the depth of knowledge and relevant experience on the GHI board, including our ability to network with appropriate parties for partnerships and funding speaks to our qualifications and our readiness for effective overall implementation of the CEP.

As you suggested, the time is right for the City of Guelph and Guelph Hydro Inc. to develop formal agreements defining our respective roles and responsibilities.

Next Steps

Since each of these prospects requires more extensive discussion, the dialogue that we initiated at our meeting last week should continue promptly with the involvement of our boards and staff, city staff and Council. As you suggested, a committee of Council may be the most effective and efficient way to address these items. We are hopeful that meetings can be set up in the near future as we explore these significant and timely opportunities.

Thank you again, Hans, for meeting with us and for bringing the assurance and comfort of Council and the City with the leadership our board and management provide to GHI and our family of companies.

Sincerely,

GUELPH HYDRO INC.

J.P. Truex Chair

Encl.

cc: GHESI Board A. Stokman I. Miles

Guelph Hydro Inc. Newco Activity Update

Background

The following is intended to provide an update on GHI's activities with respect to Newco and the CEP. Many of the projects listed (with the exception of the University of Guelph Co-generation) are at a preliminary stage and still require development of a more detailed project plan that would include scope, timelines, and costs.

Personnel Update

I am pleased to announce that we have been successful in filling the position of Vice President – Sustainable Energy Solutions.

Mark Unsworth, a senior engineer with over 25 years of energy infrastructure design and construction experience joined us in early September. Mark has recently worked for Hatch and MCW, two leading professional engineering firms with extensive experience in sustainable energy projects.

Mark will be responsible for managing the design and development GHI's existing sustainable energy projects and assist in the development of new business opportunities.

Project Updates

University of Guelph

We have signed a memorandum of understanding to construct and operate a 7.2 MW cogeneration facility on the University's campus. This unit would supply heat to their existing steam distribution system and electricity to the grid.

Engineering design work is underway to enable us to develop a detailed construction timeline and cost budget for the project. It is expected that this project will take approximately 18 - 24 months to complete at a capital investment of \$12 million.

This project will double the overall energy efficiency of the current system and result in the removal of approximately 16,000 tons of CO2 emissions on an annual basis making it one of the largest CEP scale projects.

In addition to the cogeneration project, we have presented a proposal to the University's President and Board of Governors to develop a 20 year integrated energy plan for the entire campus. This plan will encompass energy production, distribution, and usage on the campus as well as transportation and water usage. The plan will serve as a roadmap of priorities to ensure continuous progress on energy sustainability. The plan will also provide opportunities for research and curriculum development at the University.

We have signed a strategic alliance with MCW to assist in the technical aspects of the plan development. MCW is a Toronto-based engineering firm with extensive experience in energy planning and related infrastructure development. MCW has been working with the University of Guelph for a number of years on various projects and has developed an excellent working relationship. We have also shared various aspects of this project with Ontario's Centre of Excellence for Earth and Environmental Technologies to explore funding and partnership opportunities. They have indicated a strong interest in participating in this project in the form of providing funding and showcasing of the end product.

Our goal is to develop the integrated energy plan for the University in the fall to have it ready for implementation in 2009.

We also believe that there will be additional infrastructure investment opportunities arising out of the plan.

York Lands

GHI has been working with City staff to assist in the development of an integrated energy plan for the York Lands region. The plan will look at integrating the final solution for the University of Guelph and potentially co-generation using GHI's existing Ecotricity infrastructure at the Eastview Landfill site.

Anaerobic Digester

GHI has been working with Cargill on a project to develop an anaerobic digester to be located on their property to process their waste. Methane captured in this process would then be piped to our Ecotricity site at Eastview to provide a supplemental fuel source for our existing generation facility.

The same pipeline could be used to transport gas from the City's proposed new organic processing facility that would be adjacent to the Cargill facility.

In addition to the electricity generation benefits, the City would also benefit from a cleaner waste water discharge from the Cargill plant.

Ecotricity – Co-generation Opportunity

GHI has been exploring the opportunity of supplying heat from its existing Ecotricity generators to neighboring residential developments that are expected to be built over the next 3-5 years. Preliminary analysis shows that this may be feasible for a block of high density condominiums that form a portion of one of the developments.

Downtown Redevelopment – Energy Overlay Plan

GHI is working with City Staff to prepare a long term integrated energy plan as an overlay to the City's downtown redevelopment plan. The objective will be to develop a plan of sufficient detail that will allow for implementation of new district energy infrastructure over the course of the next 10 years coordinated with the redevelopment of existing utility infrastructure. It is expected that this will take significant time and effort on the part of City staff and GHI.

GHI will assemble the required internal and external resources to focus on the district energy opportunity that may arise from the redevelopment activity.

GHI is also working with City staff to secure funding for this opportunity. Several potential sources have been identified and steps are being taken to formalize these arrangements.

Please recycle!

- BYLAWS -

- November 24, 2008 –		
By-law Number (2008)-18663 A by-law to remove Lot 33, Plan 61M144 designated as Parts 9 and 10, Reference Plan 61R10879; and Lot 35, Plan 61M144 designated as Parts 5 and 6, Reference Plan 61R10879 in the City of Guelph from Part Lot Control. (10 & 12 and 18 & 20 Acker Street)	To remove land from part lot control to create 4 semi-detached lots to be known municipally as 10 & 12 and 18 & 20 Acker Street.	
By-law Number (2008)-18664 A by-law to remove Part of Block 110, Plan 61M144 designated as Parts 1 to 10 inclusive, Reference Plan 61R10867 in the City of Guelph from Part Lot Control. (320 to 330 Severn Drive)	To remove land from part lot control to create 6 on-street townhouse lots to be known municipally as 320 to 330 Severn Drive.	
By-law Number (2008)-18665 A by-law to dedicate certain lands known as Block 177, 61M143, designated as Parts 21, 22, 23 and 24, 61R10932 as part of Goodwin Drive, City of Guelph.	To dedicate land as part of Goodwin Drive.	
By-law Number (2008)-18666 A by-law to adopt an Emergency Management Program and an Emergency Response Plan for the protection of public safety, health, the environment, critical infrastructure and property.	To adopt an Emergency Management Program and an Emergency Response Plan as approved by Council October 27, 2008.	
By-law Number (2008)-18667 A by-law to remove Lot 24, Plan 61M144 designated as Parts 27 and 28, Registered Plan 61R10879; in the City of Guelph from Part Lot Control. (54 & 56 Acker Street)	To remove land from part lot control to create 2 semi-detached lots to be known municipally as 54 and 56 Acker Street.	

By-law Number (2008)-18668 A by-law to remove Part of Block 99, Plan 61M146 designated as Parts 1 to 10 inclusive, Reference Plan 61R10916; in the City of Guelph from Part Lot Control. (26-36 Clough Crescent)	To remove land from part lot control to create 6 on-street townhouse lots to be known municipally as 26-36 Clough Crescent.
By-law Number (2008)-18669 A by-law to remove Block 82, Plan 61M133 designated as Parts 21 to 28 inclusive, Reference Plan 61R10965; in the City of Guelph from Part Lot Control. (57-71 Vaughan Street)	To remove land from part lot control to create 8 on-street townhouse lots to be known municipally as 57-71 Vaughan Street.
By-law Number (2008)-18670 A by-law to authorize the execution of a release of an Agreement with respect to property described as Units 1 to 100 inclusive, WCP#93, City of Guelph.	To release an agreement as the conditions have been met to the satisfaction of the City.
By-law Number (2008)-18671 A by-law to amend By-law Number (1984)-11440, as amended, being a by- law respecting parking for disabled persons (to add properties to Disabled Parking Schedule) and to adopt Municipal Code Amendment #475, amending Schedule B of Chapter 200 of The Corporation of the City of Guelph's Municipal Code. (add 124 Woodlawn Rd. W., 105 Bard Blvd., 77 Westmount Rd., 86 Westmount Rd. W., 226 Woodlawn Rd. W., 1416 Gordon St. and 659 Wellington St. W. to schedule)	To amend the disabled parking by-law by adding the following properties to the schedule; 124 Woodlawn Rd. W., 105 Bard Blvd., 77 Westmount Rd., 86 Westmount Rd. W., 226 Woodlawn Rd. W., 1416 Gordon St. and 659 Wellington St. W.
By-law Number (2008)-18672 Being a By-law to amend By-law Number (2003) - 17082, being a By-law to designate private roadways as a fire route, and to adopt Municipal Code Amendment #476. (adding to the schedule the following addresses: - 105 Bard Blvd., 11 Corporate Court, 1416 Gordon St., 24 Marilyn Dr., 79 Monarch Rd., 77 Westmount Rd., 86 Woodlawn Rd. W., 124 Woodlawn Rd. W., 226 Woodlawn Rd. W. and 659 Wellington Rd. W.)	To amend the private roadways as fire routes by-law.

By-law Number (2008)-18673 A by-law to require the provision of Fire Safety Plan Lock Boxes.	To require fire safety plan lock boxes as approved by Council October 27, 2008
By-law Number (2008)-18674 A by-law to appoint Susan Aram as Deputy Treasurer.	To appoint Susan Aram as Deputy Treasurer.
By-law Number (2008)-18675 A by-law to authorize the execution of an Agreement between The Corporation of the City of Guelph and The Walter Fedy Partnership. (Wilson Street Garage – Phase 1 and 2)	To authorize the execution of an Canadian Standard Form of Agreement between client and architect for the Wilson Street Garage – Phase 1 and 2.
By-law Number (2008)-18676 A by-law to appoint Deloitte & Touche as auditors for The Corporation of the City of Guelph.	To appoint auditors for the City of Guelph as per Clause 1 of the Report of the Finance, Administration & Corporate Services Committee meeting as the Audit Committee.
By-law Number (2008)-18677 A by-law to authorize the execution of an Agreement between The Corporation of the City of Guelph and Trade Mark Industrial Inc. (Contract No. 08-035 for a new dust collection system at the Materials Recovery Facility (MRF))	To execute an agreement as per Clause 3 of the Report of the Community Development & Environmental Services Committee.
By-law Number (2008)-18678 A by-law to authorize the execution of an agreement between Stewardship Ontario and The Corporation of the City of Guelph. (to receive funding through the Municipal Hazardous or Special Waste (MHSW) Program Plan)	To execute an agreement as per Clause 4 of the Report of the Community Development & Environmental Services Committee.