



GENERAL COMMITTEE MEETING AGENDA

TUESDAY, SEPTEMBER 8, 2015

7 P.M.

**COUNCIL CHAMBERS
AURORA TOWN HALL**

PUBLIC RELEASE
September 4, 2015



**TOWN OF AURORA
GENERAL COMMITTEE MEETING
AGENDA**

Tuesday, September 8, 2015
7 p.m.
Council Chambers

Councillor Mrakas in the Chair

- 1. DECLARATION OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF**
- 2. APPROVAL OF THE AGENDA**

RECOMMENDED:

 THAT the agenda as circulated by Legal and Legislative Services be approved.
- 3. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION**
- 4. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION**
- 5. DELEGATIONS**
- 6. PRESENTATIONS BY THE ADVISORY COMMITTEE CHAIR**
- 7. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION**

8. NOTICES OF MOTION

- (a) **Councillor Kim**
Re: Mavrillac Boulevard Land – Block 208

pg. 211

9. NEW BUSINESS/GENERAL INFORMATION

10. CLOSED SESSION

RECOMMENDED:

THAT General Committee resolve into Closed Session to consider the following matters:

1. A proposed or pending acquisition or disposition of land by the Town or Local Board (section 239(2)(c) of the *Municipal Act, 2001*); Re: Closed Session Report No. CFS15-038 – Sale of Centre Street Remnant Parcel of Land
2. A proposed or pending acquisition or disposition of land by the Town or Local Board (section 239(2)(c) of the *Municipal Act, 2001*); Re: Update to Closed Session Report No. LLS15-050 – Offer to Sell – Aurora Promenade Area

11. ADJOURNMENT

AGENDA ITEMS

(Referred from Council meeting of August 11, 2015 – Item 14)

1. PL15-060 – Hotel Development Charges

pg. 1

RECOMMENDED:

THAT staff be authorized to enter into Development Charge Deferral Agreements for hotel or motel developments which defer the excess amounts that the hotel is required to pay over the amount an office building of similar size would be required to pay, and that such surcharge be deferred until the use of the building changes; and

THAT staff be directed to return to a rate calculation based upon the non-residential rate for the gross square footage in calculating the Development Charges for hotels and motels in the next update of the Development Charges By-law; and

THAT York Region be requested to consider the deferral of development charges and amendment of the Regional Development Charges By-law as described above.

2. BBS15-009 – Parking Permit Management Solution

pg. 7

RECOMMENDED:

THAT Report No. BBS15-009 be received; and

THAT the Automated Issuance Management System (AIMS), a comprehensive Parking Permit Management Solution, be referred to the 2016 Capital Budget for consideration.

3. CAO15-011 – Town of Aurora Strategic Plan (2015) Update

pg. 12

RECOMMENDED:

THAT Report No. CAO15-011 be received; and

THAT an update to the Town of Aurora Strategic Plan, based on the work plan outlined in this report, be authorized; and

THAT a Strategic Plan Steering Committee, to guide the 2015 Strategic Plan Update process as outlined in this report, be established.

4. CFS15-032 – Interim Operating Budget Forecast – as at May 31, 2015 pg. 19

RECOMMENDED:

THAT Report No. CFS15-032 be received for information.

5. CFS15-034 – Updated Investment Policy and ONE Fund Approval pg. 27

RECOMMENDED:

THAT Report No. CFS15-034 be received; and

THAT the revised Investment Policy – Policy No. 61 as recommended in this report and attached as Attachment #1 be approved; and

THAT the enactment of a by-law to enable participation in the ONE Investment Fund Program be approved; and

THAT the Treasurer be authorized to execute any necessary One Investment Fund Program documentation, as required for enrollment, and for transactions.

6. CFS15-035 – 2016 Budget Outlook and Preparation Directives to Staff pg. 59

RECOMMENDED:

THAT Report No. CFS15-035 be received; and

THAT staff be directed to prepare the 2016 Operating Budget in accordance with the following directives:

1. The Base Operating Budget reflects an overall tax increase pressure of 1.8%, including:
 - a. A reduction in hydro interest reliance of \$100,000; and
 - b. A reduction of supplementary tax reliance of \$75,000; and
 - c. Maintain current contributions to infrastructure sustainability reserves; and
 - d. An overall increase in CYFS funding of 1.3% of the total tax levy (contributing 1.03% to the overall tax increase pressure); and
 - e. Partial absorption of inflationary pressures; and
 - f. Maintain current service levels.
2. All rates, fees and unit charges for non-tax revenues be indexed individually by a minimum of 1.1%, unless set by contract or statutes; and

THAT the Aurora Public Library Board be directed to prepare a budget based on an anticipated Town of Aurora tax-based operating funding grant of \$3,659,000; and

THAT the Aurora Cultural Board be requested to prepare their 2016 Operating and Capital Budgets based upon the current Town funding in the amount of \$377,000.

7. CFS15-037 – Council Budget Process, Policies and Directives pg. 64

RECOMMENDED:

THAT Report No. CFS15-037 be received; and

THAT Report No. CFS15-037 and the following recommendation be referred to the General Committee meeting of September 22, 2015, for consideration:

THAT General Committee comments and discussion be referred to staff for preparation of an updated Council Budget Process, Policies and Directives report for adoption and recommendation at a future General Committee meeting.

8. IES15-042 – Aurora Yonge Street Sign pg. 79

RECOMMENDED:

THAT Report No. IES15-042 be received; and

THAT additional funding in the amount of \$10,000 from the Facilities Repair and Replacement Reserve for Capital Project 72244 “New Signboard Yonge Street and Aurora Heights” be approved.

9. IES15-049 – AFLC Liaison Committee Summary Report pg. 81

RECOMMENDED:

THAT Report No. IES15-049 be received for information.

10. IES15-050 – Purchase of Portable Four Post Hoist pg. 115

RECOMMENDED:

THAT Report No. IES15-050 be received; and

THAT notwithstanding the Procurement By-law, the purchase of a portable four post electric/hydraulic vehicle hoist as supplied by B&B Dixon be approved in the amount of \$51,345.00 excluding taxes; and

THAT funding be provided from the Fleet Repair and Replacement Reserve.

11. IES15-051 – 2014 Annual Solid Waste Program Performance Report pg. 120

RECOMMENDED:

THAT Report No. IES15-051 be received for information.

12. LLS15-045 – Accessing Neighbouring Property – Right-of-Entry By-law pg. 131

RECOMMENDED:

THAT Report No. LLS15-045 be received; and

THAT staff bring forward for enactment a “non-permit system” right-of-entry by-law which would allow and regulate the access onto adjoining property by a Town resident for purposes of making repairs to the resident’s property.

13. LLS15-052 – Municipal Legislation Review pg. 143

RECOMMENDED:

THAT Report No. LLS15-052 be received; and

THAT Council members provide any feedback or comments on the draft submission letter directly to the Town Solicitor by no later than September 25, 2015; and

THAT the Town Solicitor prepare a final version of the submission letter, taking into account any feedback or comments from Council members, and present the final version of the submission letter at the October 6, 2015 General Committee meeting for Council’s endorsement.

14. PR15-027 – Aurora Tigers Jr. A Hockey Club Rink Board Agreement pg. 193

RECOMMENDED:

THAT Report No. PR15-027 be received; and

THAT the execution of an amended agreement for the Aurora Tigers Junior "A" Hockey Club Incorporated (Tigers) rights to sell advertising space on the rink boards at the Aurora Community Centre Arena #1 be approved; and

THAT the Mayor and Town Clerk be authorized to execute the attached Agreement, including any and all documents and ancillary agreements required to give effect to same.

15. PR15-028 – Facility Sponsorship Program – McAlpine Ford pg. 196

RECOMMENDED:

THAT Report No. PR15-028 be received for information.

16. Memorandum from Mayor Dawe pg. 198
**Re: Lake Simcoe Region Conservation Authority
Highlights – July 24, 2015 – Meeting of the Board**

RECOMMENDED:

THAT the memorandum regarding Lake Simcoe Region Conservation Authority Highlights – July 24, 2015 – Meeting of the Board be received for information.

17. Memorandum from Mayor Dawe pg. 201
**Re: Correspondence from Mayor Fred Eisenberger, City of Hamilton
Request for a Financial Contribution**

RECOMMENDED:

THAT the memorandum regarding Correspondence from Mayor Fred Eisenberger, City of Hamilton – Request for a Financial Contribution be received; and

THAT Council provide direction.

18. Accessibility Advisory Committee Meeting Minutes of July 15, 2015 pg. 204

RECOMMENDED:

THAT the Accessibility Advisory Committee meeting minutes of July 15, 2015, be received for information.

19. Finance Advisory Committee Meeting Minutes of August 11, 2015 pg. 208

RECOMMENDED:

THAT the Finance Advisory Committee meeting minutes of August 11, 2015, be received for information.



**EXTRACT FROM
COUNCIL MEETING OF
TUESDAY, AUGUST 11, 2015**

7. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION

Items 2, 14, 17, 19, 20, 21, 22, 24, and 25 were identified as items not requiring separate discussion. Item 9 was removed from the agenda on approval of the agenda.

**Moved by Councillor Thom
Seconded by Councillor Humfries**

THAT the following recommendations with respect to the matters listed as “Items Not Requiring Separate Discussion” be adopted as submitted to Council and staff be authorized to take all necessary action required to give effect to same:

14. PL15-060 – Hotel Development Charges

THAT Report No. PL15-060 be received and referred to the General Committee meeting of September 8, 2015, with the following recommendations:

THAT staff be authorized to enter into Development Charge Deferral Agreements for hotel or motel developments which defer the excess amounts that the hotel is required to pay over the amount an office building of similar size would be required to pay, and that such surcharge be deferred until the use of the building changes; and

THAT staff be directed to return to a rate calculation based upon the non-residential rate for the gross square footage in calculating the Development Charges for hotels and motels in the next update of the Development Charges By-law; and

THAT York Region be requested to consider the deferral of development charges and amendment of the Regional Development Charges By-law as described above.

CARRIED



TOWN OF AURORA
COUNCIL REPORT

No. PL15-060

SUBJECT: *Hotel Development Charges*

FROM: *Marco Ramunno, Director of Planning and Development Services*
Dan Elliott, Director of Corporate and Financial Services

DATE: *August 11, 2015*

RECOMMENDATIONS

THAT Report No. PL15-060 be received; and

THAT staff be authorized to enter into Development Charge Deferral Agreements for hotel or motel developments which defer the excess amounts that the hotel is required to pay over the amount an office building of similar size would be required to pay, and that such surcharge be deferred until the use of the building changes; and

THAT staff be directed to return to a rate calculation based upon the non-residential rate for the gross square footage in calculating the Development Charges for hotels and motels in the next update of the Development Charge Bylaw; and

THAT York Region be requested to consider the deferral of development charges and amendment of the Regional Development Charge By-law as described above.

PURPOSE OF THE REPORT

To update Council on the market competitiveness of the Development Charges for new hotels in York Region and recommend options to improve the probability of attracting a hotel to Aurora.

BACKGROUND

On April 8, 2014, the Town approved By-law Number 5585-14 to update the Town's Development Charge By-law and related charges. As part of the recent update, staff recommended the harmonization of the Town's methodology for the calculation of development charges with the approach currently in place at York Region. This included the recommendation to amend the methodology for calculating development

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charges for hotel developments. Under the previous method, hotels were charged the non-residential rate for the gross square footage of the proposed hotel. This methodology was amended to a charge equal to 50% of the non-residential rate plus the equivalent of the small apartment rate for each unit proposed within the hotel.

The Town has been approached over the past several months by various investors interested in a hotel in Aurora. A number of groups have entered into advanced stages of planning including the securing of sites, completing detailed financial analyses, engaging potential hotel brands and engaging an architect. These groups have highlighted the current development charges as a significant barrier to the construction of a hotel in Aurora.

COMMENTS

The Town is currently in discussions with a hotel investor that is proposing a 46,110 square foot, 87 suite hotel along the highway 404 corridor. The investor is progressing through planning stages of the project and has indicated that the estimated development charge is extraordinary when compared to other GTA municipalities and a significant barrier to development. In response, staff have completed a comparative analysis of the applicable development charges for the proposed hotel using the rates and mythologies for several comparable GTA municipalities. The results of this analysis are summarized in Table 1 below:

Table 1: Estimated Hotel Development Charges, Select GTA Municipalities

Municipality	Regional DC	Education DC	Local DC	Total DC
Aurora	\$1,983,789.62	\$34,569.94	\$738,267.72	\$2,756,627.28
Ajax	\$614,185.20	\$0	\$217,639.20	\$831,824.40
Richmond Hill	\$1,983,789.62	\$34,569.94	\$586,076.66	\$2,604,436.23
Mississauga	\$874,269.40	\$47,069.38	\$498,862.33	\$1,420,201.11
Newmarket	\$1,983,789.62	\$34,569.94	\$231,472.20	\$2,249,831.76
Toronto	N/A	\$49,337.70	\$818,583.70	\$867,921.40
Milton	\$850,453.24	\$73,656.87	\$315,239.29	\$1,239,349.40

Town of Aurora

Note: Calculations based on 46,110 gross sq.ft, 87 suite hotel

The analysis indicates that hotel development charges in York Region are significantly higher than several other competing jurisdictions. Moreover, hotel development charges in Aurora are relatively high even when compared to competing jurisdictions within York Region. Staff believe that current development charges are a barrier to the Town attracting a hotel and recommend that Council take steps to address the issue.

Staff have discussed the issue with York Region staff and understand that a very limited number of hotels have been approved under the current development charge policy. This further supports the assertion that the development charge is hindering the Regions ability to attract a hotel.

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In order to address the issue, it is recommended that Council authorize staff to enter into Development Charge Deferral Agreements for hotel or motel developments which defer the excess amounts that the hotel is required to pay over the amount an office building of similar size, and that such surcharge be deferred until the use of the building changes. Moreover, it is recommended that Council consider returning to a rate calculation based upon the non-residential rate for the gross square footage in calculating the Development Charges for hotels and motels in the next update of the Development Charge Bylaw.

It is also recommended that Council request that York Region take similar actions related to the Regional hotel development charge and methodology given that the Regional development charge alone is significantly higher than the total development charge for several competing GTA municipalities.

LINK TO STRATEGIC PLAN

The report supports the Strategic Plan goal of ***Enabling a Creative, Diverse and Resilient Economy*** through its accomplishment in satisfying requirements in the following key objectives within this goal statement:

Promoting economic opportunities that facilitate the growth of Aurora as a desirable place to do business: Through the analysis of the market feasibility of hotel development charges and recommendations to improve the Town ability to attract a hotel.

Supporting small business and encouraging a more sustainable business environment: By improving the Town's ability to attract a hotel which has been proven to be an essential component of a successful and sustainable. The report directly supports the following Strategic Plan action: *Work with community partners to establish a hotel and/or convention centre that meets the growing needs of our businesses and residents.*

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council may choose to not defer hotel development charges or amend the next Development Charges By-law as outlined above.

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FINANCIAL IMPLICATIONS

The recommended deferral of development charges will result in a \$565,000 deferral of fees to the Town for a hotel under the above mentioned scenario. However, staff believe that the current rate is a significant barrier to the development of a hotel and conversely the Town's ability to attract a hotel to the area. As a result, staff are recommending that the Town defer the portion of the development charge that is greater than the development charge for an equivalent sized employment land use. This approach ensures that the Town is collecting the relevant development charge for a comparatively sized office building.

CONCLUSIONS

On April 8, 2014, the Town approved By-law Number 5585-14 to update the Town's Development Charge By-law and related charges. As part of the update, staff recommended the harmonization of the Town's methodology with that of York Region for the calculation of development charges for hotel developments. The Town is currently in discussions with a hotel investor that is proposing a 46,110 square foot, 87 suite hotel along the highway 404 corridor. The investor is progressing through planning stages of the project and has indicated that the estimated development charge is extraordinary when compared to other GTA municipalities.

As a result, it is recommended that Council authorize staff to enter into Development Charge Deferral Agreements for hotel or motel developments which defer the excess amounts that the hotel is required to pay over the amount an office building of similar size, and that such surcharge be deferred until the use of the building changes. Moreover, it is recommended that Council consider returning to a rate calculation based upon the non-residential rate for the gross square footage in calculating the Development Charges for hotels and motels in the next update of the Development Charge Bylaw.

It is also recommended that Council request that York Region take similar actions related to the Regional hotel development charge and methodology given that the Regional development charge alone is significantly higher than the total development charge for several competing GTA municipalities.

ATTACHMENTS

None

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Report No. PL15-060

PRE-SUBMISSION REVIEW

Executive Leadership Team – July 30, 2015

***Prepared by: Anthony Ierullo, Manager of Long Range and Strategic Planning -
Ext. 4742***



**Marco Ramunno
Director of Planning and Development
Services**



**For Dan Elliott
Director of Corporate and Financial
Services**



**Patrick Moyle
Interim Chief Administrative Officer**



TOWN OF AURORA
GENERAL COMMITTEE REPORT **No. BBS15-009**

SUBJECT: *Parking Permit Management Solution*

FROM: *Techa Van Leeuwen, Director of Building and Bylaw Services*

DATE: *September 8, 2015*

RECOMMENDATIONS

THAT Report No. BBS15-009 be received; and

THAT the Automated Issuance Management System (AIMS), a comprehensive Parking Permit Management Solution, be referred to the 2016 capital budget for consideration.

PURPOSE OF THE REPORT

To respond to Council's request to report on the feasibility of implementing a parking permit system and an online just-in-time parking permit system in the Town of Aurora.

BACKGROUND

Building and Bylaw Services Report No. BBS15-002, respecting parking regulations and enforcement was brought forward to the General Committee of January 13, 2015. The report outlined overnight parking restrictions on our public street and at our Town parks. The report also advised of Town Park parking lot being used by residents and commuters. The following are highlights from the report;

- Overnight on-street parking is prohibited November 15 to April 15 between 2:00am and 6:00am to enable snow clearing.
- Parking in Town parks is intended for users of the Parks. Overnight parking in our parks is prohibited between 11:00pm and 6:00am unless authorized by permit. Permission has been granted on occasion to sports teams at no cost to park overnight while travelling.
- Town Park parking is being used by residents and possibly by commuters. Enforcement has been inactive at Town Park due to lack of appropriate signage outlining restrictions.

At the Council meeting of January 20, 2015 the following motion carried:

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THAT Report No. BBS15-002 be received; and

THAT staff report back to Council on the feasibility of implementing an on-street parking permit and an online just-in-time parking permit system in the Town of Aurora.

COMMENTS

Bylaw Services currently uses AIMS (Automated Issuance Management System) hand held devices for the issuance of parking tickets. AIMS is capable of providing a complete parking permit management solution.

In 2011 the Town purchased and implemented automated hand held devices for the issuance of parking tickets. The devices are fully automated increasing efficiency and reducing errors thereby improving overall performance. AIMS (EDC Corporation) was the successful vendor.

AIMS provides a complete parking permit management solution allowing for unlimited amounts of permit types. Permits can be created and managed within the system. Permit amounts can be defined on a daily, weekly, monthly, annual or fixed cost basis.

There are numerous benefits to implementing AIMS parking permit management solution.

Benefits of implementing an AIMS solution include the following;

- unlimited amount of permit types and fully configurable
- integration with other applications and systems such as e-mail servers, financial systems, GIS mapping, etc.
- AIMS Web+ provides clients with a self-service web solution including on demand or just-in-time permits
- AIMS Web+ e-Commerce allows for easy payment processing and includes a pay ticket component
- Reporting on statistical and activity information

Currently the Town does issue parking permits for overnight parking at Town Hall.

A flexible overnight parking permit program for Town Hall was implemented several years ago and has been well received by resident's who experience parking challenges. Permits are available for different time spans, 1 day, 3 day, 1 week, 1 month, 5 and 6 months and range in cost from \$10 to \$100. 17 dedicated spaces at Town Hall are available for permits, approximately 10% of the total spaces. This program is administered and tracked manually by Access Aurora. If a parking permit program is

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expanded it would be difficult for staff to manage and track without an automated solution.

The Town has in past allowed for other parking permissions at facilities or parks on occasion for events at no cost.

The Town does receive requests from sports teams or others who are travelling in groups for permission to use the parking lots at our facilities. The facilities are a meeting place to board a bus or carpool and vehicles are parked for a few days, usually on the weekends. The Town has accommodated these requests provided it does not interfere with Town programs and events. Permissions are usually verbal, they are currently not tracked and there is no fee for the permission.

Staff is supportive of implementing a formal parking permit system at our facilities similar to the Town Hall parking program. This would also accommodate residents who have parking permits for Town Hall but are located in other areas of Town and travel each day to park their vehicle at Town Hall.

Staff has been monitoring Town Park parking and with the exception of our “Concerts in the Park” series parking has been available for users of the Park.

For the past several weeks staff has been monitoring Town Park parking lot. Staff has been attending Town Park at 8 am, 12:00–1:00pm, 4:00-5:00pm, and 8:00-9:00pm. Except for one evening during the Concert in the Park the parking lot has not been full. The busiest time of day has been noted between 12:00-1:00pm and at any given time there have been at least 12 vacant spaces and most often at least 30 to 40 spaces available.

The perimeter streets around Town Park do have a 2 hour parking limit and therefore residents in the area are unable to park on the street year round. Recognizing residents have been using Town Park parking lot as overflow parking, staff are supportive of implementing a parking permit system for Town Park. Some limits would be placed on the program including limited the number of spaces and proof of residency.

AIMS would allow for a parking permit solution that would fit the needs of our residents.

Implementing a comprehensive parking permit solution would be beneficial to address many of the parking challenges and requests we receive on an ongoing basis. Parking permits would address the following;

- Short term overnight on-street parking
- Winter parking permits at our facilities

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- Special requests for short term parking (travelling sports teams, seasonal vehicle parking such as RV's)
- Year round Town Park overnight parking

LINK TO STRATEGIC PLAN

The Parking Permit Management Solution report supports the Strategic Plan goal of *Supporting an exceptional quality of life for all.*

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council could provide early budget approval allowing staff to commence with implementation of the AIMS parking permit solution. It is estimated that implementation and configuration of the system would take approximately 90 days. It should be noted as this project would involve some IT resources early approval may impact the delivery of other projects as IT plans project on an annual basis.
2. Council could request that staff investigate other solutions and report back. Bylaw Services currently uses AIMS for issuance of tickets. Therefore enhancing the available functionality within an existing system is cost effective, reduces implementation time and allows the parking permits to be integrated with the hand held devices.
3. Council could receive this report for information. This would mean that staff proceed with the status quo. Town Hall parking permits would continue, Town Park parking enforcement would remain inactive and other parking permits would not be available.
4. Council provide direction.

FINANCIAL IMPLICATIONS

EDC Corporation has provided a quote for adding the AIMS permit management functionality and AIMS Web+ software, set up and configuration. The total initial costs are \$27,500. This reflects a \$15,000 reduction as the Town is currently using AIMS ticket Management Solution. There will also be annual support and maintenance fees.

AIMS provides a pay ticket feature which would eliminate the use of our current Pay Ticket application. Pay Tickets charges the Town \$1.00 for each ticket payment processed on-line for an average total of approximately \$3000 annually.

In 2014, a total of \$2060 was collected in Town Hall parking fees. If a Town Wide

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parking program is implemented as referred to in this report it is difficult to predict the participation in the program. However, staff is confident that with the appropriate awareness and communication campaign revenue generated by the program will increase significantly offsetting the initial costs.

CONCLUSIONS

A parking permit program would address many of the parking challenges our residents face. AIMS provides for a comprehensive parking solution that would enable many types of parking permits including self-serve on-line permits. As the Town currently uses AIMS the overall cost to implement additional functionality has been reduced.

Staff's recommendation is to proceed with the AIMS Parking Permit solution as a 2016 capital project. In the meantime staff will continue with the current approach as outlined in this and previous reports, limited parking permits available at Town hall, no overnight on street parking permitted, inactive enforcement at Town Park and ad hoc parking permissions as requested.

PREVIOUS REPORTS

Report no. BBS15-002 – General Committee, January 13, 2015
Memo BBS-01 – General Committee, February 17, 2015
Memo BBS-03 – Council, July 14, 2015

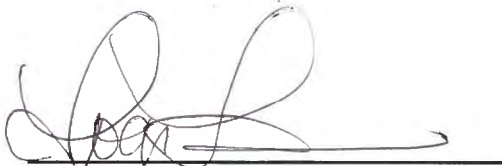
ATTACHMENTS

N/A

PRE-SUBMISSION REVIEW

Executive Leadership Team – August 27, 2015

Prepared by: Techa van Leeuwen, Director of Building and Bylaw Services - Ext. 4748.



***Techa van Leeuwen
Director of Building and Bylaw Services***



***Patrick Moyle
Interim Chief Administrative Officer***



**TOWN OF AURORA
GENERAL COMMITTEE REPORT**

No. CAO15-011

SUBJECT: *Town of Aurora Strategic Plan (2015) Update*

FROM: *Patrick Moyle, Interim Chief Administrative Officer
Marco Ramunno, Director of Planning and Development Services*

DATE: *September 8, 2015*

RECOMMENDATIONS

THAT Report No. CAO15-011 be received; and

THAT an update to the Town of Aurora Strategic Plan, based on the work plan outlined in this report, be authorized; and

THAT a Strategic Plan Steering Committee, to guide the 2015 Strategic Plan Update process as outlined in this report, be established.

PURPOSE OF THE REPORT

The purpose of the report is to seek Council authorization on a work plan for the proposed Strategic Plan update.

BACKGROUND

First Strategic Plan Approved in 1994

In 1992, the Town of Aurora established a Strategic Plan Steering Committee with the responsibility of developing the Town's first Strategic Plan. The purpose of the Plan was to "guide Aurora's overall growth and direction". The Plan was approved by By-law 3526-94 and adopted by Council in February 1994. Council also approved a process to update the Strategic Plan in 1998, 2006 and 2011.

On March 29, 2011, Council approved a work plan for the update of the Town's Strategic Plan and directed staff to prepare and issue a request for proposal for professional consulting related to the update of the Plan. Subsequently, a Strategic Plan Steering Committee comprised of members of Council and staff was established to guide the development of the Plan. The Plan was development using a sustainability framework and functions as both the Town's Strategic Plan and Sustainability Plan. The Plan was approved by Council on June 26, 2012.

In addition to the Town's Strategic Plan, Council has also approved a number of Action Plans and Master Plans that also provide strategic direction. Examples include the Parks and Recreation Master Plan, the Corporate Environmental Action Plan, the Town Official Plan and the Aurora Promenade Study. Moreover, Council, through the annual budget, provide direction on specific operating and capital expenditures. In support of Council's strategic direction, staff have also developed departmental plans and individual performance plans.

COMMENTS

Plan acts as the Town's primary planning document

The Strategic Plan acts as the Town's primary strategic planning document and sets corporate strategic priorities over the short, medium and long term. It also guides Council and staff in the development and provision of services to meet the expectations of Aurora residents. The Plan provides guidance to Council in making decisions and moving ahead to achieve the kind of community our citizens told us they want Aurora to be in 2031 during the community consultation that led to the development of the Plan.

Plan sets vision for the Town of Aurora

In addition to providing strategic direction over the term of Council, the Strategic Plan also sets a long term vision for the Town of Aurora. The Strategic Plan vision was established in 2011 to articulate the Town's aspirations for the community to 2031. The intent was to create a consistent long term vision for Council to work towards through a series of action plans that generally coincide with each term of Council. The proposed Strategic Plan update will focus on the creation of Council's Action Plan for the next 4 years. However, the process will allow staff, residents and stakeholders the opportunity to comment on the vision, guiding principles and goals of the Plan and make adjustments as required. This approach is consistent with the "living plan" approach that was envisioned in 2011.

Plan to be linked to corporate and departmental plans and Budget

The Aurora Strategic Plan will continue to provide direction to corporate plans, departmental plans, business plans, budget and individual performance plans. In order to properly execute the direction of the strategic plan, staff will ensure that all other strategic policy is consistent with the direction of the Strategic Plan. Figure 1, below, further illustrates the Strategic Planning Hierarchy:

Figure 1: Strategic Planning Hierarchy



Source: Town of Aurora, 2015

Plan to be managed by Council appointed committee

Staff are proposing that Council appoint a steering committee chaired by the Mayor to provide direction for the project. The proposed committee structure would include four members of Council including Mayor Dawe. This governance model is similar to previous Strategic Plan updates. However, Council may choose to determine an alternative composition to the steering committee if appropriate.

Focus on update of Strategic Plan Actions and Measures

Staff are proposing that the 2015 Strategic Plan update be focused on the update of the Strategic Plan actions and measures. This process will utilize the current Strategic Plan Vision, Principles, Goals and Objectives as the basis for consultation activities. This approach was envisioned as part of the 2011 Strategic Plan process to allow for a consistent long term vision for the community.

Plan to build on sustainability theme

The 2011 Strategic Plan update included a sustainability theme as the primary framework for the development of the Plan. The Plan was developed within the context of a triple bottom line sustainability approach that considers the interconnectedness of: a) the natural environment; b) the economy; and, c) the community. This allows the Strategic Plan to function as the Town's Corporate Sustainability Plan.

Although there are many definitions of sustainability, typically the common theme between them is the implicit need to integrate the competing, but equally important, community, environmental and economic interests. Common sustainability definitions include:

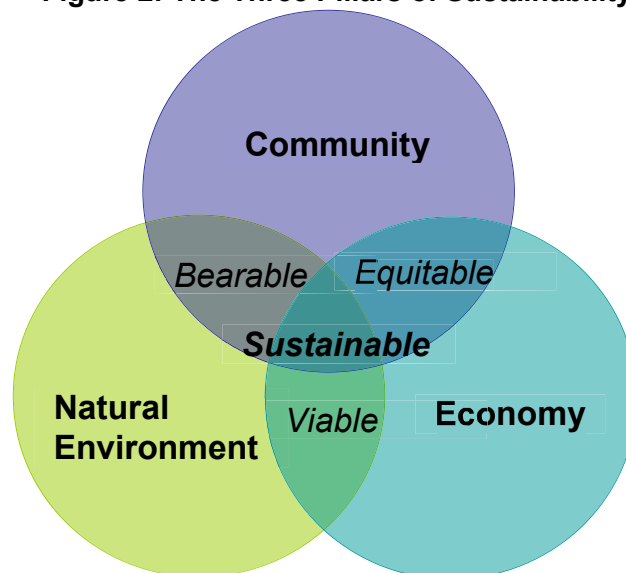
Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

Improving the quality of human life while living within the carrying capacity of supporting eco-systems.

Living better, not living without.

Figure 2, below, further illustrates the concept of sustainability. Sustainability requires that decision makers consider the possible impacts of a course of action on the community, the natural environment and the economy (i.e. the three pillars of sustainability). A truly sustainable action positively impacts all three sustainability pillars.

Figure 2: The Three Pillars of Sustainability



The 2015 Strategic Plan update will attempt to further emphasize the sustainability theme as a framework for future decision making and further advance the development of measures that evaluate effectiveness of the Strategic Plan.

Emerging issues and trends to influence the development of the Plan

Trends serve to influence the services required by our residents and stakeholders in the future. In understanding global and local trends, Council can respond effectively to community needs with high-quality programs and services. Staff propose that the following preliminary list of key trends (Table 1) be used to inform the update of the Plan:

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Table 1: Summary of Key Trends

Community	Environmental	Growth & Infrastructure	Economic	Good Government
Human Health - 21st Century epidemics	Enhanced Natural Heritage	City Building, Intensification	Responding to a changing Economy	Accessibility & Customer Service
Rapid Population Growth	Climate Change - Adaptation, Mitigation, Resiliency	Reinventing Community Design	Aging of the Labour Force	Accountability - Fiscal and Social
Aging Population	Energy Use, Efficiency, Production, Renewables	Reducing the Demand for Infrastructure	Service Oriented Jobs Outpacing traditional goods producing jobs	Value for dollar
Increased Diversity	Green Buildings, Building Resilience	Infrastructure Efficiency & Resiliency	Immigration will account for 100% net labour force growth	Increased concern about political integrity
Increasing Low Income Population	New Approach to Water Management	Increased Transit Service & Use	Green Industry	Communication revolution
More Non-Traditional Families	Oak Ridges Moraine Preservation	Green Infrastructure	Knowledge-based economy	Instant access to information & response
Less Affordable Housing		Timing and Affordability of Infrastructure	Increased demand for high skilled labour	Providing services to match resident needs
Connection between Human Health & the Built Environment			Escalating Fuel/Transportation Costs	Fiscal responsibility
Youth Unemployment			Jobs creation to match labour force	
			Globalization	

Proposed goals, objectives and anticipated outcomes

The primary goal of the Town of Aurora Strategic Plan update process is to update the Strategic Plan actions and measures and make the appropriate adjustments to reflect the strategic direction of Council and the community. In order to achieve this goal, a series of objectives have been developed to guide the creation of the Plan. Key objectives include:

1. *To clearly articulate corporate priorities;*
2. *To promoting a triple bottom line approach to decision making;*
3. *To better leverage future opportunities;*
4. *To mitigate potential risk through proactive planning;*
5. *To better understand community needs and expectations;*
6. *To improve communication with staff and the public;*
7. *To better coordinate work between corporate departments; and,*
8. *To define responsibilities and accountabilities.*

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The program is also anticipated to generate a number of outcomes through implementation. The following provides a high level summary of the anticipated results:

- Develop a strong understanding of the key considerations facing Aurora ratepayers over the next four years.
- Better understand the longer term strategic issues affecting Aurora rate payers over the next 20 years.
- Develop a set of clear and concise actions to help guide future Council decisions and staff implementation.
- Enhance inter-municipal cooperation and communication.
- Continue to integrate the concept of sustainability into the strategic planning and decision making process.
- The preparation of an updated Strategic Plan for Council consideration in the 4th Quarter of 2015.

Work plan and Timelines

Staff are proposing a work plan that targets the development of a draft Strategic Plan in January 2016. The project team will consult with Members of Council, staff and key stakeholders to develop the key themes of the Plan. The following work plan is proposed:

Table 2: 2015-2016 Strategic Plan Update Work Plan

Q3 2015	Q4 2015	Q1 2016
<ul style="list-style-type: none"> • Appoint a Strategic Plan Steering Committee to guide the Strategic Plan update • Complete background research, environmental scan and analysis of key trends • Consult with Council and staff on key themes of the Plan 	<ul style="list-style-type: none"> • Consult with Town Advisory Committees and key stakeholders on the key themes of the Plan • Deliver two public consultation sessions (one afternoon session and one evening session) • Present “What we heard” document and proposed revisions to the Plan to Council for endorsement 	<ul style="list-style-type: none"> • Present updated Strategic Plan to Council for approval.

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ALTERNATIVE(S) TO THE RECOMENDATIONS

1. Council may choose to not authorize the update of the Town of Aurora Strategic Plan.

FINANCIAL IMPLICATIONS

As directed by Council, the proposed workplan can be undertaken within existing budgets.

CONCLUSIONS

Council has periodically directed staff to coordinate an update of the Town's Strategic Plan. The last strategic planning process was completed in 2011 with an update planned for 2015. The Strategic Plan is intended to act as the Town's primary strategic planning document that will set corporate strategic priorities over the short, medium and long term. The Plan will also guide Council and staff in the development and provision of services to meet the expectations of residents.

ATTACHMENTS

None

PRE-SUBMISSION REVIEW

Executive Leadership Team – August 27, 2015

Prepared by: Anthony Ierullo, Manager of Long Range and Strategic Planning - Ext. 4742



Marco Ramunno
Director of Planning & Development Services



Patrick Moyle
Interim Chief Administrative Officer



**TOWN OF AURORA
GENERAL COMMITTEE REPORT**

No. CFS15-032

SUBJECT: *Interim Operating Budget Forecast – as at May 31, 2015*
FROM: *Dan Elliott, Director, Corporate & Financial Services - Treasurer*
DATE: *September 8, 2015*

RECOMMENDATIONS

THAT Report No. CFS15-032 be received for information.

PURPOSE OF THE REPORT

To present Council with the information necessary in order to effectively monitor the financial performance of the corporation's operating budget presented as of May 31, 2015.

BACKGROUND

To assist Council in fulfilling its roles and responsibilities with respect to Town finances and accountability the Corporate & Financial Services Department has worked with all departments to review the corporation's operating budget financial performance to date. Each Director has reviewed his/her respective department's operating budget with its results to date, and forecasted an expected year end position. Finance staff have reviewed each submission and performed the necessary consolidation. A high level summary of each department's budget, results to date, remaining plans and year end forecast along with variance is presented for Council's review in Attachment #1.

Staff currently forecast that the Operating Budget will finish the year with an anticipated surplus of \$233,600, a variance of 0.6% of total budgeted expenditures.

Staff have similarly reviewed the results of operations to date and the expected year end forecasted positions for the water, wastewater, and storm water program budget which is presented in Attachment #2.

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Report No. CFS15-032

Items of note are presented by department in the Comments Section below. The forecasts and representations are those of each Director, and have not been revised by finance staff. Each department director is charged with delivering their approved portfolio of municipal services within their approved budget. They may manage issues encountered throughout the year by reallocating approved financial resources amongst their budget detailed line items, so as to best deliver their overall service portfolio in the circumstances of an ever changing community, operating environment and economic conditions.

COMMENTS

Operating Budget

Overall, the Town's approved budget for 2015 includes \$56,020,700 in approved expenditures, together with \$19,024,400 in revenues consisting of user fees, charges, and investment income, and a total "town purposes" tax levy for the year of \$36,996,300.

Upon detailed review of the consolidated forecast as of the end of May, the corporation is projected to conclude the fiscal year with an estimated operating budget surplus of \$233,600. This forecasted surplus may be subject to change over the remainder of the fiscal year, meaning there will continue to be less controllable influencing variables that are difficult for staff to estimate such as supplementary tax revenues, investment income as well as what the ultimate level of town services consumed by fiscal year end will be.

CAO and Council - \$66,000 favourable

The CAO and Council budget areas are forecasting favourable variances totalling \$66,000 (2.8%) on a net operating budget of \$2,394,500. These anticipated savings are predominantly attributable to position vacancies.

Legal & Legislative Services - \$61,000 favourable

The department's forecasted favourable variance of \$61,000 (2.5%) on a net operating budget of \$2,420,200 is primarily attributable to anticipated underspending on external legal services, insurance claim deductibles and photocopier/printer costs.

Corporate & Financial Services Department - no variance

The Corporate & Financial Services Department is currently forecasting that it is on track to spend its total approved net operating budget of \$3,061,700.

Building & By-Law Services - \$8,300 favourable

Building & By-law's favourable budget variance of \$8,300 (0.6%) on a net operating budget of \$1,354,200, is attributable to anticipated savings in Bylaw Service contract and accessibility costs.

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Report No. CFS15-032

Fire Services - no variance

The Newmarket Finance Department is reporting that the Central York Fire Services budget is on track at this point in time.

Infrastructure & Environmental Services - \$110,900 unfavourable

The Infrastructure & Environmental Services Department is forecasting an overall unfavourable budget variance of \$110,900 (1.0%) on a net operating budget of \$11,518,700. The key drivers of this identified variance are greater than anticipated utility costs for the operation of the town's traffic and street lights as well as its facilities. In addition, a projected short-fall in miscellaneous revenues is contributing to the unfavorable variance. These variances have been partially offset by anticipated savings in facility maintenance contract costs achieved through a change in contractors and waste management advertising costs.

Parks & Recreation Services - \$319,200 unfavourable

The Parks & Recreation Services Department is anticipating an overall unfavourable budget variance of \$319,200 (10.9%) on a net operating budget of \$2,917,900. The key contributors to this identified deficit are contract costs that are required in order to operate the Town's various community programs which have historically been underfunded and require adjustment, an increase in summer bussing contract costs, and lower than anticipated fitness program user fees attributable to delays in the move back into the renovated AFLC. These unfavourable variances have been partially offset by anticipated savings in shrub bed maintenance & arboricultural contract costs.

Planning & Development Services - \$2,800 unfavourable

The Planning & Development Services Department is forecasting an overall minor unfavourable budget variance of \$2,800 (0.9%) on a net operating budget of \$315,600 driven primarily by an unanticipated increase in committee of adjustment honorarium fees.

Corporate Revenues & Expenses - \$531,100 favourable

Corporate Revenues & Expenses are projected to conclude the fiscal year with a favourable budget variance of \$531,100 (14.3%) on a net operating budget of \$3,726,200. The principle driver of this surplus is an anticipated surplus of approximately \$600,000 in supplementary tax revenues attributable to the 2C lands development. A surplus in supplementary tax revenues during the 2C growth years is consistent with the corporation's budget strategy of weaning itself off any reliance upon supplementary tax revenues. This surplus has been partially offset by the corporation's salary gapping measure. Corporate Revenues & Expenses include two of what have historically been less controllable revenue sources being supplemental tax revenues and investment income, both of which have proven difficult to anticipate their final annual outcomes.

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Report No. CFS15-032

Operating Budget Summary

Overall, the management team of the Town of Aurora are predicting that the general municipal operations budget will end the year with a favorable budget variance of \$233,600 with no noticeable impact to anticipated service levels. This forecasted variance becomes an unfavourable variance of \$366,400 when the impacts of the less controllable supplementary tax revenues are removed.

Water, Wastewater and Storm Water Budget

The water and wastewater budgets are comprised primarily of fixed operational costs, funded by the net proceeds from the sale of water and wastewater services. These fixed operational costs include staff and service maintenance costs related to maintaining the infrastructure systems, water quality testing, and the billing and customer service functions. These costs all remain reasonably stable, regardless of the volume of water flowing through the system. These fixed costs are funded from the net revenues earned which are variable in nature due to the fact that they are based upon metered water consumption volumes.

The net water, wastewater and storm operations budget is projected to close the year in a surplus position of \$97,100, which represents 0.5% of budgeted revenues. This surplus arises from higher than anticipated water penalty and water service charge revenues. If needed, any shortfall in this budget would be funded from reserves. Any unused funds will be returned to reserves.

LINK TO STRATEGIC PLAN

Outlining and understanding the Town's present financial status at strategic intervals through-out the year contribute to achieving the Strategic Plan guiding principle of "Leadership in Corporate Management" and improves transparency and accountability to the community.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Provide direction to staff on specific management actions to be taken in order to further control expenditures, enhance revenues, or alter service levels with the intent of managing the year end results to a balanced position.

FINANCIAL IMPLICATIONS

The actual resultant annual surplus or deficit in Water / Wastewater and General Municipal operational budgets will be allocated by Council to various reserves at fiscal year end as per the Town's surplus/deficit bylaw. There are no other immediate financial implications arising from this report. Council fulfills its role, in part, by receiving and reviewing this financial status report on the operations of the municipality relative to the approved budget.

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Report No. CFS15-032

CONCLUSIONS

Having completed five months of operations, the management team of the Town is presently forecasting a year end surplus of \$233,600 arising primarily from an anticipated surplus in supplementary tax revenues, partially offset by forecasted deficits attributable to underfunded contract costs for community program services and greater than anticipated road network & facility operation delivery net operating costs.

The water, wastewater and storm water operations are currently projected to conclude the fiscal year in a surplus position of \$97,100.

Staff recommend that this report be received, and suggest that no new budget control measures or budget amendments are required at this time.

PREVIOUS REPORTS

Nil

ATTACHMENTS

Attachment #1 – Net Operating Forecast Update

Attachment #2 – Water, Wastewater and Storm Water Net Operating Forecast Update

PRE-SUBMISSION REVIEW

Executive Leadership Team – Thursday, July 30, 2015

Prepared by: Jason Gaertner, Manager of Financial Planning – Deputy Treasurer



**Dan Elliott, CPA, CA
Director of Corporate & Financial
Services - Treasurer**



**Pat Moyle
Interim Chief Administrative Officer**

**Town of Aurora
Net Operating Forecast Update
as at May 31, 2015**

Shown in \$,000's	APPROVED BUDGET	Y.T.D. ACTUAL	REMAINING PLANS	FORECAST TO YEAR END	Variance Favourable / (Unfavourable)	
<u>COUNCIL</u>						
Council Administration	\$ 514.3	\$ 222.6	\$ 287.2	\$ 509.9	\$ 4.4	0.9 %
Council Programs/Grants	4.0	1.6	2.4	4.0	-	-
Advisory Committees	7.0	1.5	5.5	7.0	-	-
Council Office Total	\$ 525.3	\$ 225.7	\$ 295.1	\$ 520.9	\$ 4.4	0.8 %
<u>CHIEF ADMINISTRATIVE OFFICE</u>						
CAO Administration	\$ 628.0	\$ 211.0	\$ 418.8	\$ 629.8	\$ (1.8)	(0.3 %)
Human Resources	624.9	223.4	321.9	545.3	79.6	12.7 %
Communications	595.8	212.9	399.1	612.0	- 16.2	(2.7 %)
Emergency Preparedness	20.5	5.3	15.2	20.5	-	-
Chief Administrative Office Total	\$ 1,869.2	\$ 652.6	\$ 1,155.0	\$ 1,807.6	\$ 61.6	3.3 %
Council and C.A.O. Combined	\$ 2,394.5	\$ 878.3	\$ 1,450.1	\$ 2,328.5	\$ 66.0	2.8 %
<u>LEGAL & LEGISLATIVE SERVICES</u>						
Legal Services	\$ 894.3	\$ 284.2	\$ 561.5	\$ 845.7	\$ 48.5	5.4 %
Legislative & Administrative Services	1,128.1	818.4	297.5	1,115.9	12.2	1.1 %
Procurement Services	315.4	108.6	204.3	312.9	2.5	0.8 %
Elections	82.5	12.0	72.7	84.7	(2.2)	(2.7 %)
Legal & Legislative Services Total	\$ 2,420.2	\$ 1,223.2	\$ 1,136.0	\$ 2,359.2	\$ 61.0	2.5 %
<u>CORPORATE & FINANCIAL SERVICES</u>						
Policy & Planning Administration	\$ 305.5	\$ 114.5	\$ 193.8	\$ 308.3	\$ (2.8)	(0.9 %)
Accounting & Revenue	323.3	164.9	141.5	306.4	16.9	5.2 %
Financial Planning	411.6	176.3	235.3	411.6	-	-
Information Technology	1,807.5	774.6	1,040.3	1,814.9	(7.3)	(0.4 %)
Telecommunications	213.8	87.1	133.4	220.5	(6.8)	(3.2 %)
Corporate & Financial Services Total	\$ 3,061.7	\$ 1,317.4	\$ 1,744.3	\$ 3,061.7	\$ -	-
<u>BUILDING & BY-LAW SERVICES</u>						
Net Building Department Operations	\$ (107.7)		\$ (107.7)	\$ (107.7)	\$ -	-
Contribution to Building Reserve	107.7	-	107.7	107.7	-	-
By-law Services	540.5	147.6	389.7	537.3	3.2	0.6 %
Animal Control	191.4	43.3	146.9	190.2	1.2	0.6 %
Customer Service	622.2	211.5	406.8	618.3	3.9	0.6 %
Total Building & By-law Services	1,354.2	402.4	943.5	1,345.9	\$ 8.3	0.6 %
<u>FIRE SERVICES</u>						
Central York Fire	9,287.4	4,404.3	4,883.1	9,287.4	-	-
Total Fire Services	9,287.4	4,404.3	4,883.1	9,287.4	-	-
<u>INFRASTRUCTURE & ENVIRONMENTAL SERVICES</u>						
IES Administration	\$ 515.2	\$ 325.4	\$ 209.2	\$ 534.6	\$ (19.4)	(3.8 %)
Net Engineering Service Operations	310.9	(159.8)	470.7	310.9	-	-
Contribution from Engineering Service Reser	(310.9)	-	(310.9)	(310.9)	-	-
Facilities & Fleet	5,508.0	2,250.6	3,268.8	5,519.4	(11.3)	(0.2 %)
Snow Management	1,499.6	953.5	546.1	1,499.6	-	-
Road Network Operations	2,124.1	674.1	1,536.9	2,211.0	(86.9)	(4.1 %)
Waste Collection & Recycling	1,871.7	563.7	1,301.3	1,865.0	6.7	0.4 %
Infrastructure & Environmental Services	\$ 11,518.7	\$ 4,607.5	\$ 7,022.0	\$ 11,629.5	\$ (110.9)	(1.0 %)
<u>PARKS & RECREATION SERVICES</u>						
Parks & Recreation Administration	\$ 858.8	\$ 330.1	\$ 524.2	\$ 854.3	\$ 4.5	0.5 %
Business Support	(1,006.5)	(540.5)	(462.5)	(1,003.0)	(3.5)	(0.3 %)
Parks/Open Spaces	2,384.9	722.5	1,636.4	2,358.9	26.0	1.1 %
Recreational Programming/Community Dev.	680.7	(417.2)	1,444.0	1,026.8	(346.1)	(50.8 %)
Parks & Recreation Services Total	\$ 2,917.9	\$ 94.9	\$ 3,142.2	\$ 3,237.1	\$ (319.2)	(10.9 %)

**Town of Aurora
Net Operating Forecast Update
as at May 31, 2015**

Shown in \$,000's	APPROVED BUDGET	Y.T.D. ACTUAL	REMAINING PLANS	FORECAST TO YEAR END	Variance Favourable / (Unfavourable)	
<u>PLANNING</u>						
Development Planning	\$ (337.6)	\$ (837.6)	\$ 502.1	\$ (335.5)	\$ (2.1)	(0.6 %)
Long Range & Strategic Planning	648.7	332.9	314.8	647.7	\$ 1.0	0.1 %
Heritage & Urban Design	4.5	6.1	0.0	6.1	\$ (1.6)	(36.4 %)
Planning Department Total	<u>\$ 315.6</u>	<u>\$ (498.6)</u>	<u>\$ 817.0</u>	<u>\$ 318.4</u>	<u>\$ (2.8)</u>	<u>(0.9 %)</u>
<u>CORPORATE REVENUE & EXPENSE</u>						
Supplementary Taxes & Payments-in-Lieu	\$ (861.0)	\$ (215.5)	(1,245.5)	\$ (1,461.0)	\$ 600.0	69.7 %
Penalties on Unpaid Property Taxes	(975.0)	(348.6)	(626.4)	(975.0)	\$ -	-
Salary Gapping	(150.0)	-	-	-	\$ (150.0)	(100.0 %)
Overhead Cost Re-allocation to Building Serv	(476.6)	-	(476.6)	(476.6)	\$ -	-
All Other Revenue	(5,908.6)	(636.1)	(5,393.0)	(6,029.1)	\$ 120.5	2.0 %
Cash to Capital	4,212.2	-	4,212.2	4,212.2	\$ -	-
All Other Expense	7,885.2	1,611.4	6,313.2	7,924.6	\$ (39.4)	(0.5 %)
	<u>\$ 3,726.2</u>	<u>\$ 411.2</u>	<u>\$ 2,783.9</u>	<u>\$ 3,195.1</u>	<u>\$ 531.1</u>	<u>14.3 %</u>
TOTAL TAX LEVY FUNDED OPERATIONS	<u>\$ 36,996.3</u>	<u>\$ 12,840.6</u>	<u>\$ 23,922.0</u>	<u>\$ 36,762.7</u>	<u>\$ 233.6</u>	<u>0.6 %</u>
TOTAL TAX LEVY	<u>\$ (36,996.3)</u>	<u>\$ -</u>	<u>\$ (36,996.3)</u>	<u>\$ (36,996.3)</u>	<u>\$ -</u>	<u>-</u>
OPERATING (SURPLUS) DEFICIT	<u>\$ -</u>	<u>\$ 12,840.6</u>	<u>\$ (13,074.3)</u>	<u>\$ (233.6)</u>	<u>\$ 233.6</u>	<u>0.6 %</u>

**Town of Aurora
Water, Wastewater and Storm Water Net Operating Forecast Update
as at May 31, 2015**

Shown in \$,000's	APPROVED BUDGET	Y.T.D. ACTUAL	REMAINING PLANS	FORECAST TO YEAR END	Variance Favourable / (Unfavourable)	
<u>RETAIL REVENUES</u>						
Water	\$ (9,260.0)	\$ (2,360.7)	\$ (6,996.4)	\$ (9,357.1)	\$ 97.1	1.0 %
Wastewater	(7,819.0)	(1,954.7)	(5,864.3)	(7,819.0)	\$ -	-
Storm Water	(1,313.0)	(381.1)	(931.9)	(1,313.0)	\$ -	-
Retail Revenues Total	\$ (18,392.0)	\$ (4,696.5)	\$ (13,792.6)	\$ (18,489.1)	\$ 97.1	0.5 %
<u>RATE STABILIZATION (FROM RESERVES)</u>						
Water	(99.3)	-	(99.3)	(99.3)	\$ -	-
Wastewater	(279.6)	-	(279.6)	(279.6)	\$ -	-
Storm Water	(144.9)	-	(144.9)	(144.9)	\$ -	-
	(523.8)	-	(523.8)	(523.8)	\$ -	-
TOTAL REVENUE	(18,915.8)	(4,696.5)	(14,316.4)	(19,012.9)	97.1	0.5 %
<u>WHOLESALE COSTS OF WATER & SEWER</u>						
Water	\$ 5,456.8	\$ 687.7	\$ 4,769.1	\$ 5,456.8	\$ -	-
Sewage Discharge Fee	6,182.2	877.7	5,304.5	6,182.2	\$ -	-
Wholesale Costs Of Water & Sewer Total	\$ 11,639.0	\$ 1,565.4	\$ 10,073.6	\$ 11,639.0	\$ -	-
NET CONTRIBUTION TO OPERATING COST	\$ (7,276.7)	\$ (3,131.1)	\$ (4,242.7)	\$ (7,373.8)	\$ 97.1	1.3 %
<u>OPERATING COSTS:</u>						
Water Administration & Billing	\$ 1,056.1	\$ 266.8	\$ 789.3	\$ 1,056.1	\$ -	-
Water System Operations	1,305.9	362.8	943.1	1,305.9	\$ -	-
Wastewater System Operations	1,185.5	(215.1)	1,050.6	835.5	\$ 350.0	29.5 %
Storm Water Management Operations	458.6	(31.6)	450.2	418.6	\$ 40.0	8.7 %
Pumping Stations (Net)	170.6	37.8	132.8	170.6	\$ -	-
Reserve Contributions OUT	3,100.0	-	3,490.0	3,490.0	\$ (390.0)	(12.6 %)
TOTAL OPERATING COSTS	\$ 7,276.7	\$ 420.7	\$ 6,856.0	\$ 7,276.7	\$ (0.0)	(0.0 %)
UTILITY BUDGET (SURPLUS) / DEFICIT	\$ 0.0	\$ (2,710.4)	\$ 2,613.3	\$ (97.1)	\$ 97.1	0.5 %



**TOWN OF AURORA
GENERAL COMMITTEE REPORT**

CFS15-034

SUBJECT: *Updated Investment Policy and ONE Fund Approval*
FROM: *Dan Elliott, Director, Corporate & Financial Services - Treasurer*
DATE: *September 8, 2015*

RECOMMENDATIONS

THAT Report No. CFS15-034 be received; and

THAT the revised Investment Policy – Policy No. 61 as recommended in this report and attached as Attachment #1 be approved; and

THAT the enactment of a by-law to enable participation in the ONE Investment Funds Program be approved; and

THAT the Treasurer be authorized to execute any necessary One Investment Fund Program documentation, as required for enrollment, and for transactions.

PURPOSE OF THE REPORT

The Town's Investment Policy guides decisions and activities for the management of the Town's investment portfolio, comprised substantially of surplus operating cash, and reserve fund balances. This report presents the proposed updated investment policy document, including all feedback received from the Finance Advisory Committee.

BACKGROUND

Municipalities are restricted by provincial legislation in regard to the types of financial investments which can be acquired to optimize the yield of idle cash holdings. Section 418 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended (the "Act"), coupled with a regularly updated regulation O.Reg. 438/97. The current Investment Policy of the Town, Corporate Policy #61, was last updated in 2003. Since that time, a few minor changes have occurred in the Regulations which constrain eligible investments.

Further, the current trend amongst municipalities, such as Markham, has been to move away from the duplication of specific excerpts of the regulation limits and to instead utilize their investment policies to set general investment goals and objectives, followed by a referral to the applicable provincial regulation which defines the eligible investment types.

September 8, 2015

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Report No. CFS15-034

One key development within the applicable investment regulations that has occurred over the course of the last few years has been the addition of certain Canadian corporate equity products to the list of eligible investment vehicles. At present, the only vehicle through which a municipality is able to access investments of this nature is through the ONE Investment Program's equities fund. The ONE investment program is managed jointly by AMO/LAS and the Municipal Finance Officers Association. This Program offers a number of pooled, professionally managed funds with differing short or long term focuses, including a money market fund, a bond fund and an equities fund. Our previous policy did not specifically permit participation in a pooled fund of this nature; this proposed replacement policy permits this action.

COMMENTS

The revised policy has stepped back from specifying asset mix limits, product mix limits, and moved to the provision of more flexible guidance allowing the policy to remain applicable regardless of swings in the economics of the market place and interest rates. This policy allows for changes to occur to applicable Municipal Act driven regulations without a requirement for policy update. This policy achieves this through defining its key limiting criteria as the noted Municipal Act driven regulations, which are subject to amendment from time to time. The most current municipal regulations will continue to be attached to this policy.

The only limits that remain within this updated investment policy body relate to the maximum share of the town's total investment portfolio that investments of an equity nature and protected principal notes (PPNs) can make up. These limits were recommended for inclusion by the Finance Advisory Committee.

Through open reference to the current applicable regulations, the participation in the ONE Investment Program is now permitted under this updated policy, which is currently not permitted through silence in the prescriptive style current policy. However, a separate enabling participation bylaw of council is required before the Town is able to begin utilizing the ONE Program.

The use of local government investment pools, like The ONE Fund Program, have proven to be highly successful and popular investment and cash management tools for municipalities. Participation in such pools is recognized as a best practice for achieving portfolio diversification and liquidity by the Government Finance Officers Association of the United States and Canada. Since 1995, the ONE Program has successfully met the needs of Ontario municipalities by providing safe and high-quality investment opportunities and has been competitive with the permitted alternative investments for Ontario municipalities.

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The revised policy also references directly the financial controls and authorities in place for the management of the actual approvals process of investment purchase transactions. Each purchase requires a same day wire transfer to the broker account, using specific electronic approvals by two different persons, each equipped with special two-factor authentication codes for use on the TD Bank's secure on-line banking wire transfer service. The process is set out in the Town's Cheque Signing and Banking Authorities By-law 5614-14.

Finance Advisory Committee discussions of this policy included whether or not the FAC was satisfied with the absence of specific asset mix limits, product mix limits, or sector limits. In addition, it was deemed important that the staff administering the policy were required by the policy to ensure preservation and protection of capital through diversification.

LINK TO STRATEGIC PLAN

Reviewing and updating the Town's investment policy to allow for the participation in emerging investment vehicles and opportunities contained within the current restrictive regulations supports the Strategic Plan guiding principles of improved accountability and transparency of the municipal government, while building and maintaining the fiscal strength and sustainability of the organization, and by extension, the community.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

The updated Investment Policy could be referred back to staff to make directed changes prior to final adoption.

FINANCIAL IMPLICATIONS

The existing applicable Provincial Regulations have been developed and are continually monitored by the Province, AMO, and the Municipal Finance Officers Association (MFOA) for adequacy, security, safety, yet also for flexibility and opportunity.

The Town's current investment strategy is governed through its compliance with its own policy, as well as the applicable provincial regulations. With the limited number of transactions, and the very limited selection of investment products, Town staff currently identify their investment need, (value and term) and solicit offers from preselected brokers across the country. The product with the highest net yield rate, most closely matching our term needs is then selected for purchase that day. Each broker holds the Town's actual investments on its behalf, and monitor's them for continued relevance given changes in the market place and will provide advice to the Town on these investments, as necessary.

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Most investments are intended to be held to maturity, although occasionally they are sold prior to maturity based upon broker recommendations in order to optimize overall portfolio yields. Staff work closely with the individual brokers in understanding market trends and recommendations. Unfortunately, hiring an experienced portfolio manager in-house is cost prohibitive for the Town, as the salary demand would be prohibitive, but also the volume of activity for such does not match the need for a full time staffer. Hiring a contract manager only adds to our portfolio carrying costs and diminishes the net returns of the portfolio. With the very restrictive limits on the types of investments allowable, and the few transactions made, it is difficult to recommend that the Town could benefit from the engagement of a specialist portfolio manager on a long term basis at this time. However, as the town and its investment portfolio continue to grow perhaps the business case for a full time staffer of this nature will become stronger. The Town has not experienced any difficulties in communication, compliance or custody matters with any of its brokers while using the current processes, policy and reviews.

CONCLUSIONS

Reflecting previously received FAC feedback, staff have updated the Town of Aurora's Investment Policy. This updated policy has been fashioned after the review and consultation on the investment policies of several municipalities. The new policy retains the same risk averse, conservative investment strategies of the previous policy, however, it predominantly simply defers to the prevailing provincial investment regulations for municipalities, which limit investment options to only highly conservative and mostly guaranteed products. This updated policy also allows the town to take advantage of all available investment products such as the One Investment Program.

As a result, it is recommended that council approve the updated Investment Policy and the enabling by-law to permit One Investment Program participation.

PREVIOUS REPORTS

CFS15-028 Updated Investment Policy – Draft for Discussion (FAC)

CFS15-033 Updated Investment Policy – Final Draft (FAC)

ATTACHMENTS

Attachment #1 – Proposed Final Draft Investment Policy

Attachment #2 – Current Investment Policy (#61)

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PRE-SUBMISSION REVIEW

Executive Leadership Team - Thursday, August 27, 2015

Prepared by: Laura Sheardown, Financial Analyst – Cash Flow & Investment



Dan Elliott, CPA, CA
Director of Corporate & Financial
Services - Treasurer



Patrick Moyle
Interim Chief Administrative Officer



TOWN OF AURORA
 Corporate and Financial Services

Attachment #1

Corporate Policies, Programs and Procedures
Investment Policy – Policy No. 61

Topic:	Investments	Affects:	Finance Staff Only
Section:	Financial Planning	Replaces:	June 25, 2003
Effective Date:	Sept 29, 2015	Revision Date:	tbd
Prepared By:	Corporate and Financial Services	Approval Authority:	Council

PURPOSE

The purpose of this investment policy is to ensure integrity of the investment management process.

POLICY STATEMENT

The Town will manage the investment of surplus cash, in accordance with the Provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended (the “Act”) and regulations thereto, including the current O.Reg. 438/97 – Eligible Investments and Related Financial Agreements (as currently amended).

APPLICATION

All Town employees who are responsible for the control, administration and reporting of investments managed by the Corporation.

In order of priority, the investment objectives of the Town are:

1. Compliance with Portfolio Restrictions
2. Preservation of Principal
3. Maintenance of Liquidity
4. Maximization of the Rate of Return

1. Compliance with Portfolio Restrictions

The legal authority to invest funds comes from the Act. All investments acquired shall be in conformity with portfolio restrictions and permissions set out in O. Reg. 438/97 – Eligible Investments and Related Financial Agreements, as amended from time to time (See Schedule 1 for current version at time of approval).

The Town shall not invest in a security that is expressed or payable in any currency other than Canadian dollars.

2. Preservation of Principal

Investments shall be undertaken in a manner that seeks to ensure the preservation of principal in the overall portfolio. Investments shall be made with judgement and care, not for speculation, but for investment, considering the probable safety of the principal invested as well as the probable income derived.

This policy acts to minimize credit risk, i.e. the risk of loss due to the failure of the security issuer or backer, by limiting investments to the safest types of security investments and diversifying the investment portfolio so that potential losses on individual securities will be minimized. The limits imposed by the Province of Ontario in regulation shall act as the limitations on investment types and vehicles for these purposes.

Staff shall endeavor to mitigate credit and interest rate risk as follows:

Credit Risk:

- Limiting investments to safer types of securities;
- Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisers with which the Corporation does business;
- Diversifying the investment portfolio so that potential losses on individual securities will be minimized; and
- Setting dollar limits on the size of portfolio investments in asset sectors (fixed income and equities) and in individual credit names.

Interest Rate Risk:

- Structuring the investment portfolio so that securities mature to meet ongoing cash flow requirements, thereby reducing the need to sell securities on the open market prior to maturity;
- Investing operating funds primarily in shorter-term securities or approved liquid investment pools;
- Diversifying longer-term holdings to mitigate effects of interest rate volatility;
- Use of Forward Rate Agreements when appropriate; and
- Investing in shares or equities of Canadian corporations through the ONE Investment Program.

3. Maintenance of Liquidity

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

All non equity investments will be interest bearing in mature Equity exposure will be limited to investments in the ONE Investment Program equity funds.

The Town's investment portfolio should be well staggered, with investments of at least 1-10 years. This ladder approach will allow investments to mature at various times, and allow the Town the opportunity to build up the portfolio based on market conditions/opportunities. Where known, maturity dates will approximate estimated need for capital funding based on the Town's Asset Management and Capital Investment Plan. Short term investments of terms with less than one year will be used for investment of excess cash and managing the cash flow requirements of daily operations, and the remittance of taxes and development charges to York Region and the school boards.

A portion of the portfolio may be placed in the approved local government investment pool (ONE Investment Program) which offers compliance and liquidity.

4. Maximization of Rate of Return

The investment portfolio shall be designed with the goal of maximizing the long term rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Staff will explore and utilize any eligible investment vehicles in building the Town's investment portfolio.

The investment portfolio will be managed with prudent investment principles, in order to maximize returns within established risk parameters.

To take advantage of short-term fluctuations in interest rates, securities may be sold prior to maturity.

Investments shall be purchased once multiple bids are received and analysed. The highest yielding bid, which meets the Town's cash flow requirements, will be accepted. If the highest yielding bid is not selected, an explanation describing the rationale shall be provided. The Town staff involved will retain written records of each transaction, including the name of the financial institutions, rates quoted, description of the security, investment selected, and any special considerations that had an impact on the decision.

With the goal of maximizing the long term rate of return on its investments, staff may utilize eligible investment vehicles for which there is a sole available supplier, such as the ONE Investment Program products. In instances such as this, multiple bids will not be solicited.

STANDARD OF CARE

Prudence and Risk Tolerance

Investments shall be made with judgement and care, under circumstances then prevailing, with which persons of prudence, discretion and intelligence would exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their principal as well as the probable income to be derived.

Investment officers and employees exercising due diligence and acting in accordance with written procedures and this Policy shall be relieved of personal responsibility for an individual security's credit risks or market price changes, provided deviations from expectations are reported in a timely fashion.

Within the limits of the investment types permissible by Regulation, the Town of Aurora will ensure the portfolio remains diversified in investment term durations, product types, issuers and risk ratings so as to minimize market and credit risk exposures to the Town. The Town has low risk tolerance with respect to its investment of funds, all of which are to be used for municipal purposes to the benefit of the community, and treated with the utmost of care.

Forward rate agreements will not be used without the specific authorization of Council in appropriate circumstances.

Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial investment decisions. Officers and employees involved in the investment procedures shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Officers and employees shall not undertake personal investment transactions with the

same individual with whom business is conducted on behalf of the Town. Any such disclosures of conflict or potential perceived conflict shall be made in writing to the Chief Administrative Officer.

Additional Local Limitations on Investments

- 1) Investments made under paragraph 7, 7.1, 7.2 or 8.1 of Section 2 of O.Reg. 438/97 (equity investments through the ONE Fund) shall not, on a combined value basis, exceed 25%.
- 2) Investments in “Principle Protected Notes” or other similar investment products shall not exceed 5% of portfolio value and no purchase shall exceed a ten year term .

The portfolio percentage restrictions apply at the time an investment is made. Should one of the upper limits be exceeded due to fluctuations of the total portfolio value, no further investments in these categories will be undertaken until there is sufficient space within the above limitation. If the limitations are exceeded due to fluctuations in the total portfolio value, the previously made investments are not to be sold, but held until it is to the Town’s advantage to sell them or they mature.

ADMINISTRATIVE PROCEDURES

All investment transactions are to be recorded and interest earnings distributed in accordance with Town policies and generally accepted accounting principles for municipalities.

Reporting Procedures

The Treasurer shall prepare and provide to Council each year an investment report.

The investment report shall contain:

- A statement about the performance of the investments during the period covered by the report;
- A description of the estimated proportion of the total investments that are invested in its own long-term and short-term securities to the total investment of the Town and a description of the change, in any, in that estimated proportion since the previous year’s report;
- A statement by the Treasurer as to whether or not, in their opinion, all investments are consistent with the investment policies and goals of the Town;
- Listing of all investments by maturity date;
- Percentage of total portfolio that each type of investment represents.

Authorized Financial Institutions and Brokers/Dealers

The following is a current list of all financial institutions authorized to provide investment services to the Town of Aurora. This list will be maintained and updated as the business environment changes:

- TD Canada Trust
- CIBC Wood Gundy
- BMO Nesbitt Burns Inc.
- RBC Dominion Securities Inc.
- Scotia McLeod Inc.
- Raymond James Ltd.
- ONE Investment Program

Related Policies and Documents

Town By-law #5614-14 Persons Authorized to sign cheques and other banking related authorities on behalf of the Town. See Schedule #2 for extract of Investment transaction details.

SCHEDULE 1

ELIGIBLE INVESTMENTS UNDER THE MUNICIPAL ACT

ONTARIO REGULATION 438/97 (as currently amended)

ELIGIBLE INVESTMENTS AND RELATED FINANCIAL AGREEMENTS

1. A municipality does not have the power to invest under section 418 of the Act in a security other than a security prescribed under this Regulation. O. Reg. 438/97, s. 1; O. Reg. 399/02, s. 1.
2. The following are prescribed, for the purposes of subsection 418 (1) of the Act, as securities that a municipality may invest in:
 1. Bonds, debentures, promissory notes or other evidence of indebtedness issued or guaranteed by,
 - i. Canada or a province or territory of Canada,
 - ii. an agency of Canada or a province or territory of Canada,
 - iii. a country other than Canada,
 - iv. a municipality in Canada including the municipality making the investment,
 - iv.1 the Ontario Strategic Infrastructure Financing Authority,
 - v. a school board or similar entity in Canada,
 - v.1 a university in Ontario that is authorized to engage in an activity described in section 3 of the Post-secondary Education Choice and Excellence Act, 2000,
 - v.2 the board of governors of a college established under the Ontario Colleges of Applied Arts and Technology Act, 2002,
 - vi. a local board as defined in the Municipal Affairs Act (but not including a school board or a municipality) or a conservation authority established under the Conservation Authorities Act,
 - vi.1 a board of a public hospital within the meaning of the Public Hospitals Act,
 - vi.2 a non-profit housing corporation incorporated under section 13 of the Housing Development Act,
 - vi.3 a local housing corporation as defined in section 24 of the Housing Services Act, 2011, or
 - vii. the Municipal Finance Authority of British Columbia.
 2. Bonds, debentures, promissory notes or other evidence of indebtedness of a corporation if,
 - i. the bond, debenture or other evidence of indebtedness is secured by the assignment, to a trustee, as defined in the Trustee Act, of payments that Canada or a province or territory of Canada has agreed to make or is required to make under a federal, provincial or territorial statute, and
 - ii. the payments referred to in subparagraph i are sufficient to meet the amounts payable under the bond, debenture or other evidence of indebtedness, including the amounts payable at maturity.

3. Deposit receipts, deposit notes, certificates of deposit or investment, acceptances or similar instruments the terms of which provide that the principal and interest shall be fully repaid no later than two years after the day the investment was made, if the receipt, note, certificate or instrument was issued, guaranteed or endorsed by,
 - i. a bank listed in Schedule I, II or III to the Bank Act (Canada),
 - ii. a loan corporation or trust corporation registered under the Loan and Trust Corporations Act, or
 - iii. a credit union or league to which the Credit Unions and Caisses Populaires Act, 1994 applies.
- 3.1 Deposit receipts, deposit notes, certificates of deposit or investment, acceptances or similar instruments the terms of which provide that the principal and interest shall be fully repaid more than two years after the day the investment was made, if the receipt, note, certificate or instrument was issued, guaranteed or endorsed by,
 - i. a bank listed in Schedule I, II or III to the Bank Act (Canada),
 - ii. a loan corporation or trust corporation registered under the Loan and Trust Corporations Act,
 - iii. a credit union or league to which the Credit Unions and Caisses Populaires Act, 1994 applies.
4. Bonds, debentures, promissory notes or other evidence of indebtedness issued or guaranteed by an institution listed in paragraph 3.
5. Short term securities, the terms of which provide that the principal and interest shall be fully repaid no later than three days after the day the investment was made, that are issued by,
 - i. a university in Ontario that is authorized to engage in an activity described in section 3 of the Post-secondary Education Choice and Excellence Act, 2000,
 - ii. the board of governors of a college established under the Ontario Colleges of Applied Arts and Technology Act, 2002, or
 - iii. a board of a public hospital within the meaning of the Public Hospitals Act.
6. Bonds, debentures, promissory notes, other evidence of indebtedness or other securities issued or guaranteed by the International Bank for Reconstruction and Development.
- 6.1. Bonds, debentures, promissory notes or other evidence of indebtedness issued or guaranteed by a supranational financial institution or a supranational governmental organization, other than the International Bank for Reconstruction and Development.
7. Asset-backed securities, as defined in subsection 50 (1) of Regulation 733 of the Revised Regulations of Ontario, 1990 made under the Loan and Trust Corporations Act.
- 7.1 Bonds, debentures, promissory notes or other evidence of indebtedness issued by a corporation that is incorporated under the laws of Canada or a province of Canada, the terms of which provide that the principal and interest shall be fully repaid more than five years after the date on which the municipality makes the investment.
- 7.2 Bonds, debentures, promissory notes or other evidence of indebtedness issued by a corporation that is incorporated under the laws of Canada or a province of Canada, the terms of which provide that the principal and interest shall be fully repaid more than one year and no later than five years after the date on which the municipality makes the investment.

8. Negotiable promissory notes or commercial paper, other than asset-backed securities, maturing one year or less from the date of issue, if that note or commercial paper has been issued by a corporation that is incorporated under the laws of Canada or a province of Canada.
- 8.1 Shares issued by a corporation that is incorporated under the laws of Canada or a province of Canada.
9. Bonds, debentures, promissory notes and other evidences of indebtedness of a corporation incorporated under section 142 of the Electricity Act, 1998.
10. Bonds, debentures, promissory notes or other evidence of indebtedness of a corporation if the municipality first acquires the bond, debenture, promissory note or other evidence of indebtedness as a gift in a will and the gift is not made for a charitable purpose.
11. Securities of a corporation, other than those described in paragraph 10, if the municipality first acquires the securities as a gift in a will and the gift is not made for a charitable purpose.
12. Shares of a corporation if,
 - i. the corporation has a debt payable to the municipality,
 - ii. under a court order, the corporation has received protection from its creditors,
 - iii. the acquisition of the shares in lieu of the debt is authorized by the court order, and
 - iv. the treasurer of the municipality is of the opinion that the debt will be uncollectable by the municipality unless the debt is converted to shares under the court order. O. Reg. 438/97, s. 2; O. Reg. 265/02, s. 1; O. Reg. 399/02, s. 2; O. Reg. 655/05, s. 2; O. Reg. 607/06, s. 1; O. Reg. 39/07, s. 1; O. Reg. 373/11, s. 1.
- 2.1 A security is prescribed for the purposes of subsection 418 (1) of the Act as a security that a municipality may invest in if,
 - (a) the municipality invested in the security before January 12, 2009; and
 - (b) the terms of the municipality's continued investment in the security have been changed pursuant to the Plan Implementation Order of the Ontario Superior Court of Justice dated January 12, 2009 (Court file number 08-CL-7440) and titled "In the matter of the Companies' Creditors Arrangement Act, R.S.C. 1985, c. C-36 as amended and in the matter of a plan of compromise and arrangement involving Metcalfe & Mansfield Alternative Investments II Corp. et al". O. Reg. 292/09, s. 1.
3. (1) A municipality shall not invest in a security under subparagraph 1 iii, v.1, v.2, vi.1, vi.2 or vi.3 or paragraph 3.1 or 4 of section 2 unless the bond, debenture, promissory note or evidence of indebtedness is rated,
 - (a) REVOKED: O. Reg. 265/02, s. 2 (1).
 - (b) by Dominion Bond Rating Service Limited as "AA(low)" or higher;
 - (b.1) by Fitch Ratings as "AA-" or higher;
 - (c) by Moody's Investors Services Inc. as "Aa3" or higher; or
 - (d) by Standard and Poor's as "AA-" or higher. O. Reg. 438/97, s. 3 (1); O. Reg. 265/02, s. 2 (1); O. Reg. 399/02, s. 3 (1); O. Reg. 655/05, s. 3 (1, 2); O. Reg. 607/06, s. 2; O. Reg. 39/07, s. 2.

- (2) REVOKED: O. Reg. 655/05, s. 3 (3).
- (2.1) A municipality shall not invest in a security under paragraph 6.1 of section 2 unless the security is rated,
- (a) by Dominion Bond Rating Service Limited as “AAA”;
 - (b) by Fitch Ratings as “AAA”;
 - (c) by Moody’s Investors Services Inc. as “Aaa”; or
 - (d) by Standard and Poor’s as “AAA”. O. Reg. 655/05, s. 3 (4).
- (3) A municipality shall not invest in an asset-backed security under paragraph 7 of section 2 that matures more than one year from the date of issue unless the security is rated,
- (a) by Dominion Bond Rating Service Limited as “AAA”;
 - (a.1) by Fitch Ratings as “AAA”;
 - (b) by Moody’s Investors Services Inc. as “Aaa”; or
 - (c) by Standard and Poor’s as “AAA”. O. Reg. 265/02, s. 2 (2); O. Reg. 399/02, s. 3 (2); O. Reg. 655/05, s. 3 (5).
- (4) A municipality shall not invest in an asset-backed security under paragraph 7 of section 2 that matures one year or less from the date of issue unless the security is rated,
- (a) by Dominion Bond Rating Service Limited as “R-1(high)”;
 - (a.1) by Fitch Ratings as “F1+”;
 - (b) by Moody’s Investors Services Inc. as “Prime-1”; or
 - (c) by Standard and Poor’s as “A-1+”. O. Reg. 265/02, s. 2 (2); O. Reg. 399/02, s. 3 (3); O. Reg. 655/05, s. 3 (6).
- (4.1) A municipality shall not invest in a security under paragraph 7.1 of section 2 unless the security is rated,
- (a) by Dominion Bond Rating Service Limited as “AA(low)” or higher;
 - (b) by Fitch Ratings as “AA-” or higher;
 - (c) by Moody’s Investors Services Inc. as “Aa3” or higher; or
 - (d) by Standard and Poor’s as “AA-” or higher. O. Reg. 292/09, s. 2 (1).
- (4.2) A municipality shall not invest in a security under paragraph 7.2 of section 2 unless the security is rated,
- (a) by Dominion Bond Rating Service Limited as “A” or higher;
 - (b) by Fitch Ratings as “A” or higher;
 - (c) by Moody’s Investors Services Inc. as “A2”; or
 - (d) by Standard and Poor’s as “A”. O. Reg. 292/09, s. 2 (1).
- (5) A municipality shall not invest in a security under paragraph 8 of section 2 unless the promissory note or commercial paper is rated,
- (a) by Dominion Bond Rating Service Limited as “R-1(mid)” or higher;
 - (a.1) by Fitch Ratings as “F1+”;
 - (b) by Moody’s Investors Services Inc. as “Prime-1”; or
 - (c) by Standard and Poor’s as “A-1+”. O. Reg. 265/02, s. 2 (2); O. Reg. 399/02, s. 3 (4); O. Reg. 655/05, s. 3 (8).

- (6) If an investment made under subparagraph 1 iii, v.1, v.2, vi.1, vi.2 or vi.3 of section 2 or paragraph 3.1, 4, 6.1, 7, 7.1, 7.2 or 8 of section 2 falls below the standard required by this section, the municipality shall sell the investment within 180 days after the day the investment falls below the standard. O. Reg. 292/09, s. 2 (2).
- (6.1) Subsection (6) does not apply with respect to an investment made by a municipality under paragraph 7 of section 2 on a day before the day this subsection comes into force. O. Reg. 292/09, s. 2 (3).
- (7) A municipality shall not invest in a security under paragraph 9 of section 2 unless, at the time the investment is made and as long as it continues, the investment ranks, at a minimum, concurrently and equally in respect of payment of principal and interest with all unsecured debt of the corporation. O. Reg. 265/02, s. 2 (2).
- (8) A municipality shall not invest in a security under paragraph 9 of section 2 unless, at the time the investment is made, the total amount of the municipality's investment in debt of any corporation incorporated under section 142 of the Electricity Act, 1998 that would result after the proposed investment is made does not exceed the total amount of investment in debt, including any interest accrued on such debt, of the municipality in such a corporation that existed on the day before the day the proposed investment is to be made. O. Reg. 265/02, s. 2 (2).
- (9) Any investment made under paragraph 9 of section 2, including any refinancing, renewal or replacement thereof, may not be held for longer than a total of 10 years from the date such investment is made. O. Reg. 265/02, s. 2 (2).
- (10) Subsections (7), (8) and (9) do not prevent a municipality from holding or disposing of a security described in paragraph 9 of section 2 issued by a corporation incorporated under section 142 of the Electricity Act, 1998, if the municipality acquired the security through a transfer by-law or otherwise under that Act. O. Reg. 655/05, s. 3 (9).
- (11) A municipality shall sell an investment described in paragraph 10 or 11 of section 2 within 90 days after ownership of the investment vests in the municipality. O. Reg. 655/05, s. 3 (9).
- (12) REVOKED: O. Reg. 292/09, s. 2 (4).
- 4. (1) A municipality shall not invest more than 25 per cent of the total amount in all sinking and retirement funds in respect of debentures of the municipality, as estimated by its treasurer on the date of the investment, in short-term debt issued or guaranteed by the municipality. O. Reg. 438/97, s. 4 (1).
- (2) In this section, "short-term debt" means any debt, the terms of which provide that the principal and interest of the debt shall be fully repaid no later than 364 days after the debt is incurred. O. Reg. 438/97, s. 4 (2).

- 4.1 (1) A municipality shall not invest in a security under paragraph 7 of section 2 or in a promissory note or commercial paper under paragraph 8 of section 2 unless, on the date that the investment is made,
- (a) the municipality itself is rated, or all of the municipality's long-term debt obligations are rated,
 - (i) by Dominion Bond Rating Service Limited as "AA(low)" or higher,
 - (i.1) by Fitch Ratings as "AA-" or higher,
 - (ii) by Moody's Investors Services Inc. as "Aa3" or higher, or
 - (iii) by Standard and Poor's as "AA-" or higher; or
 - (b) the municipality has entered into an agreement with the Local Authority Services Limited and the CHUMS Financing Corporation to act together as the municipality's agent for the investment in that security, promissory note or commercial paper. O. Reg. 265/02, s. 3; O. Reg. 399/02, s. 4; O. Reg. 655/05, s. 4 (1, 2).
- (1.1) A municipality shall not invest in a security under paragraph 7.1 or 8.1 of section 2 unless, on the date the investment is made, the municipality has entered into an agreement with the Local Authority Services Limited and the CHUMS Financing corporation to act together as the municipality's agent for the investment in the security. O. Reg. 655/05, s. 4 (3).
- (1.2) Subsection (1.1) does not apply to investments in securities by the City of Ottawa if all of the following requirements are satisfied:
- 1. Only the proceeds of the sale by the City of its securities in a corporation incorporated under section 142 of the Electricity Act, 1998 are used to make the investments.
 - 2. The investments are made in a professionally-managed fund.
 - 3. The terms of the investments provide that,
 - i. where the investment is in debt instruments, the principal must be repaid no earlier than seven years after the date on which the City makes the investment, and
 - ii. where the investment is in shares, an amount equal to the principal amount of the investment cannot be withdrawn from the fund for at least seven years after the date on which the City makes the investment.
 - 4. The City establishes and uses a separate reserve fund for the investments.
 - 5. Subject to paragraph 6, the money in the reserve fund, including any returns on the investments or proceeds from their disposition, are used to pay capital costs of the City and for no other purpose.
 - 6. The City may borrow money from the reserve fund but must repay it plus interest. O. Reg. 655/05, s. 4 (3).

- (2) The investment made under clause (1) (b) or described in subsection (1.1), as the case may be, must be made in the One Investment Program of the Local Authority Services Limited and the CHUMS Financing Corporation with,
 - (a) another municipality;
 - (b) a public hospital;
 - (c) a university in Ontario that is authorized to engage in an activity described in section 3 of the Post-secondary Education Choice and Excellence Act, 2000;
 - (d) the board of governors of a college established under the Ontario Colleges of Applied Arts and Technology Act, 2002;
 - (d.1) a foundation established by a college mentioned in clause (d) whose purposes include receiving and maintaining a fund or funds for the benefit of the college;
 - (e) a school board; or
 - (f) any agent of an institution listed in clauses (a) to (d.1). O. Reg. 265/02, s. 3; O. Reg. 655/05, s. 4 (4); O. Reg. 607/06, s. 3; O. Reg. 292/09, s. 3; O. Reg. 52/11, s. 1.

5. A municipality shall not invest in a security issued or guaranteed by a school board or similar entity unless,
 - (a) the money raised by issuing the security is to be used for school purposes; and
 - (b) REVOKED: O. Reg. 248/01, s. 1.O. Reg. 438/97, s. 5; O. Reg. 248/01, s. 1.

6. (1) A municipality shall not invest in a security that is expressed or payable in any currency other than Canadian dollars. O. Reg. 438/97, s. 6 (1).
 - (2) Subsection (1) does not prevent a municipality from continuing an investment, made before this Regulation comes into force, that is expressed and payable in the currency of the United States of America or the United Kingdom. O. Reg. 438/97, s. 6 (2).

7. (1) Before a municipality invests in a security prescribed under this Regulation, the council of the municipality shall, if it has not already done so, adopt a statement of the municipality's investment policies and goals. O. Reg. 438/97, s. 7.
 - (2) In preparing the statement of the municipality's investment policies and goals under subsection (1), the council of the municipality shall consider,
 - (a) the municipality's risk tolerance and the preservation of its capital;
 - (b) the municipality's need for a diversified portfolio of investments; and
 - (c) obtaining legal advice and financial advice with respect to the proposed investments. O. Reg. 265/02, s. 4.

 - (3) REVOKED: O. Reg. 655/05, s. 5.

 - (4) In preparing the statement of the municipality's investment policies and goals under subsection (1) for investments made under paragraph 9 of section 2, the council of the municipality shall consider its plans for the investment and how the proposed investment would affect the interest of municipal taxpayers. O. Reg. 265/02, s. 4.

8. (1) If a municipality has an investment in a security prescribed under this Regulation, the council of the municipality shall require the treasurer of the municipality to prepare and provide to the council, each year or more frequently as specified by the council, an investment report. O. Reg. 438/97, s. 8 (1).
- (2) The investment report referred to in subsection (1) shall contain,
- (a) a statement about the performance of the portfolio of investments of the municipality during the period covered by the report;
 - (b) a description of the estimated proportion of the total investments of a municipality that are invested in its own long-term and short-term securities to the total investment of the municipality and a description of the change, if any, in that estimated proportion since the previous year's report;
 - (c) a statement by the treasurer as to whether or not, in his or her opinion, all investments are consistent with the investment policies and goals adopted by the municipality;
 - (d) a record of the date of each transaction in or disposal of its own securities, including a statement of the purchase and sale price of each security; and
 - (e) such other information that the council may require or that, in the opinion of the treasurer, should be included. O. Reg. 438/97, s. 8 (2); O. Reg. 655/05, s. 6.
- (2.1) The investment report referred to in subsection (1) shall contain a statement by the treasurer as to whether any of the following investments fall below the standard required for that investment during the period covered by the report:
- 1. An investment described in subparagraph 1 iii, v.1, v.2, vi.1, vi.2 or vi.3 of section 2.
 - 2. An investment described in paragraph 3.1, 4, 6.1, 7, 7.1, 7.2 or 8 of section 2.
 - 3. An investment described in subsection 9 (1). O. Reg. 292/09, s. 4.
- (3) Upon disposition of any investment made under paragraph 9 of section 2, the council of the municipality shall require the treasurer of the municipality to prepare and provide to the council a report detailing the proposed use of funds realized in the disposition. O. Reg. 265/02, s. 5.
- 8.1** If an investment made by the municipality is, in the treasurer's opinion, not consistent with the investment policies and goals adopted by the municipality, the treasurer shall report the inconsistency to the council of the municipality within 30 days after becoming aware of it. O. Reg. 655/05, s. 7.
9. (1) Despite this Regulation, an investment by a municipality in bonds, debentures or other indebtedness of a corporation made before March 6, 1997 may be continued if the bond, debenture or other indebtedness is rated,
- (a) REVOKED: O. Reg. 265/02, s. 6.
 - (b) by Dominion Bond Rating Service Limited as "AA(low)" or higher;
 - (b.1) by Fitch Ratings as "AA-" or higher;
 - (c) by Moody's Investors Services Inc. as "Aa3" or higher; or
 - (d) by Standard and Poor's as "AA-" or higher. O. Reg. 438/97, s. 9 (1); O. Reg. 265/02, s. 6; O. Reg. 399/02, s. 5; O. Reg. 655/05, s. 8.

- (1.1) Despite subsection 3 (4.1), an investment in a security under paragraph 7.1 of section 2 made on a day before the day this subsection comes into force may be continued if the security is rated,
- (a) by Dominion Bond Rating Service Limited as “A” or higher;
 - (b) by Fitch Ratings as “A” or higher;
 - (c) by Moody’s Investors Services Inc. as “A2”; or
 - (d) by Standard and Poor’s as “A”. O. Reg. 292/09, s. 5 (1).
- (2) If the rating of an investment continued under subsection (1) or (1.1) falls below the standard required by that subsection, the municipality shall sell the investment within 180 days after the day the investment falls below the standard. O. Reg. 438/97, s. 9 (2); O. Reg. 292/09, s. 5 (2).

FORWARD RATE AGREEMENTS

- 10.** (1) A municipality that enters into an agreement to make an investment on a future date in a security prescribed by section 2 may enter one or more forward rate agreements with a bank listed in Schedule I, II or III to the Bank Act (Canada) in order to minimize the cost or risk associated with the investment because of fluctuations in interest rates. O. Reg. 655/05, s. 9.
- (2) A forward rate agreement shall provide for the following matters:
- 1. Specifying a forward amount, which is the principal amount of the investment or that portion of the principal amount to which the agreement relates.
 - 2. Specifying a settlement day, which is a specified future date.
 - 3. Specifying a forward rate of interest, which is a notional rate of interest applicable on the settlement day.
 - 4. Specifying a reference rate of interest, which is the market rate of interest payable on a specified future date on an acceptance issued by a bank listed in Schedule I, II or III to the Bank Act (Canada).
 - 5. Requiring a settlement payment to be payable on the settlement day if the forward rate and the reference rate of interest are different. O. Reg. 655/05, s. 9.
- (3) A municipality shall not enter a forward rate agreement if the forward amount described in paragraph 1 of subsection (2) for the investment whose cost or risk the agreement is intended to minimize, when added to all forward amounts under other forward rate agreements, if any, relating to the same investment, would exceed the total amount of the principal of the investment. O. Reg. 655/05, s. 9.
- (4) A municipality shall not enter a forward rate agreement unless the settlement day under the agreement is within 12 months of the day on which the agreement is executed. O. Reg. 655/05, s. 9.
- (5) A municipality shall not enter a forward rate agreement if the settlement payment described in paragraph 5 of subsection (2) exceeds the difference between the amount of interest that would be payable on the forward amount calculated at the forward rate of interest for the period for which the investment was made and the amount that would be payable calculated at the reference rate of interest. O. Reg. 655/05, s. 9.

- (6) A municipality shall not enter a forward rate agreement except with a bank listed in Schedule I, II or III to the Bank Act (Canada) and only if the bank's long-term debt obligations on the day the agreement is entered are rated,
- (a) by Dominion Bond Rating Service Limited as "A(high)" or higher;
 - (b) by Fitch Ratings as "A+" or higher;
 - (c) by Moody's Investors Service Inc. as "A1" or higher; or
 - (d) by Standard and Poor's as "A+" or higher. O. Reg. 655/05, s. 9.
11. (1) Before a municipality passes a by-law authorizing a forward rate agreement, the council of the municipality shall adopt a statement of policies and goals relating to the use of forward rate agreements. O. Reg. 655/05, s. 9.
- (2) The council of the municipality shall consider the following matters when preparing the statement of policies and goals:
- 1. The types of investments for which forward rate agreements are appropriate.
 - 2. The fixed costs and estimated costs to the municipality resulting from the use of such agreements.
 - 3. A detailed estimate of the expected results of using such agreements.
 - 4. The financial and other risks to the municipality that would exist with, and without, the use of such agreements.
 - 5. Risk control measures relating to such agreements, such as,
 - i. credit exposure limits based on credit ratings and on the degree of regulatory oversight and the regulatory capital of the other party to the agreement,
 - ii. standard agreements, and
 - iii. ongoing monitoring with respect to the agreements. O. Reg. 655/05, s. 9.
12. (1) If a municipality has any subsisting forward rate agreements in a fiscal year, the treasurer of the municipality shall prepare and present to the municipal council once in that fiscal year, or more frequently if the council so desires, a detailed report on all of those agreements. O. Reg. 655/05, s. 9.
- (2) The report must contain the following information and documents:
- 1. A statement about the status of the forward rate agreements during the period of the report, including a comparison of the expected and actual results of using the agreements.
 - 2. A statement by the treasurer indicating whether, in his or her opinion, all of the forward rate agreements entered during the period of the report are consistent with the municipality's statement of policies and goals relating to the use of forward rate agreements.
 - 3. Such other information as the council may require.
 - 4. Such other information as the treasurer considers appropriate to include in the report. O. Reg. 655/05, s. 9.

SCHEDULE 2

Extract from Town By-law #5614-14

Being a By-law to provide for persons authorized to sign cheques and other banking authorities on behalf of the Town.

1. THAT all cheques issued by the Town upon the Town's general bank account shall require two (2) signatures and shall be signed:
 - (a) firstly, by any one (1) of the following officers or employees of the Town:
 - i. the Treasurer; or
 - ii. the Manager of Accounting & Revenues – Deputy Treasurer; or
 - iii. the Manager of Financial Planning – Deputy Treasurer;
 - (b) and secondly, by any one (1) of the following officials, officers or employees of the Town:
 - i. the Mayor; or
 - ii. the Deputy Mayor; or
 - iii. the Acting Mayor; or
 - iv. the Chief Administrative Officer; or
 - v. the Town Solicitor; or
 - vi. the Town Clerk; or
 - vii. the Director of Parks & Recreation Services.

...

6. THAT the Treasurer or his/her designate be and is hereby authorized to establish business relationships, accounts, and enter into agreements on behalf of the Town with investment brokers or financial institutions for the purposes of purchasing, trading, and holding financial investments as deemed appropriate by the Treasurer or his/her designate from time to time.
7. THAT the purchase of financial investments and all wire transfers of funds from the Town's general bank account shall be made only to the benefit of those investment brokers or financial institutions pre-approved in writing with the Town's lead bank. The execution of any necessary or ancillary documents required to perform any of the actions set out in this paragraph shall be signed in the same manner as provided for in paragraph 1 of this By-law.
8. THAT with respect to the actual purchase of investment transactions, the transaction shall be approved in writing in two (2) stages, and using the secured wire payments facility of the Town's lead bank, as follows:

- (a) firstly, by any one (1) of the following officers or employees of the Town:
 - i. a Financial Analyst; or
 - ii. the Manager of Financial Planning – Deputy Treasurer;

- (b) and secondly, by any one (1) of the following officers or employees of the Town:
 - i. the Treasurer; or
 - ii. the Manager of Accounting & Revenues – Deputy Treasurer; or
 - iii. the Manager of Financial Planning – Deputy Treasurer;

and the same person may not approve any subject transaction in both stages.

Investment Policy Update **Effective: June 25, 2003**

Section I - Scope and Objectives

THAT the Town's Investment Policy be adopted as follows:

Scope: This policy constitutes the Town's policy governing the effective and efficient management of surplus and idle cash resources within the general, capital, reserve and reserve funds.

Objectives: The policy establishes the following as its core objectives:

- Adherence to statutory requirements for eligible investments;
- Preservation and security of capital;
- Maintenance of necessary liquidity; and
- Realizing a competitive rate of return.

Adherence to Statutory Requirements

This policy applies to the management of all monies of the Operating Fund, Capital Fund, Reserve and Reserve Funds. Section 418 of the Municipal Act, 2001 (as amended) governs investments made by municipalities as prescribed in Ontario Regulation 438/97 as amended by Ontario Regulation 265/02. In exercising the statutory responsibility of a Municipal Treasurer, the Director of Finance/Treasurer for the Town of Aurora is responsible for the administration of this policy in compliance with the requirements prescribed in the Municipal Act, 2001 as amended from time to time.

Preservation and Security of Capital

The Town's investment policy is directed toward the preservation and security of capital identified for specific future uses and purposes such as (but not limited to) levy requisitions of the Regional Municipality of York, the Boards of Education and the Town's own requirements.

Investments shall be undertaken in a manner that seeks to ensure the preservation of capital within the overall investment portfolio. Credit and interest rate risks are to be mitigated as follows:

Credit Risk:

- Limiting investments to guaranteed securities;
- Pre-qualifying the financial institutions, brokers/dealers, intermediaries and advisers with whom the Town completes transactions for eligible investments subject to approval by the Director of Finance;

Section I - Scope and Objectives (Con't)

Credit Risk (Con't):

- Diversifying the investment portfolio so to manage risk of poor performance on individual securities or overall economic conditions.

Interest Rate Risk:

- Structuring the investment portfolio so the securities mature to meet on-going cash flow requirements, thereby reducing the need to sell securities on the open market prior to maturity;
- Investing operating funds primarily in shorter-term securities; and
- Diversifying longer-term holdings to match term exposure to requirements of underlying reserve funds and to mitigate effects of interest rate volatility.

Maintenance of Necessary Liquidity

The investment portfolio shall remain sufficiently liquid to meet all operating and cash flow requirements. This shall be done where possible by structuring the portfolio such that securities mature concurrent with anticipated cash flow demands. Furthermore, since all possible cash demands cannot be anticipated, the portfolio shall consist largely of securities with active secondary or resale markets.

Realizing Competitive Rate of Return

Without compromising other objectives, the Town shall maximize the rate of return earned on its portfolio by implementing a sound investment strategy as part of its investment program. Trends in economic variables will be monitored including interest rates and inflationary pressures.

Diversification, as well as ensuring safety of principal by limiting exposure to credit, sector or term risks, also provides opportunities to enhance investment returns of the Town's portfolio by means of prudent and timely adjustments to the asset mix.

Section II - Standard of Care

Prudent Investment Principles

Investments shall be made in accordance with the policy, under the prevailing circumstances. Consideration of the probable safety of principal, as well as income to be derived, should be of utmost importance. Town staff, acting in accordance with this policy and other corporate policies & procedures and having exercised due diligence, shall be relieved of personal responsibility for any individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely manner and the liquidation or sale of such securities are carried out in accordance with the terms of this policy.

Ethics and Conflicts of Interest

Employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the Town's investment program, or that could impair their ability to make impartial investment decisions. Employees involved in investment procedures shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the Town's investment portfolio. Town employees and financial institution officers shall not undertake personal investment transactions with the same individual with whom business is conducted on behalf of the Town.

Delegation of Authority

The Director of Finance/Treasurer has overall responsibility for establishing and implementing a prudent investment strategy for the Town's portfolio in a manner consistent with this policy. The Director of Finance/Treasurer shall be responsible for all transactions undertaken, and shall exercise control over any staff delegated to implement the investment program.

Competitive Selection of Investment Instruments

All security purchase/sale transactions will be completed through a competitive process and with financial institutions approved by the Director of Finance/Treasurer. The Town will accept an offer to purchase, which (a) has the highest rate of return for the investment term required; and (b) optimises the investment objectives of the overall portfolio. When selling a security, the Town will select the bid that generates the highest sale price.

It will be the responsibility of the Director of Finance/Treasurer to produce and retain written records of each transaction, including the names of financial institutions solicited, rate quoted, description of the security, investment selected, and any special considerations that had an impact on the final decision.

Section III - Eligible Investments and Parameters

Eligible Investments

The following are eligible investments:

- Bonds, debentures, or other evidences of indebtedness of or guaranteed by the Government of Canada, the Province of Ontario, or another province of Canada;
- Bonds, debentures, term deposits, deposit receipts, deposit notes, certificates of instruments issued, accepted, guaranteed or endorsed by any bank in Schedule I or II to the Bank Act (Canada) or by credit unions and trust companies as defined in the Credit Unions and Caisses Populaires Act; and
- Bonds, debentures or promissory notes of a metropolitan, regional or district municipality, a school board, or a local board as defined in the Municipal Act.

All eligible investments must meet or exceed the minimum credit rating as defined in Section VII of this policy and are to be used in conjunction with the sector limitations noted in the below under the reference Investment Parameters.

Investment Parameters

The investment parameters shall be achieved through diversification by:

- Limiting investments to avoid over-concentration in securities of a specific type, from a specific issuer or sector (excluding Government of Canada instruments);
- Limiting investments in securities to those that have higher credit ratings;
- Investing in securities with varying maturities; and
- Investing in mainly liquid, marketable securities, which have an active secondary market, to ensure that appropriate liquidity is maintained in order to meet on-going cash flow requirements.

In order to promote diversification in the Town's portfolio holdings, percentage weightings for sector and security type shall be established and maintained (See Section VII).

To the extent possible, the Town shall match its term structure with anticipated cash flow requirements. Unless matched to specific cash flow requirements, the Town will not directly invest in securities maturing more than ten (10) years from the date of purchase. Reserve Funds and other longer-term investment horizons may be invested in securities exceeding the ten (10) years if the maturity of such investments are made to coincide, as near as possible, with the expected use of such funds. The final column of Section VII sets out the maximum term in order to ensure liquidity requirements are maintained.

Section IV - Reporting Requirements

Reports to Council

The Director of Finance/Treasurer shall provide an investment report to Council annually. The report will include the following:

- Listing of individual securities held at the end of the preceding fiscal year;
- Realized and unrealized gains or losses resulting from appreciation or depreciation by listing the cost and market value of securities over the one-year duration;
- Percentage of total portfolio which each type of investment represents;
- Summary statement about the performance of the investment portfolio during the period covered by the report;
- An estimated ratio of the total long-term and short-term securities compared to the total investments and a description of the change, if any, in that estimated proportion since the last year's report;
- A statement (opinion) by the Director of Finance/Treasurer as to whether or not all investments were made in accordance with the investment policies and objectives adopted by the Town and in compliance with the Municipal Act; and
- Such other information that Council may require or that, in the opinion of the Director of Finance/Treasurer, should be included.

Performance Benchmarks

The investment portfolio will be managed in accordance with the parameters specified within this policy. Short-term funds will be compared to the return on the Scotia McLeod's Capital 30 day Treasury Bill Index and the 91 day Treasury Bill Index as well as the ONE Funds Money Market Fund. Long-term funds will be compared to the Scotia McLeod's Capital – All Government – Bond Index and the ONE Funds Bond Fund.

Section V - Safekeeping and Custody

The custody and safekeeping of the Town's investments is held off site with the broker from whom the investment was purchased. All securities shall be held in the name of the Corporation of the Town of Aurora.

The brokerage organization shall issue a confirmation receipt to the Town listing specific investment instrument details, rate, maturity and other pertinent information. On a monthly (or quarterly basis depending on the broker) the broker will also provide reports which list all securities held for the Town, the book value of the holdings and the market value of the holdings as of the month (period) end date.

Section VI - Responsibilities

The responsibilities of the Director of Finance/Treasurer are as follows:

- Enters into arrangements with banks, investments dealers, brokers and other financial institutions for the purchase, sale, redemption, issuance, transfer and safekeeping of securities;
- Executes and signs documents on behalf of the Corporation of the Town of Aurora and performs all other related acts in the day-to-day operation of the investment and cash management program;
- Develops and maintains all necessary operating procedures for the effective control and management of the investment function and reasonable assurance that the Corporation's investments are properly managed and adequately protected; and
- Ensures that adequate insurance coverage to guard against any losses that may occur due to misappropriation, theft, or other acts of fraud with respect to the Corporation's financial assets.

Section VII - Eligible Investments and Sector Limitations

	Minimum Credit Rating (DBRS) ¹	Money Market Rating	Investment Type / Sector Exposure Limitation ² (maximum)	Sector Term Limitation (maximum)
Federal³ (Canada)	AAA	R-1 high	100 %	20 years
Provincial⁴	AA	R-1 mid	80 %	20 years
	A	R-1 mid	20 %	10 years
	BBB	R-1 mid	10 %	5 years
Provincial Total			Maximum = 80% of portfolio	
Municipal				
Regional or Other Municipalities	AA or A		40 %	10 years
Banks				
Schedule I Banks		R-1 mid/low	75 %	5 years
Schedule II Banks, Credit Unions and Trust Companies		R-1 mid	15 %	6 months
Bank Total			Maximum = 75% of portfolio	

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1. DBRS = Dominion Bond Rating Service
 2. Exposure % limitations to be applied to the par value of the total portfolio
 3. Includes Federal Government Guarantees
 4. Includes Provincial Government Guarantees

Section VIII - Portfolio Term Limitations

Term Limitations	Percentage of Portfolio by Term (maximum)
Less than 90 days	100 %
Less than 1 year	100 %
From 1 year up to, but not including 5 years	70 %
From 5 years up to, but not including 10 years	70 %
From 10 years up to 20 years	50 %
Over 20 years	10 %

Section IX - Definitions

Money Market Ratings

<u>Rating</u>	<u>Definition</u>
R-1 (high)	Short-term debt rated R-1 (high) is of the highest quality, and indicates an entity that possesses unquestioned ability to repay current liabilities as they fall due. Entities rated in this category normally maintain strong liquidity positions, conservative debt levels and profitability which is both stable and above average.
R-1 (mid)	Debt rated R-1 (mid) is of superior credit quality and in most cases, ratings in this category differ from R-1 (high) credits to only a small degree.
R-1 (low)	High quality debt with a strong degree of safety regarding timely repayment of financial obligations.

Dominion Bond Rating Service (DBRS) – Investment Grade Obligations

<u>Rating</u>	<u>Definition</u>
AAA	Highest rating possible where the capacity to pay interest and repay principal is extremely strong.
AA	Has a very strong capacity to pay interest and repay principal and differs from AAA to a small degree.
A	Has a very strong capacity to pay interest and repay principal, but more susceptible to adverse developments than the higher rated categories.
BBB	Average to adequate capacity to pay interest and repay principal. Current levels of protection are adequate but adverse economic conditions are more likely to lead to a weakening capacity to fulfil financial obligations.

Section IX - Definitions (Con't)

Other Definitions:

Credit Risk:	the risk to an investor that an issuer will default in its obligation to pay interest and/or principal on a security.
Diversification:	the process of investing assets among a range of security types, across business sectors, with varying term and quality of credit rating.
Duration:	a measure of the timing of cash flows, such as the interest payment and principal repayment dates, to be received from a fixed-income investment instrument. The calculation is based on three variables: term to maturity, coupon rate and yield to maturity. The duration of an investment instrument is a useful indicator of its price volatility in relation to fluctuations in interest rates.
Interest Rate Risk:	the risk associated with declines or rises in interest rates, which result in the fixed-income investment instrument to increase or decrease in value.
Investment-grade Obligations:	an investment instrument suitable for purchase by institutional investors under the prudent person rule. Investment-grade is restricted to those obligations rated BBB or higher by a recognized rating agency.
Liquidity:	a measure of an asset's convertibility to cash.
Market Risk:	the risk that the value of a security will rise or decline as a result of changes in capital market conditions.
Market Value:	current market price of a security.
Maturity:	the date on which payment of a financial obligation is due and payable. The final stated maturity date is the date on which the issuer must retire a bond and pay the face value to the bondholder.
Safekeeping:	the role of holding assets (e.g. securities) by a financial institution on behalf of the investor.



**TOWN OF AURORA
GENERAL COMMITTEE REPORT**

No. CFS15-035

SUBJECT: *2016 Budget Outlook and Preparation Directives to Staff*
FROM: *Dan Elliott, Director, Corporate & Financial Services - Treasurer*
DATE: *September 8, 2015*

RECOMMENDATIONS

THAT Report No. CFS15-035 be received; and

THAT staff be directed to prepare the 2016 Operating Budget in accordance with the following directives:

- 1. The Base Operating Budget reflects an overall tax increase pressure of 1.8%, including:
 - a. A reduction in hydro interest reliance of \$100,000; and*
 - b. A reduction of supplementary tax reliance of \$75,000; and*
 - c. Maintain current contributions to infrastructure sustainability reserves; and*
 - d. An overall increase in CYFS funding of 1.3% of the total tax levy (contributing 1.03% to the overall tax increase pressure); and*
 - e. Partial absorption of inflationary pressures; and*
 - f. Maintain current service levels.**

- 2. All rates, fees and unit charges for non-tax revenues be indexed individually by a minimum of 1.1%, unless set by contract or statutes; and*

THAT the Aurora Public Library Board be directed to prepare a budget based on an anticipated Town of Aurora tax-based operating funding grant of \$3,659,000; and

THAT the Aurora Cultural Board be requested to prepare their 2016 Operating and Capital Budgets based upon the current Town funding in the amount of \$377,000.

PURPOSE OF THE REPORT

To provide Council with background information with which to make informed directives to staff for the preparation of the 2016 annual operating budgets.

BACKGROUND

On this same agenda, Committee is being presented with Report No. CFS15-037, which contains three separate documents bundled together as Council's Budget Principles, Process and Directives for the annual budget process. The goal of these

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Report No. CFS15-035

documents is to improve the overall budget process. As these may take some discussion, and to ensure the goal of having a 2016 budget approved before the end of 2015, staff have prepared this separate report to move forward with the establishment of expectations of Council for the 2016 budget. The Interim CAO has directed the Executive Leadership Team (ELT) to accelerate the budget process to ensure that Council is in a position to consider and approve the 2016 budget prior to year-end.

COMMENTS

In previous budgets, Council and staff have committed to improving the fiscal health and sustainability of the organization through the proposal and adoption of the following measures:

1. Eliminate reliance on interest from hydro sale funds by \$100,000 per year, with no reliance planned for 2019. This represents a 0.26% tax levy pressure for 2016.
2. Reduce the unsustainable reliance on supplementary taxes by \$75,000 per year until long term levels are reached in 2020. This represents a 0.20% tax levy pressure for 2016.
3. Fund additional contributions to infrastructure sustainability reserves, to fund the Town's ten year capital plan. The increase scheduled for 2016 is \$382,500, equalling a 1.00% tax levy pressure.
4. Phase-in the costs of expanded Central York Fire Services and the addition of a new crew within the next five years, increasing CYFS funding by 1.3% of the total tax levy each year. This represents a 1.03% tax levy pressure for 2016, net of growth.
5. Continually challenging staff to find more efficient ways to deliver services to a growing community.
6. Always being mindful of new or higher levels of services which add to tax levy pressure.

CPI inflation 12 months to June for Toronto is 1.1%. Based on this information and the above noted commitments, today, without any constraint or any new services, the 2016 budget's tax increase pressure would be as follows:

General Inflation pressures	1.10%
Reduce hydro interest reliance	0.26%
Reduce Supplementary tax reliance	0.20%
Increase for infrastructure sustainability.	1.00%
Phase-in Central York Fire costs (net of growth)	<u>1.03%</u>
TOTAL TAX INCREASE PRESSURE	3.59%

During the consideration of the 2015 budget, an operating budget forecast for 2016 was provided. The forecast suggested a tax increase of 4.1% and included the hiring of 11 new full-time staff positions, factoring in an extension of service levels to meet the needs of new growth areas.

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It is clear, however, that 2016 will be a more challenging period for tax payers, and as such the original 2015 budget assumptions for 2016 have been reconsidered. The global, national and provincial economies have created a great deal of volatility and uncertainty for taxpayers, and the Town's budget should reflect that concern.

To address these concerns, ELT continually reviews staff operations, and have identified a number of key areas where costs may be temporarily constrained.

For 2016, the Town has projected assessment growth to be 3.4%, our highest level since the waning of 2B development. This additional assessment growth adds \$1,257,900 to the 2016 operating budget revenue without impacting the taxpayer. Ideally, growth money is used to extend existing service levels to new growth areas and population. In the 2016 budget, however, it is proposed that these funds be used to partially address growth, with the remainder of this money redirected to accommodate other budgetary pressures in conjunction with other measures of constraint noted below. While this is not a sustainable long-term solution, it allows the Town to partially manage its cost pressures for 2016.

With regards to the forecasted hiring of new full-time staff positions, an organizational review has been initiated with final recommendations being provided early in 2016. While this work is being undertaken, the 2016 budget will not include the forecasted hiring of 11 new full-time positions.

Staff will be expected to find increased capacity within existing workflows and processes to partially absorb the inflationary increases expected for 2016. The IES Department is currently piloting a "Lean Process Review" for its processes, with the expectation that this become a corporate standard. Additionally, it is recommended that 2016 be the year when a corporate wide project management methodology will be employed for future capital and operating projects and programs.

In summary, while taking into account the anticipated levels of community growth, staff propose to use that growth revenue to address operating cost pressures, and to extend services and accommodate new residents and businesses in the Town, all while finding efficiencies and budgetary constraints to meet a target tax levy increase of 1.8%.

While a 1.8% tax levy pressure may be achievable for 2016, the forecast pressures for 2017, 2018 and 2019 remain unclear. A detailed review of the multi-year forecasts will be undertaken as part of the new CAO's mandate and these forecasts will be delivered to Council during the 2017 budget process.

LINK TO STRATEGIC PLAN

Developing the annual budget supports all aspects of the Strategic Plan. Specifically, this report supports the Plan principles of Leadership in Corporate Management, Leveraging Partnerships, and Progressive Corporate Excellence and Continuous Improvement.

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Report No. CFS15-035

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council may provide amendments to the proposed tax rate increase and directions to staff for the preparation of the draft 2016 operating budgets. In this event, it is recommended that Committee consider specific direction for the Town Departments, separate from direction for the Library, Fire Service and Aurora Cultural Centre.

FINANCIAL IMPLICATIONS

Providing budget directives for the preparation of the 2016 Operating Budget does not have any direct or immediate costs to the Town. Implications of budget constraints or new programs proposed for 2016 will be set out in detail in the 2016 budget documentation to be prepared. A 2016 budget adopted before year end will assist in going to the market early for necessary contracted services and supplies, achieving advantages in pricing, and improve delivery of seasonally sensitive projects.

CONCLUSIONS

Staff are seeking Council direction with which to prepare the 2016 draft operating budget. Growth of the community increases the demands for Town services which must be expanded to meet these needs. At the same time, inflation affects all sectors and all participants, including the Town and its residents, and should be recognized as a reality. Council has previously committed to increase taxes separately for additional contributions to infrastructure reserves to ensure service levels from these existing but wearing assets can be sustained in the future. Further, during the 2015 budget, Council committed to separate tax increases to address the clear operating cost pressures expected over the coming years for Central York Fire Services, as they proceed to implement recommendations arising from the updated Fire Master Plan, including the addition of a new fire hall and crew, as well as additional support staff. Staff believe that a prudently prepared budget that results in a 1.8% tax increase for the community can achieve these goals, objectives and hurdles.

PREVIOUS REPORTS

None.

ATTACHMENTS

None.

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PRE-SUBMISSION REVIEW

Executive Leadership Team - Thursday, August 27, 2015

Prepared by: Dan Elliott, Director of Corporate & Financial Services - Treasurer



***Dan Elliott, CPA, CA
Director of Corporate & Financial
Services - Treasurer***



***Patrick Moyle
Interim Chief Administrative Officer***



**TOWN OF AURORA
GENERAL COMMITTEE REPORT**

No. CFS15-037

SUBJECT: *Council Budget Process, Policies and Directives*
FROM: *Dan Elliott, Director, Corporate & Financial Services - Treasurer*
DATE: *September 8, 2015*

RECOMMENDATIONS

THAT Report No. CFS15-037 be received; and

THAT Report No. CFS15-037 and the following recommendation be referred to the General Committee meeting of September 22, 2015, for consideration:

THAT General Committee comments and discussion be referred to staff for preparation of an updated Council Budget Process, Policies and Directives report for adoption and recommendation at a future General Committee meeting.

PURPOSE OF THE REPORT

To present a framework for the annual budget review process of Council and Committee which streamlines the review time and process, while balancing the need for detailed reviews. The report outlines draft Budget Principles of Council, draft Council Budget Process, and a draft set of Budget Directives for staff preparation of the 2016 and forecast budgets.

BACKGROUND

At its first meeting held in April, Finance Advisory Committee discussed approaches for future budget reviews by Council which would seek to streamline the review timelines and number of meetings of Council members, while balancing the need for detailed reviews of each section of the budget. Staff prepared the attached Council Budget Principles, Budget Process and Budget Directives for further discussion with Finance Advisory Committee. Finance Advisory Committee has recommended that these three documents be reviewed and approved by General Committee and recommended for adoption by Council.

Given the significant content of the material, Finance Advisory Committee recommended that it be presented to General Committee one cycle with the deferral motion for consideration at the following Committee meeting. Due to the concerns that staff are underway in their preparation for the 2016 Operating Budgets, FAC also

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recommended that a stand-alone “budget directives for 2016” report and recommendations be presented directly to General Committee. That separate report stands elsewhere on the September 8, 2015 Committee agenda.

COMMENTS

A number of municipalities are able to review and approve their annual operating budgets in short order on a recurring basis. This normally arises through the use of Council having set clear objectives and targets for the preparation of the budget. Staff then prepare and present a draft budget which meets the directives of Council for prompt approval. Discussion is limited to the key pressure points which had to be overcome during the budget preparation, and any changes in service levels which may be noticed by members of the public in the coming year.

The greatest difficulty in following such budget approach is that Council must have a clear outlook of the budget realities facing the municipality in the coming years, and once having informed knowledge of such, set appropriate directives for staff for preparation of the budget. Making significant budget adjustments late in the budget review process is challenging, as often the lead time for service level adjustments or even rate changes can be long, as program and services are often flowing from one year to another, and incorporated into program guides, and other materials for the public. Adjusting service levels, rates and programs requires lead time. Accordingly, it is helpful to all participants in the budget process to have a very clear understanding of the expected processes, timelines, and even Council’s expectations for the end result set out in writing.

Multi year budget approaches can also be incorporated where the detailed budgets are produced following the budget principles and directives of Council for the upcoming and three successive budget years all at the same time. Information of the outlook years is then used by Committee in reviewing and setting budget directives for the subsequent year, if change is needed.

The attached draft Council Budget Principles, Process and Directives is for discussion only at this time. Despite requests, staff have yet to receive any input or samples from other municipalities. Some material was gleaned from the Town of Markham. Accordingly, the attached document is considered substantively original by staff.

The Council Budget Principles portion is intended to set a clear and open framework of budget principles upon which Council expects the budget to be prepared. These are higher level statements addressing such things as the reality of infrastructure funding shortfalls, fluctuating interest rates, fluctuation inflation, continual growth of the community, and need to maintain services and facilities as we grow and as we age. These Council Budget Principles are proposed to be reviewed in detail in the first year of each Council term.

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Report No. CFS15-037

The Council Budget Process portion is intended to set out high level overview of the budget review process undertaken by Council and or Committee each year. This includes establishing distinct components of each annual budget which must be considered independent of each other for their specific purposes. Segregation in this way, like segregating Operating from Capital budget review, allows the key issues of each to be separately discussed and debated for approval. This process also outlines a proposed detailed budget review to be conducted on a continually rotating basis of each town department, intended to occur after each budget approval, with recommendations to be incorporated in the following year budget. This Council Budget Process document would not be expected to change much at all year to year, or even term to term. It is anticipated that this Process portion would be reviewed and affirmed in the first year of each term of Council.

Council Directives for Annual Budget preparation by staff is a set of more specific, definitive type statements of Council for staff to follow in preparing the upcoming budget details. Immediately following the annual operating budget approval, Council, through Committee would review, update and set the Council Budget Directives for the following year's budget and forecast preparation. Due to the timing for 2016, the Budget Directives component of this report has been deleted as the stand alone report now addresses those items.

The use of documented Council Budget Principles, Council Budget Processes, and Council Budget Directives is intended to bring about adoption and use of common understanding and language for Council, members of the public who follow such, and staff. These three documents would be made public on the Town's website in the applicable annual budget information and review section for easy reference by all parties.

LINK TO STRATEGIC PLAN

Bringing forward high level statements of budget principles, process, and directives for the annual budget cycle support the broad guiding principles of the Town's Strategic Plan of Leadership in Corporate Management, and Progressive Corporate Excellence and Continuous Improvement.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. None, Discussion and comments from General Committee to be referred back to staff for incorporation into a final version for presentation at a future meeting of Committee.
2. Committee may provide alternative directions for budget cycle preparation and review.

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Report No. CFS15-037

FINANCIAL IMPLICATIONS

No direct financial implications of this report.

CONCLUSIONS

At the request of Finance Advisory Committee, staff have prepared some overarching budget framework statements and principles for consideration by Committee. These have been organized into three sections: Council Budget Principles, Budget Process, and Council Budget Directives. Comments and directions from Committee will be incorporated into a future report to Committee.

PREVIOUS REPORTS

None

ATTACHMENTS

Attachment #1 – Council Budget Process, Principles and Directives – DRAFT for discussion

PRE-SUBMISSION REVIEW

Executive Leadership Team - Thursday, August 27, 2015

Prepared by: Dan Elliott, Director of Corporate & Financial Services - Treasurer



**Dan Elliott, CPA, CA
Director of Corporate & Financial
Services - Treasurer**



**Patrick Moyle,
Interim Chief Administrative Officer**

Council Budget Principles

The Council of the Town of Aurora is responsible for two key elements in carrying out their duties. Council must represent and advance the interests, needs and actively plan for the future, and serve the residents and businesses of the community of the Town of Aurora, while also responsibly managing a large municipal corporation, including its future, resources, assets, needs and interests. The funding raised and used by the corporation comes primarily from within the community, and must be used wisely, obtaining good value and cared for responsibly. Within the context of annual corporation budgets, Council is committed to remain engaged with the community and continually strengthen the municipal corporation's overall fiscal sustainability, balanced with the need for Aurora's property taxation levels and water rates to remain comparable and affordable within the context of the Greater Toronto Area.

Council recognizes that there are many different external influences which have impacts to the Town's budgets, costs and services. The following items each cause tax increase pressures upon the budgets of the Town. Council is committed to address each of these issues in a manner which respects the taxpayer, the financial health of the municipal corporation and our staff serving Aurora:

- New and emerging legislative compliance requirements increasing demand on municipal resources and staffing
- Growth of the community, and the resultant volumetric increase in demand for services and facilities provided and available. Such costs are normally offset by growth in base revenues arising from the new residents and businesses.
- Community expectations for newer, evolving and additional services and facilities over and above today's existing service levels
- The need to develop the financial capacity to meet current and future capital infrastructure replacement needs to provide reasonable service levels in a sustainable manner. Infrastructure sustainability funding has historically been a low priority for municipal governments across the country. Aging and deteriorating infrastructure requiring urgent repair or replacement has now brought this issue to the forefront for all levels of government.
- Economic pressures such as interest rate fluctuations and inflationary pressures
- Cost increases in some supply sectors which exceed inflation, such as electricity
- Pressures on wage and benefits costs, including collective agreements
- Service and supply contract renewals and existing committed multi-year contracts

Council recognises that during every budget debate, various perspectives and interests are represented and raised at the Council table. To assist in these prospective discussions, Council has reviewed and agreed on a consensus basis that the following principles will guide the development, review and approval processes of each budget for the Town. These Budget Principles will be reviewed by Council in the first year of each Council term, and at any other time as requested by Council.

Attachment #1 CFS15-037
General Committee – September 8, 2015

The following principles will guide the preparation, review and evaluation for approvals of the Annual Operating, Capital and Utility budgets for the Town:

Open and Transparent Process

1. The Annual Budget Process shall include opportunities for input from members of the public and community groups. All feedback, comments and suggestions received through solicitation tools such as email, website, surveys or others, will be conveyed to General Committee – Budget (Budget Committee) as they are received throughout the budget review process.
2. All meetings of the Budget Committee shall be open to the public, except those aspects which are permitted and appropriate to be held in closed session, such as but not limited to discussions regarding collective agreement negotiation provisions, personnel matters, or litigation.
3. Budget materials, presentations, disclosures and Budget Committee review processes shall be open and transparent. All materials will be prepared with the intended audience being a member of the general public where reasonable and practical. A specific section of the Town's website will contain all relevant budget materials, presentations, summaries and reports throughout the process, and updated to reflect the final approved budgets.
4. Council will undertake to complete the review and approval of the annual operating budgets prior to the commencement of the new budget year. For a budget in respect of the year following a municipal general election, the budget review process will begin early in the new budget year, as required by statute.
5. In making comparisons to other municipalities in respect to processes, performance, service levels, cost, revenue rates or any other basis, the Town shall have regard to, at minimum, the following municipalities:
 - a. All other lower tier municipalities of York Region.
 - b. Municipalities in the Durham Region, Peel Region, and Region of Halton Hills which have populations within 30% of the Town's population.
 - c. York Region where applicable.

Budgets to be Fiscally Responsible

6. The Town will prepare a traditional municipal balanced budget for review. Ontario Regulation 284/09 allows for exclusion from such budget certain accounting estimates such as amortization, and post-employment benefit liabilities. The impact of these excluded items will be presented separately as part of the budget submission as required of the Regulation.

Attachment #1 CFS15-037
General Committee – September 8, 2015

7. The Town will not use or rely upon prior year operating surpluses to fund or balance the Operating Budget.
8. The Town will not rely on one-time or short-term temporary funding sources to fund or balance the Operating Budget, unless directly associated with corresponding temporary expenses for events or special purpose programs.
9. Council and staff will continually look to implement changes in technique, tools or approaches to delivering all services and functions which will reduce costs, or improve the efficiency or effectiveness of our work and programs. Where necessary, capital investments required to achieve such improvements will be prioritized.
10. The annual operating budget will not be impacted by year to year fluctuations of the actual capital budget approval. Rather a singular, stable and predictable funding transfer to Infrastructure Sustainability Reserves will be included.
11. Council is committed to adequately fund infrastructure repair, replacement and improvements through annually evaluating the future funding needs, and when indicated, increase annual contributions to infrastructure sustainability reserves. Such increases will be included in the Fiscal Strategy budget area. Additionally, the Town will ensure the planned capital program attempts to replace assets at the optimal point in time for efficient and effective use of scarce capital funding in accordance with the Ten Year Asset Management and Investment Plan, balancing this with meeting community expectations, and the need for maintaining reliable services.
12. Council recognizes that budget decisions made in one year may have ripple-type impacts to future budget years. To ensure open and public awareness, for each annual operating budget presented for tax funding, an accompanying forecast of the next three budgets and related tax impacts shall also be presented. These forecasts will be updated as budget decisions are made during review. The forecasts presented will always include three or more years for consistency of vision. Using multi-year budgets and forecasts improves fiscal health and service delivery through:
 - a. better coordination of budgeting and strategic priorities,
 - b. greater certainty for departments in managing expenditures and service levels
 - c. improved fiscal discipline of the organization
 - d. streamline annual budget reviews to focus on key changes in assumptions and outlooks, and the reasons driving such changes
 - e. allow staff to develop budgets with fixed targets in place, allowing early response to circumstances and budget constraints of such targets.
13. A separate Special Phasing Budget will be used to address significant permanent tax pressures. These pressures will be mitigated through phase-in in over multiple years, using tax stabilization reserves where necessary. Foreseen pressures, such as the operating costs for a facility under construction, will be phased-in in advance where possible. Unforeseen pressures will be phased-in as promptly as

appropriate. Phasing of such tax pressures may result in tax rate increases which are in excess of inflation so as not to adversely impact existing services and facilities provided. Where appropriate, growth revenues will be allocated towards the new costs.

14. In the event that previously established Operating Budget directives are sought to be reduced by Budget Committee or Council, a balanced approach will be used whereby 50% of such amount will be through internal cost reductions which have minimal impact on service levels, with the other 50% through new revenue streams, fee increases exceeding inflation, or definitive service or program reductions identified by Budget Committee.

Inflation is a Reality for both the community and the Corporation

15. Council and our taxpayers recognize that annual tax increases approximating inflation are necessary to support perpetuation of existing services, facilities and operations, while accommodating new growth in population and the demand for more of these same levels of services, facilities and operations such growth creates. For reference, Council will refer to the annual 12 month CPI index for the Toronto Area, as reported by Statistics Canada for the period July 1 to June 30, ending in the year prior to the budget under review.
16. It is reasonable to expect administrative support overhead type costs are necessary, and should remain in a consistent ratio to the cost of core outward services and operations. The growth of the community and demand for services affects both outward and administrative functions of the corporation.

The Town will Advance Priorities

17. Council is committed to advancing strategic priorities set out in our Strategic Plan, balanced with affordable and coordinated advancements of the goals and objectives set out in our various Master Plans, including:
 - a. Communications Strategic Plan
 - b. Corporate Administrative Plan
 - c. Corporate Environmental Action Plan
 - d. Cultural Master Plan
 - e. Downtown Revitalization Plan
 - f. Economic Development Master Plan
 - g. Information Technology Strategic Plan
 - h. Long Range Asset Management and Investment Plan
 - i. Official Plan (community growth plan)
 - j. Parks Master Plan
 - k. Promenade Plan
 - l. Pursuit of Top 100 Employer status
 - m. Servicing Master Plan
 - n. Trails and Open Spaces Master Plan
 - o. Transportation Master Plan

It is recognized that it may not be financially possible to make advancement in all areas each year. Council will annually identify and prioritize such items during the annual budget review process.

18. Innovation, efficiencies, service excellence, maintaining public safety, and service level improvements come through the continuous learning and development of our staff. Training and development funding will be provided in the budget in the range of x% to x% (to be determined) of the Total Salaries and Benefits costs. In the first year of each term of Council, data from the comparator municipalities will be presented to confirm the Town's percentage allocation.

Historical Underfunding must be Addressed

19. A separate annual Fiscal Strategy budget is intended to:
 - a. Eliminate the infrastructure funding gap which arose from a long history of underfunding the costs of wear & tear on (consumption of) our infrastructure.
 - b. Reduce the reliance upon unsustainable revenue sources by the Operating budget, such as interest from the Hydro Investment Reserve Funds.

The driver for the need for current tax increases in this regard is a historical underfunding of contributions to infrastructure reserves, and the recently mandated detailed planning and forecasting taking place for the management of capital asset infrastructure. This situation is being experienced in virtually all municipalities across Canada, particularly by those municipalities such as Aurora who implemented long periods without increasing taxes. The “no tax increase” years actually made matters worse for each of these municipalities, as the core operations experience inflationary pressures every year, as does the cost of rehabilitation and replacement of infrastructure.

Current service levels of the base operating budget should not suffer due to the need to address this historical funding issue. Council is committed to increase property taxes in order to increase its contributions to reserves for funding necessary infrastructure rehabilitation and renewal. The Town's Ten Year Asset Management and Investment Plan outlines and updates this strategy each year.

It is understood that the Fiscal Strategy budget will normally push the tax rate impact to the resident beyond inflation rates when combined with the Operating Budget.

20. The Province has quietly been providing “tax room” to municipalities since 1998: Since the substantial changes of property taxes with the introduction of Current Value Assessment in Ontario in 1998, the Province of Ontario has generally held education tax rates revenue neutral for existing properties each year, resulting in a decline of the portion of the property tax bill going toward education. Together with

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recent uploading from the Region of York and others of the Social Pooling allocation, and other social and provincial responsibilities, the Province has continually reduced their burden on the property tax bill incrementally each year. Some of these reductions have been offset by increased regulatory compliance requirements which have directly or indirectly added costs to the municipalities. Overall, it needs to be recognized that due to the net zero tax increases for education taxes, the province annually opens “tax room” on the bill for municipalities to address funding pressures such as infrastructure and compliance costs. Council and the community need to recognize that to access this tax room, the local taxes need to increase by more than general inflationary levels. Failing to access this tax room in one year is difficult to recapture in future years.

Council Budget Review and Approval Process

The annual budget review and approval process includes the following distinct components, each with their separate Council Review and Approval Process flow:

November/December each year (January to March following an election)

- Operating Budget
 - CAO controlled operations
 - Aurora Public Library Board funding request
 - Aurora Cultural Centre Board funding request
 - Aurora Historical Society funding request
 - Central York Fire Services Budget
 - Utilities Operations Budgets

- Annual Fiscal Strategy Budget

- Annual Special Phasing Budget

- Three Year Forecast Budgets

- Budget Directives for the next year's budget

October each year (January following an election)

- Capital Budget
 - Ten Year Asset Management and Investment Plan
 - Annual Capital Budget

March to September

- Annual Detailed Review – departmental detailed review (rotating)

Operating Budget

The annual operating budget will be reviewed by the General Committee – Budget (Budget Committee) in the fall period prior to each budget year, except budgets for the year following an election. All meetings of the Budget Committee are open to the public.

A multi-year budget approach is to be used by Aurora. The current year's budget, plus similarly detailed forecasted budgets of the subsequent three years are to be prepared and presented by staff, in accordance with directives from Council. The basic premise of the multi-year budget approach is that a current budget which meets the previously approved forecast and budget directives of Council will generally be approved by Budget Committee and Council. Staff can more effectively plan multi-year programs, revenue streams and staffing based on the presumption of having complying budget forecasts receiving approval. Any variations from forecast would need to be fully explained in the presentation of such budget. It is important to note that Committee or

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Council can still make amendments to those future approved forecasts based on new initiatives, new regulations, or changing economic circumstances.

Using this presumed approval and multi-year approach to developing budgets will give several advantages:

- improved coordination of budgeting for strategic priorities,
- greater certainty for departments in managing expenditures and service levels
- improved fiscal discipline of the organization
- streamline annual budget reviews to focus on key changes in assumptions and outlooks, and the reasons driving such changes
- allow staff to develop budgets with fixed targets in place, allowing early response to circumstances and budget constraints of such targets.

In conducting its annual operating budget review and approval process, the Budget Committee will consider the following components and their related three year forecasts:

- CAO controlled operations including Building Services Budget
- Aurora Public Library Board funding request
- Aurora Historical Society funding request
- Central York Fire Services Budget (as recommended by Joint Council Committee)
- Utilities Operations Budgets
- Annual Fiscal Strategy Budget
- Annual Special Phasing Budget

Once these budget components have been reviewed by Budget Committee, Committee will recommend adoption to Council.

Operating Budget – Aurora Cultural Centre Board funding request

To fulfil the requirements of the Cultural Services Agreement with the Aurora Cultural Centre Board, their annual report and budget request for funding of operations will be presented to Budget Committee. Budget Committee will deliberate on the funding request and make any adjustments to the Operating Budget as appropriate.

Budget Communications Strategy and Key Messages

Following recommendation for adoption of the annual operating budget and forecasts, Budget Committee will discuss and provide direction to staff regarding key messages and budget highlights, including any specific statements or strategies to be included in media releases, website and other communications regarding the approval of the budget.

Budget Directives for Next Budget

Following resolutions regarding Communications Strategy Key Messages, the Budget Committee will turn its attention to reviewing the budget directives for the preparation of the subsequent budget. The directives presented by staff for consideration will be those of Council from the prior year, with any changes recommended being highlighted. Budget Committee will recommend a set of Budget Directives for adoption by Council.

Capital Budget

The annual review and approval of the Ten Year Asset Management and Investment Plan will be completed prior to the end of October prior to the budget year. This timing allows for pricing advantage of early tendering, as well as allowing integration of the capital plan into the operational plans, capacities and requirements of the affected business units within the Operating Budget as applicable. Budget Committee will recommend adoption to Council. Funding allocations approved in the annual capital budget will be effective January 1 of the budget year, unless otherwise specifically approved by Council.

Rotating Annual Departmental Detailed Budget Reviews

Separate from and completed subsequent to the annual final budget approval, a specific group of town budget areas will be examined in detail each year during the period of April to September or as otherwise determined by Committee. The Finance Advisory Committee (FAC) will review the operational budget details of each operating department on a rotating basis, so as to review all operating departments of the Town once each term. Recommended adjustments will be reflected by staff in the following year's operating budget submission.

This rotating approach balances the need to review the details of each departmental budget with the expectation of efficient and effective use of Committee time commitment for the annual budget process. Detailed review of every department every year is not practical. The rotational approach allows for ongoing assurance by Council, new members to Council, and the general public that all areas of the budget have been reviewed in extensive detail within the last few years by a committee of Council, and that such reviews continue on a regular basis on a fixed schedule. This approach ensures that the annual budget review of the overall corporate budget submission can remain at a higher level of consolidation, focusing on service levels, performance indicators and overall compliance with budget directives and prior forecasts, and the forecasts for the following years.

The rotation of detailed reviews will be as follows (calendar year of term):

Year 1	Parks, Recreation and Culture Services Infrastructure & Environmental Services Utilities Operation Budget
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Year 2 Building Services Division (fees funded budget)
 Building & Bylaw Services
 Planning & Development Services

Year 3 Council Administration
 CAO/ Administration
 Legal & Legislative Services
 Corporate & Financial Services
 Corporate Accounts

Year 4 None due to municipal election

The detailed review will include, but is not limited to:

- the current approved operating budget, with provided expanded details;
- all related fees and rates charged;
- activities, services and service levels provided by the department;
- open capital projects and status
- the area's related content details within the Ten Year Asset Management and Investment Plan
- adequacy of staffing and funding to meet mandatory activities, services, commitments, and approved non-mandatory services, activities and programs and general expectations of Council;

Attachment #1 CFS15-037
General Committee – September 8, 2015

Directives of Council to Staff for Preparing 2016 Budget and Forecasts

The original version of this draft document which was presented to Finance Advisory Committee included specific budget target directions for the preparation of the 2016 operating budget.

In an effort to be able to deliver a budget for Council approval prior to the end of 2015, Finance Advisory Committee suggested staff prepare a separate stand alone report seeking Council direction for 2016 budget. That separate report stands on the September 8, 2015 General Committee agenda. Accordingly, the original content of this section has been deleted.



TOWN OF AURORA
GENERAL COMMITTEE REPORT **No. IES15-042**

SUBJECT: *Aurora Yonge Street Sign*

FROM: *Ilmar Simanovskis, Director of Infrastructure & Environmental Services*

DATE: *September 8, 2015*

RECOMMENDATIONS

THAT Report No. IES15-042 be received; and

THAT additional funding in the amount of \$10,000 from the Facilities Repair and Replacement Reserve for Capital Project 72244 "New Signboard Yonge Street and Aurora Heights" be approved.

PURPOSE OF THE REPORT

To increase the identified project budget to accommodate tender results.

BACKGROUND

The electronic message board at Yonge and Aurora Heights has not been functioning for several years due to failure of internal electronic components. Capital project 72244 was approved by Council for the 2015 year at a budget of \$15,000 based on quotes received in 2014 to complete the repairs.

The project was retendered in 2015 through an open bid process with the lowest bidder being \$23,335.

COMMENTS

As this project is under \$100,000, staff are authorized to award this project on behalf of Council. However there is insufficient budget to award the project. This budget increase request requires Council approval. The project is being funded through the Facilities Repair and Replacement Reserve and sponsorship opportunities will be pursued.

Once the increased budget is approved, staff will proceed with award and execution of the project.

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Report No. IES15-042

LINK TO STRATEGIC PLAN

This project supports the **Strategic Plan Goal of Supporting an Exceptional Quality of Life for All** by investing in sustainable infrastructure. This project ensures the water and sewer service are provided to meet the needs and expectations of our community.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

Council may choose to not proceed with this project.

FINANCIAL IMPLICATIONS

The costs for this contracted repair will be funded through the Facilities repair and replacement reserve. The sign is used by Town and community groups for programs and marketing. Cost for removal of the sign would be \$5,000. Staff prefer retaining the sign due to community value.

CONCLUSIONS

Tender results for Capital project 72244 require that the budget be increased from \$15,000 to \$25,000. This requires Council approval. Once funding is approved, staff are authorized to award the project as it is under the \$100,000 threshold as required by the Procurement By-law.

ATTACHMENTS

None

PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting of July 30, 2015

Prepared by: Phillip Galin, Manager, Facilities, Property & Fleet - Ext. 4323



Umar Simanovskis
Director, Infrastructure &
Environmental Services



Patrick Moyle
Interim Chief Administrative Officer



TOWN OF AURORA
GENERAL COMMITTEE REPORT **No. IES15-049**

SUBJECT: *AFLC Liaison Committee Summary Report*

FROM: *Ilmar Simanovskis, Director of Infrastructure & Environmental Services*

DATE: *September 8, 2015*

RECOMMENDATIONS

THAT Report No. IES15-049 be received for information.

PURPOSE OF THE REPORT

The purpose of this report is to update Council on the progress of the Aurora Family Leisure Complex (AFLC) in relation to the concerns raised by the facility users and activities of the Liaison Committee. In addition, to report on additions made to the project in relation to Liaison Committee requests, and seek approval on remaining requests for installation of new lockers and accommodate public access from the North entrance.

BACKGROUND

The AFLC was opened to the public February 28, 2015. Although occupancy was granted for this opening date, a significant list of deficiencies remained for the contractor to complete.

The long timeframe for the contractor to complete outstanding deficiencies has been frustrating for both Council/staff and the members of the facility. At its meeting of April 7, 2015, Council passed a motion to establish a Liaison Committee based on concerns raised by active members. The purpose of the Liaison Committee was to engage the users, Council members and staff to identify user related deficiencies and make modifications where possible to improve the overall user experience.

Meetings with the Committee were held on:

- April 24 2015
- May 7, 2015
- May 27, 2015
- June 23, 2015

This report summarizes actions taken in response to committee activities and additional outstanding items that require Council direction.

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COMMENTS

Purpose of Liaison Committee was to provide venue for users to voice concerns on the project

Even though the focus of the AFLC renovations was the addition of community space for youth, the work that was required affected almost the entire building. Changes were made to the pool change room configurations, the old gym and fitness area was converted to a gymnasium, and new spaces were added to accommodate the displaced spaces previously used by the program membership.

Although public engagement was encouraged throughout the project development and design, unidentifiable issues surfaced during early occupancy as the returning members adapted to the changes to the program spaces.

The level of feedback from the user community prompted Council to form a Liaison Committee to create a venue for hearing from the users group and taking necessary actions to enhance the space where possible to accommodate user needs.

Liaison Committee requested items related to both deficiencies of the project as well as items in addition to the original scope of the project

The initial feedback from the users was related to both ongoing contract deficiencies as well as design elements that were not part of the building design but that the users felt warranted inclusion. Any items identified as the responsibility of the contractor have been tasked to them for completion/correction and are being monitored through support by the Architect as part of their responsibilities. Additional items requested by the users are being considered where warranted and possible. The following list summarizes the status of these additional items:

Table 1- Items requested by the Users that are Additional to Project Scope

Requested Item	Staff Response	Cost
Add more benches to the locker rooms	Internal forces will build additional benches to accommodate request	\$4,000
Not enough coat hooks and boot racks throughout facility. Soap dishes and misc.	Internal forces will add related hardware throughout building as requested by users	\$4,000
South facing glass is too hot and bright for users	Install blinds to enhance existing shaded glass film	\$12,000
Some spaces are too hot and have poor air movement	Install local cooling equipment to augment building HVAC capacity	\$7,000
Allow public access from North entrance	Require direction from Council	
Increase size of lockers	Require direction from Council	
Total Expenditures to Date		\$27,000

The above items have been completed based on Committee direction to proceed. Funding for these items was provided through the existing project budget. Input from the Committee was helpful in improving the usability of the building and has brought

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additional value to the overall project.

Council direction required for the two remaining items due to significance of cost

Two items that the Committee members are seeking are 1) allowing public access from the North entrance as was provided previous to the alterations, 2) replacement of existing smaller lockers with full size lockers. These items have been investigated by staff and are being brought to Council for consideration as they represent significant changes to the initial design intent and are not able to be accommodated in the current budget.

Request to allow public access from north entrance

The philosophy on access to the building has changed significantly from the original layout to the new layout. The old access plan included public access from both the north and south entrances. This was primarily due to the inability to move between the pool area and the gym area. If access was desired between these amenities, members where required to walk through the second floor.

With the new layout, the public have full access to all amenities located on the lower floor by providing a connection walkway along the pool. This allows for only requiring a single point of entry to the building. Other reasons for moving to a single point of enter from the south entrance area was to consolidate staffing stations and create a central control area. The north entrance was isolated from public access to better manage membership activities without the need for additional staff resources.

The users who attended the Liaison Committee were of the opinion that the north entrance is an essential element of proper building access and should be reinstated to allow for public access. The key rational was that users of the pool who may be physically challenged are required to move through the entire building to reach the pool and, if parking in the north area, would have to essentially walk four lengths of the building to enter and exit the building from the south doors.

To better accommodate physically challenged users, staff converted all parking spots at the south area adjacent to the entrance to handicap only.

The conversion of the north entrance to public access is not a straightforward project. Requirements include:

- additional security cameras and monitoring
- additional door controls
- construction of a secure staff work station
- provisions for communications, monitoring and security controls at the work station
- minor modification to the entrance area to better accommodate public use

September 8, 2015

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Report No. IES15-049

Staff have reviewed the scope and anticipate a budget requirement of \$80,000 to \$100,000 to provide the necessary infrastructure. This is exclusive of staff attendance which will be required to oversee the new entrance point.

Request to increase locker sizes

The original project scope called for reuse of existing lockers which consist of a combination of full size and half size lockers. The users complaint is that the half size lockers are insufficient to accommodate the user's needs and should be replaced with full size lockers.

This is applicable to the following areas:

- men's pool change room
- women's pool change room
- family change room
- men's fitness change room
- women's fitness change room

There are a total of 250 lockers throughout these rooms of which 125 are existing full sized lockers.

There are also two locker configurations. There is the hasp fitted lockers which require the user to bring their own lock, as well as the coil operated lockers which can be used for a fee but do not require a user's own lock.

Full change out of the half sized lockers to a basic pad lock configuration would require a budget of \$130,000 which would include supply, installation and disposal of the old lockers. Benches may also an option along the locker wall with raised lockers placed on top of the benches top provide additional bench space. An additional budget of \$15,000 would be required for more benches.

Also, if coin operated lockers are preferred; there is an addition cost per locker of \$350. If 60 of the new lockers are to be coin operated, the additional budget requirement is \$21,000.

Overall budget required to upgrade lockers as described above is \$166,000.

Funding for both these components would be required to proceed.

LINK TO STRATEGIC PLAN

Establish policies and programs that enhance the accessibility and safety of new and existing facilities and infrastructure.

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Report No. IES15-049

ALTERNATIVE(S) TO THE RECOMMENDATIONS

That Council provide direction on the following options:

1. Allow public access to the North Entrance of the building
2. Half size lockers be replaced with full size lockers

FINANCIAL IMPLICATIONS

The two items under consideration will require additional funding in the amount of \$266,000. As this work is related to the expansion of the facility, funds can be provided from the facilities repair and replacement reserve.

CONCLUSIONS

Council's direction to form the user group Liaison Committee resulted in participating in four separate meetings to review and discuss outstanding issues and additional needs for the community.

Staff accommodated a number of needs as directed by the committee that where in addition to the project scope. These items were funded directly through the capital budget.

Ongoing deficiencies were also discussed with the committee and they recognized that the work must be completed by the contractor under direction from the architects and that progress in those areas was contingent on contractor scheduling.

The final two committee requests are relatively significant both in terms of change to building function and budget. Staff is requesting Council direction on these items and approval of the necessary budget prior to proceeding with implementation.

PREVIOUS REPORTS

None

ATTACHMENTS

- Appendix "A" Aurora Family Leisure Complex Liaison Committee Meeting Agenda(April 24, 2015)
- Appendix "B" Aurora Family Leisure Complex Liaison Committee Meeting Agenda(May 7, 2015)
- Appendix "C" Aurora Family Leisure Complex Liaison Committee Meeting Agenda(May 27, 2015)
- Appendix "D" Aurora Family Leisure Complex Liaison Committee Meeting Agenda(June 23, 2015)
- Appendix "E" Aurora Family Leisure Complex Liaison Committee Meeting Minutes (June 23, 2015)

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Report No. IES15-049

PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting, July 30, 2015

Prepared by: Phillip Galin, Manager, Facilities, Property & Fleet - Ext. 4323



Ilmar Simanovskis
Director, Infrastructure &
Environmental Services



Patrick Moyle
Interim Chief Administrative Officer

PUBLIC RELEASE
April 22, 2015

Appendix A



**TOWN OF AURORA
AURORA FAMILY LEISURE COMPLEX
LIAISON COMMITTEE
MEETING AGENDA**

Friday, April 24, 2015
2 p.m. to 3:30 p.m.
AFLC Program Room B

Councillor Sandra Humfryes in the Chair

1. INTRODUCTIONS

2. PURPOSE OF COMMITTEE

- To assist in tracking and implementation of improvements related to the Aurora Family Leisure Complex (AFLC).

3. REVIEW OF AFLC OUTSTANDING DEFICIENCY LIST

- Attachment 1 – Memorandum from Director of Infrastructure & Environmental Services (dated April 14, 2015)
Re: Aurora Family Leisure Complex (AFLC) Outstanding Deficiency List

4. DETERMINATION OF TOP PRIORITIES

5. NEXT MEETING: Friday, May 22, 2015, at 2 p.m.

6. ADJOURNMENT

**Aurora Family Leisure Complex Liaison Committee Meeting Agenda
Friday, April 24, 2015**

Attachment 1 Page - 1



100 John West Way,
Box 1000,
Aurora, ON L4G 6J1
Phone: 905-727-3123 ext. 4371
www.aurora.ca

**Infrastructure and Environmental
Services**

MEMORANDUM

DATE: April 14, 2015
TO: Mayor Dawe and Members of Council
FROM: Ilmar Simanovskis, Director of Infrastructure and Environmental Services
RE: **Aurora Family Leisure Complex (AFLC) Outstanding Deficiency List
Memo 10-15**

RECOMMENDATIONS

THAT the memorandum regarding Aurora Family Leisure Complex (AFLC) Outstanding Deficiency List be received for information.

BACKGROUND

Over the last few months the project team has been tracking all outstanding issues and working to find resolutions to these problems. Attached is a consolidated list of deficiencies for the AFLC. To date between the consultants, contractors and Town staff, the vast majority of noted issues have been resolved or are in the process of being resolved.

Some noted concerns require further investigation as they are more complex, while others have a variety of solutions and we are working to find the correct path for the Facility and Community. Many of the issues noted have been resolved; 66% of comments from the Operations staff and Facility users have been addressed. The Facility/Recreation Teams, Architect, General Contractor and Engineers are still involved in the project and will be for some time. We will find workable solutions to the outstanding issues and all future operational deficiencies. The Team commitment is to continue to work on all feasible building improvement in due course.

ATTACHMENT:

Appendix A – AFLC Outstanding Deficiency List

**Aurora Family Leisure Complex Liaison Committee Meeting Agenda
Friday, April 24, 2015**

Attachment A- AFLC

Item	Status	Action Item
General Deficiencies		
Missing led lights in the washrooms	Completed	Installed
Ladies GYM CHANGE ROOM add built in towel unit	Completed	Installed
No water pressure, water not hot	Completed	Recirculation pump and valves serviced
Add water fountain for users /Cycle Fit/	Installation by April 30, 2015	To purchased water coolers for as needed locations
Install Ceiling Fans in Exercise class	Waiting for Direction	
Coating is coming off Track	We inspected area: investigated with installer	To Specifications
Could the Track be Banked	N/A	N/A
Program room "C" lights are still not working.	Completed	N/A
Install lines on Track to make Two lanes	N/A	N/A
Benches in main hall near program rooms	Will order 3 more benches for Facility	Work in progress
Need to install permanent lighting on the 2nd floor by administration offices and entrance to the track.	Work In Progress: Ordered Lights	
Open doors to West side of building	Not per the design	Staff to lock the doors
We need a couple of benches along North wall at the entrance to the track	Complete	
We need coat hooks on the South wall at the entrance to the track	Complete	
The back entrances (both interior and exterior) need to be converted to Emergency Exits only	Complete	
Install low hair dryer in Women's Pool Change room	Work in Progress	
Paint wall in the gym	Complete	
Signs for walking/running track need to be Re-installed	Work in Progress	
Coat hooks for all community rooms (A,B& C).	Completed	
Fitness room fix TV and Heater Cover	Completed	
Hair Dryer in Family change room fourth unit	Completed	
Bottle fill station requested	Pending Quotes	New 2015 Project
Monitor Temp in Fitness room Too Hot/ Too cold	HVAC balancing and programming completed	Will require ongoing adjustment as we move through the seasons.
Missing Shower Curtain	Installed	Completed
Change Enter/Exit to Track	Recreation Department has requested to change signage to Track as of 4/13/15	Work in Progress

**Aurora Family Leisure Complex Liaison Committee Meeting Agenda
Friday, April 24, 2015**

Attachment 1 Page - 3

<u>Heating and Ventilation Complaints</u>		
Heating problem in the main floor offices behind reception.	Completed	Still monitor building Automation System
Fitness room and Yoga room too hot	HVAC balancing and programming completed	Will require ongoing adjustment as we move through the seasons.
South exposure in fitness and yoga room too bright and uncomfortable	3 Quotations on Electric Blinds pending	Will be installed before Summer
Cycle fit room too hot	HVAC balancing and programming complete/ lowered HVAC set points: Temp Fix is to install Move n cool A/C unit or Fans	Quote to add new Roof top unit for this space pending
Track too hot	HVAC balancing and programming completed	Still monitor building Automation System
<u>Building Layout Complaints</u>		
Reduction of showers in female pool change room from 9 to 4	Design required access through building to comply with building code	N/A
Shower water flow too low	Water conservation showers are installed to manage water consumption	Council to approve the removal of water flow restrictors
No shelves in showers to place soap on	Installation by April 30, 2015	Work In Progress
Family change room cubicles are too small	Size based on code requirements and accessibility considerations.	
Hair dryers too high	Architect selected height to accommodate adult users for hair drying.	Installation of one lower drying unit will be installed in Women's Pool change room.
Location of bathing suit spinner not in shower area to allow for drainage	Installation of a bucket	Will monitor
Not enough benches in woman's Fitness change room	Solution is to move Lockers to Hall	Waiting for Direction
Need coat hooks in woman's change room	Completed	N/A
Yoga room and fitness room are too small	Same size as before	Useable area has not changed
Yoga room has too much glass and people are too visible. (no privacy)	Install Frosted glass in for the full panels	Waiting for Direction
Yoga room floor not bouncy enough	This is a proper sprung floor per specifications	Same as the old gym.
Install two more benches along the wall of the female Fitness change room	Solution is to move Lockers to Hall	Waiting for Direction
Install bigger lockers	All lockers have been reused other than the family change room.	N/A
Men's fitness change room too small	Solution is to move Lockers to Hall	Waiting for Direction
Only one bench in the men's fitness change room	Solution is to remove all of the lockers	Waiting for Direction
No coat racks and lockers are too small	Coat hooks installed.	Lockers under investigation
Fitness facility has too much equipment and is too cramped	Under investigation	
Members not permitted to use the north entrance doors	This is because there are no staff at that location and therefore are unable to control access properly.	Approved by Council
Out of 141 issues noted 94 completed within 6 weeks	66% completion of noted issues	On Going

PUBLIC RELEASE
May 6, 2015

Appendix B



**TOWN OF AURORA
AURORA FAMILY LEISURE COMPLEX
(AFLC) LIAISON COMMITTEE
MEETING AGENDA**

Thursday, May 7, 2015
2 p.m. to 3:30 p.m.
AFLC Program Room B

Councillor Sandra Humfryes in the Chair

1. **OPENING REMARKS**
2. **PREVIOUS MEETING MINUTES OF APRIL 24, 2015** pg. 1
3. **REVIEW OF UPDATED AFLC OUTSTANDING DEFICIENCY LIST** pg. 6
4. **DETERMINATION OF PRIORITIES**
5. **REVIEW OF FEEDBACK PROCESS** pg. 13
6. **NEXT MEETING**
7. **ADJOURNMENT**



**TOWN OF AURORA
AURORA FAMILY LEISURE COMPLEX (AFLC)
LIAISON COMMITTEE MEETING MINUTES**

Date: Thursday, April 24, 2015

Time and Location: 2 p.m., Program Room B, Aurora Family Leisure Complex

Committee Members: Councillor Sandra Humfryes (Chair), Councillor John Abel, Councillor Michael Thompson, Deni Crescenzi, Juergen Daurer, Wendy Frappier, Janet Matthews, Gene Scherrer, and Jo-anne Spitzer

Member(s) Absent: Frans LeRoi

Other Attendees: Councillor Tom Mrakas, Neil Garbe, Chief Administrative Officer, Al Downey, Director of Parks & Recreation Services, Ilmar Simanovskis, Director of Infrastructure & Environmental Services, and Linda Bottos, Council/Committee Secretary

The Chair called the meeting to order at 2 p.m.

1. INTRODUCTIONS

The Chair asked the Committee Members and other attendees to briefly introduce themselves and express their interest in, or connection with, the Aurora Family Leisure Complex (AFLC). Introductions were made around the table.

2. PURPOSE OF COMMITTEE

The Chair reviewed the purpose of the Committee in assisting with the tracking and implementation of improvements related to the AFLC. Suggestions were offered for the approach to be taken in reviewing the AFLC Outstanding Deficiency List, determining priorities, and identifying the items that staff may address quickly.

**Aurora Family Leisure Complex Liaison Committee Meeting Agenda
Thursday, May 7, 2015**

AFLC Liaison Committee Meeting Minutes
Thursday, April 24, 2015

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3. REVIEW OF AFLC OUTSTANDING DEFICIENCY LIST

The Committee discussed various elements of the AFLC deficiencies with reference to “Attachment 1 – Memorandum from Director of Infrastructure & Environmental Services (dated April 14, 2015); Re: Aurora Family Leisure Complex (AFLC) Outstanding Deficiency List”, as well as the “AFLC List of Concerns – Space by Space” (dated April 23, 2015) and photographs of various areas of the AFLC, which were provided by citizen members at the meeting. The following items were highlighted (staff comments in brackets):

Deficiencies	Comments/Suggestions
Approach	Prioritize deficiencies; identify action items; determine feasibility, accountability, dates; use holistic approach based on user needs; find ways to make it work
Accountability	Too many layers, e.g., contractors, subcontractors, supervisors; need accountability at all layers; need single point of contact; identify name and responsibility; need continued accountability afterwards (Phillip Galin oversees changes)
Communication to users	Need communication to users on regular basis; weekly or bi-weekly; display lists on easels; should indicate if temporary fix; add column on chart for interim solution; need orientation or meet and greet
Communication from users	Need to determine process for users to communicate issues to staff; need more user engagement; task someone to survey members; hold open houses and meet with groups to get feedback (already have suggestion box and message board)
Communication within staff	Staff are overwhelmed; need to be informed of their “go to” staff person
Design	Seems done by novices; if wish to attract new members, need to focus on accommodating more members
Quality control	Determine responsibility; some deficiencies not resolved professionally
Back door locked – inaccessible	Four programs for seniors; too far to walk to front door; mobility issue for seniors; use of back door worked well before; need fob system or monitoring; need staff to investigate options (discussed during design phase; more efficient with one control desk; challenge is control and safety; staff to park in back lot with key entry at back door)

Deficiencies	Comments/Suggestions
Change room – benches	Two benches insufficient; need two more; (previously no lockers in fitness change room; design added lockers; need to remove lockers to add benches to maintain wheelchair accessibility; staff to place warning stickers on lockers to be removed to accommodate added benches)
Change room – floor mats	Previously had perforated floor mats; need mats returned to help prevent slippery floors
Change room – hair dryers	Too high; one dryer dropped down (quick fix); need all hair dryers lowered
Change room – handicapped	Need more hooks
Change room – men’s shower	Hot water tap releases cold water and cold water tap releases hot water; potential liability issue (staff will test each shower head)
Change room – women’s cubicles	Two cubicles insufficient and too large; need minimum of four cubicles
Change room – women’s shower	Low water pressure; replace eco shower heads with regular heads; use same heads as new ones at SARC which work well; test pressure vs. SARC
Change room – women’s shower	Soap dishes missing; plastic soap dish was affixed to wall (quick fix)
Construction garbage	General construction garbage present on site
Fitness centre – aerobics/yoga room	Privacy issue; use kraft paper temporarily; (blinds have been ordered; staff will check delivery date and report back)
Fitness centre – equipment	Orientation of equipment (staff responsible; could meet with members to discuss changes needed)
Fitness centre - program room size	Too small to accommodate number of users; users asking if gymnasium space could be used when not in use for youth
Fitness centre - program room and track temperature	Users complaining rooms are too hot; no windows open; wires draped; not enough outlets; no water available; suggested using fan to take heat out; wall control not working; liability issue (staff will investigate and report back)
Fitness centre – windows	Sun and dimpled glass causing visual discomfort; users suggested that classes and equipment face the other direction, away from sun
Garden atrium	Uneven; need to check for proper base
Lockers	Too small; unable to fit bag, coat (same lockers, no issues previously; new lockers only in Family change room)

**Aurora Family Leisure Complex Liaison Committee Meeting Agenda
Thursday, May 7, 2015**

AFLC Liaison Committee Meeting Minutes
Thursday, April 24, 2015

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Deficiencies	Comments/Suggestions
Parking – accessibility	Need more than four handicapped parking spaces (sufficient per rules; can designate four more)
Parking – Sports Dome users	Saturday morning issues when Sports Dome users park at AFLC (overflow is Legion parking lot but space is limited; part of agreement with Sports Dome is to use AFLC parking lot; Town is receiving benefit)
Skateboard park	Cracks already in concrete (contractor responsible); sharp stones around edges should be moved back to sidewalk; need grass buffer; area lacking supervision; need more signage respecting indemnity and responsibility
Squash area	Need to reach out to key users for feedback
Suit water extractor	Located in change room with no drain; bucket was placed underneath; needs monitoring (quick fix)
Wristbands	Staff to provide costs

4. DETERMINATION OF TOP PRIORITIES

The Committee agreed on the following priorities:

Top Priorities	Actions
Communication	<ul style="list-style-type: none"> • Staff to post current list of deficiencies/status in AFLC lobby • Staff to report back with updated, consolidated list • Staff to post updated list in AFLC lobby, make paper copies available for pickup, and e-mail updates to AFLC members • Communications staff to assist in communicating with AFLC members • Staff to be kept informed of developments
Back door locked – inaccessible	<ul style="list-style-type: none"> • Staff to investigate and report back on options, costs, and feasibility of opening back door
Parking – accessibility	<ul style="list-style-type: none"> • Staff to designate four additional handicapped parking spaces at front of facility and post signage
Skateboard park	<ul style="list-style-type: none"> • Staff to remove sharp stones from proximity to skateboarders

**Aurora Family Leisure Complex Liaison Committee Meeting Agenda
Thursday, May 7, 2015**

AFLC Liaison Committee Meeting Minutes
Thursday, April 24, 2015

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5. NEXT MEETING

The Committee agreed to meet next on Thursday, May 7, 2015, at 2 p.m. in Program Room B of the Aurora Family Leisure Complex. It was also agreed that the meeting would include a tour of the AFLC facility.

6. ADJOURNMENT

The meeting was adjourned at 3:53 p.m.

COMMITTEE RECOMMENDATIONS ARE NOT BINDING ON THE TOWN UNLESS
ADOPTED BY COUNCIL AT A LATER MEETING.

**Aurora Family Leisure Complex Liaison Committee Meeting Agenda
Thursday, May 7, 2015**

06/05/2015

Issue Room	Item	Priority	Request	Response	Estimated Cost	Recommendation	Target Completion	Status
1 F pool dressing room	One Hair Dryer Still Far too high to be useful		Lower 2nd Hair Dryer by 3"	The height of the hair dryer was designed to allow for an adult to dry hair without having to bend over or otherwise be in an unnatural position. It is not recommended to lower the second hair dryer.	\$1,000	Not Recommended		No Action
2 F pool dressing room	First Hair Dryer Lowered but unsightly temporary fix		Final remediation still required	Hair dryer was lowered as quickly as possible to address concerns. Remediation work still required to properly finish the area	\$1,000	In Progress	June	In Progress
3 F pool dressing room	Not enough benches in locker room		Install 2 new benches in locker room on opposite wall of lockers. Need to remove lockers to add more benches. Put notice on lockers that will be removed to notify other members of proposed change prior to installing new benches.	Upon investigating this area, staff believe that two more benches can be added without having to remove any lockers. See drawings	\$1,500	Pending Approval		Pending Approval
4 F pool dressing room	Kiddie lockers too small		Install full length lockers in wasted space area as per photos, Budget for new larger lockers for 2016	Replacement of lockers to full size can be accommodated with removal of some existing lockers.	\$8,000	Pending Approval		Pending Approval
5 F pool dressing room	No Coat or book rack		Install Coat and book rack in space to right of entrance door	Need clarification on what a book rack is and its purpose. Will proceed with installing an additional 6 hooks in area.	\$120	In Progress		In Progress
6 F pool dressing room	Water Extractor in Locker area with no drain		Re-locate to left end of wall opposite showers, near drains	Spinner will be relocated to far wall within shower area, electrical supply will have to be relocated before moving unit and existing area will need patching See drawing	\$1,500	In Progress		In Progress
7 F pool dressing room	Not enough hooks in shower area		Install 10 Large hooks on wall opposite showers, (for bags). Install more hooks between shower stalls, (For towels) Install more hooks in change cubicles.	7 hooks are in place. Staff will install an additional 3. See Drawing	\$60	Completed		Completed
8 F pool dressing room	2 Change Cubicles are insufficient, and unnecessarily large Minimum of 4 needed.		Divide 2 new Change Cubicles into 3 Convert one toilet stall to a change cubicle - and label.	Not recommended to reduce size if existing change stalls or to eliminate on toilet stall to add additional cubical. Additional cubicles are available in family change room for those needing larger change space. Estimated costs to convert two existing change stalls to three is \$ 5,000	\$5,000	Not Recommended		No Action
9 F pool dressing room	No waste bin in washroom area for paper towels. No waste bin in Locker room area.		Install proper waste bin under sink area. Move large waste bin into locker area.	Existing waste bin are centrally located and close to the sink. Additional bin requires additional bags and costs related to maintenance in an area where demand does not warrant additional capacity.		Not Recommended		No Action

**General Committee Meeting Agenda
Tuesday, September 8, 2015**

**Aurora Family Leisure Complex Liaison Committee Meeting Agenda
Thursday, May 7, 2015**

06/05/2015

Issue Room	Item	Priority	Request	Response	Estimated Cost	Recommendation	Target Completion	Status
10 F pool dressing room	Floor area between showers and lockers always wet.		Install floor mats in area between showers and lockers to prevent slipping.	Floor mats are being phased out of use due to mold and hygiene issues. Debris and bacteria remain within and underneath mats and cause cleaning challenges. Preference is to have open floors to allow proper cleaning and minimize risk of mold growth. Exposed tile floor easier to clean and reduced amount of standing water to avoid above concerns.		Not Recommended		No Action
11 F pool dressing room	Unfinished ceiling and lighting 9 foot gap in locker room		Re-configure duct work and lighting fixtures so ceiling can be closed.	Staff are aware of this issue and have been in discussion with contractor for some time on this issue. This will be resolved but remains the contractors responsibility.		Contractor	Noted Deficiency	In Progress
12 F pool dressing room	Poorly completed joins between concrete walls in locker room		Repair and finish properly, seal and paint.	Agreed. This has been previously identified to the contractor and must be completed by them.		Contractor	Noted Deficiency	In Progress
13 F pool dressing room	Temporary fix of suction cup soap dishes in showers		Replace temporary suction-cup-fix with permanently installed fixtures	These were installed as a quick option to resolve the issue. Permanent dishes will be installed.	\$2,000	Proceed		Work in Progress
14 F Staff Change Room	No shower for pool staff to use at end of shift to remove chlorine.		Install shower in Female Staff Pool Change room	Showers were not included in original design. Team investigated option of adding showers during construction and concluded that space is inadequate to allow for effective use. Plumbing and drainage not available to accommodate showers at this time. Costs would be significant due to servicing requirements		Not Recommended		No Action
15 F Staff Change Room	This is much too small for all staff - it holds one person at a time			This was as per the approved design. Area intended to accommodate one staff member at a time.		Not Recommended		No Action
16 F Staff Change Room	The locks do not work on either door exterior or toilet doors			The door locks are designed to only lock from the inside. Staff are investigating changes to allow for locking of the door from the outside as well. Will consult users to determine best arrangement. Toilet door has some deficiencies that need to be rectified by the contractor.	\$2,000	Contractor	Noted Deficiency	In Progress
17 F Staff Change Room	The lockers are too small and pool staff drop their belonging all over the place because there are no hooks to hang their towels			Hooks will be added to the male and female staff change rooms.	\$50	Proceed		Work in Progress

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**Aurora Family Leisure Complex Liaison Committee Meeting Agenda
Thursday, May 7, 2015**

06/05/2015

Issue Room	Item	Priority	Request	Response	Estimated Cost	Recommendation	Target Completion	Status
18 F Staff Change Room	How many staff are in the facility at any given time. There are not enough lockers or designated space for any of them			This is as per the design. There isn't room to add more lockers.		Not Recommended		No Action
19 M Staff Change Room	No shower for pool staff to use at end of shift to remove chlorine.		Install shower in male Staff Pool Change room	Showers were not included in original design. Team investigated option of adding showers during construction and concluded that space is inadequate to allow for effective use. Plumbing and drainage not available to accommodate showers at this time. Costs would be significant due to servicing requirements		Not Recommended		No Action
20 M Fitness Change Room	Not enough benches			This is as per the design. More benches can be installed by removing more lockers possibly in corner area. See drawing	\$1,500	Pending Approval		Pending Approval
21 M Fitness Change Room	Showers: No water pressure- too close to wall			Staff will investigate the possibility of removing conservation restrictors if agreed to by the Committee Council members. Maximum flow L/Min@.5 Staff recommend conservation showers remain as per building code		Not Recommended		No Action
22 M Fitness Change Room	Handicapped shower stall: Cold/Hot water is reversed			To be addressed ASAP		Complete		Complete
23 M Fitness Change Room	Lockers too small- cannot fit bags/coats; dirty on base			Replacement of 16 lockers to full size can be accommodated with removal of some existing lockers.	\$8,000	Pending Approval		Pending Approval
24 M Fitness Change Room	Electrical wires exposed near dryers			Contractor will make as tight as possible, wire do not pose a hazard due to low voltage. Exposed wires are low voltage control wires for the AC units. Contractor to make as tight as possible, staff will conceal for better appearance		Contractor	Noted Deficiency	
25 M Fitness Change Room	When door is open- Direct line of sight from entrance to naked men!			Resolved, Lockers have been installed adjacent to shower line of sight to eliminate exposure.		Complete		Complete
26 M Fitness Change Room	Shower stall is laminate- will deteriorate			Showers stalls are not laminate but solid plastic and designed for wet environment applications. This should not be concerning for users as typical conditions exist in other public spaces. However, if desired, staff can install privacy shields adjacent to the urinal.	\$3,000	No Action		No Action
27 M Fitness Change Room	Urinals and Toilets are 2 meters from the bench					Pending Approval		Pending Approval

**Aurora Family Leisure Complex Liaison Committee Meeting Agenda
Thursday, May 7, 2015**

06/05/2015

Issue Room	Item	Priority	Request	Response	Estimated Cost	Recommendation	Target Completion	Status
28 M Fitness Change Room	Lack of floor mats			Floor mats are being phased out of use due to mould and hygiene issues. Debris and bacteria remain within and underneath mats and cause cleaning challenges. Preference is to have open floors to allow proper cleaning and minimize risk of mould growth. Exposed tile floor easier to clean and reduced amount of standing water to avoid above concerns.		Not Recommended		No Action
29 M Fitness Change Room	Lack of cleanliness- mold around shower stall/ general floor			There is no presence of mould. Some staining of grout due to high iron content of water within the showers. We will increase cleaning inspections		Complete		No Action
30 F Fitness Change Room	Both Hair Dryers still too high		Lower one dryer by 3 " and 1 by 6".	One hair dryer to be lowered to accommodate children.	\$1,000	Pending Approval		Pending Approval
31 F Fitness Change Room	Paper Towel Dispenser and waste too far from sink area		Move Towel dispenser to right wall in sink area, Move Waste receptacle to under sink area	Contractor to relocate as per design.		Contractor	Noted Deficiency	In Progress
32 F Fitness Change Room	No place to hang coats or boots		currently occupied by misplaced towel and waste dispenser,	Not recommended to add any additional hooks at entrance area due to width and door swing requirements,		No Action		No Action
33 F Fitness Change Room	Replace kiddie lockers inside entry door with full size adult lockers to include space			Replace bank of lockers at entrance door to large sized units.	3,000	Pending Approval		Pending Approval
34 F Fitness Change Room	No lighting between washroom area and bench area.		Install ceiling light between washroom area and bench area,	Agreed that this is a dark area. Will review design requirements and resolve lighting issue	\$2,000	Pending Approval		Pending Approval
35 Fitness Studio	Big Issue: there is no place for members to put coats and boots,		Spaces need to be re-configured = Space must be found for coats and boots,	Additional cubby unit can be installed in corner behind mirrored wall. Or move studio equipment from 114 to window area and use closet for coat/ boots storage	\$2,000	Pending Approval		Pending Approval
36 Fitness Studio	The fitness studio now contains lots of equipment. It takes up valuable floor space needed for the classes,		Find a solution for storing needed fitness equipment	The space that is there was dedicated for storage. There are no other alternatives other than using more floor space within the main area,		No Action		No Action
37 Fitness Centre	The platforms and risers are kept in a small room with a narrow doorway creating a bottle neck,			The space that is there was dedicated for storage. There are no other alternatives other than using more floor space within the main area,		No Action		No Action
38 Fitness Studio	Morning sun beaming into members eyes while on equipment			Blinds have been ordered and will be installed,		Proceed		In Progress

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**Aurora Family Leisure Complex Liaison Committee Meeting Agenda
Thursday, May 7, 2015**

Issue	Room	Item	Priority	Request	Response	Estimated Cost	Recommendation	Target Completion	Status
39	Fitness Studio	All rooms are too hot no air circulation		each fitness studio and gym should be on it's own control system	BAS adjustments are ongoing. Adjustments will be required every season to accommodate shoulder season variations. We will have to experience at least once seasonal cycle to make necessary adjustments. Improvements in air circulation and temperature will be accommodated through the existing system.		Monitor		In Progress
40	Fitness Studio	privacy issues related to interior glass			Open transparent space was a design feature of this building. This is a trend in space design. Staff have had comments on the benefits of this design as well. Staff recommend no change to the glass. Addition of frosting can be done to reduce visibility.	\$5,000	Not Recommended		No Action
41	Parking	Front parking is over loaded because the back parking lot is not being used. Because the back door is locked.		Allow Fobbed Access to back door as outlined in letter.	elimination of north control desk occurred to centralized control at main entrance. Staff will be parking on the north lot to free up some more space in the south lot. Addition of handicap cap spots will improve situation, see item #43 staff to investigate options for providing public access from the north entrance and improve signage at south entrance to direct visitors to reception desk.	\$10,000	Not Recommended		No Action
42	Parking	inappropriate use of front lot by sports dome users			dome does have agreement to use south parking. Overflow was to be at legion but that has stopped. Committee parked this as "not a priority"		No Action		No Action
43	Parking	Not enough handicapped parking spots		Immediately Increase number of handicapped parking spots to 10 or more. Immediately Remove construction vehicles and debris from front of building and convert that area to all handicapped parking.	staff can provide 8 spots (4 on south island and 4 on west face). Monitor to see if an additional 2 spots are required. repaint parking spots and install appropriate signage	\$1,000	Proceed		In Progress
44	Cycle Studio	The room should have been bigger- Already at capacity This room hosts up to 20 participants			Unable to change		No Action		No Action
45	Cycle Studio	Ceiling should have been higher			Unable to change		No Action		No Action

**Aurora Family Leisure Complex Liaison Committee Meeting Agenda
Thursday, May 7, 2015**

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Issue Room	Item	Priority	Request	Response	Estimated Cost	Recommendation	Target Completion	Status
46 Cycle Studio	The room is too HOT!!! 21 degrees Celsius is what people keep. Fans are not a sufficient answer to the gross problem and concerns. There has already been over heating incidents in the room. Wires draped all over the room- electrical		Self controlled AC - so instructors can control the temps.	A mobile cooling unit has been ordered and will be installed. A permanent separate cooling unit will be requested for in the 2016 capital program	\$20,000	Permanent Solution under review for 2016		Proceed
47 Cycle Studio	No windows open to the outdoors			Unable to change		No Action		No Action
48 Cycle Studio	Not enough outlets			Additional outlets are not required.		No Action		No Action
49 Aqua Fitness Equipment	Aqua Fitness is the largest classes held in the facilities. Largest classes are between 35-40 participants		There is not enough equipment at either pool to run a sufficient class	Review Drop in Status				
50 Aqua Fitness Equipment	Equipment is never replenished. Equipment needs to be replaced every couple of years due to deterioration		No matter who plays with equipment it should always be in the budget	Place in Operating Budget for 2016				
51 Aqua Fitness Equipment	Gym/fitness pays for the equipment. However the pool staff use it when teaching and babies eat the equipment - if pool uses it pool should pay for it.		Maintaining equipment - broken belts and belts that need maintenance	Place in Operating Budget for 2016				
52 Water Fountains	There are a number of issues with the water fountains. Participants working out have bottles they want to refill			Existing water fountains in lower and upper hallway and at squash court will be replaced with combination fountain and bottle filling station. Capital project already approved for this in 2015. One to be installed for Community Feedback	\$15,000	Proceed		Work in Progress
53 Water Fountains	gym fountain pressure was too low			Has been adjusted.		Complete		Complete
54 Water Fountains	Upstairs are the very back of the building by youth facility			This cannot be changed		No Action		No Action
55 Water Fountains	the water pressure is better but the water is WARM			Corrected in March		No Action		Complete
56 Water Fountains	we had one in the old gym now we do not have any			Design did not call for fountain in the gym due to overspray and water and safety related to impact hazard.		No Action		No Action
57 Water Fountains	they want a tap for filling bottles upstairs near the track and cycle room and downstairs near the gym and gymnasium			See item 52		No Action		

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**Aurora Family Leisure Complex Liaison Committee Meeting Agenda
Thursday, May 7, 2015**

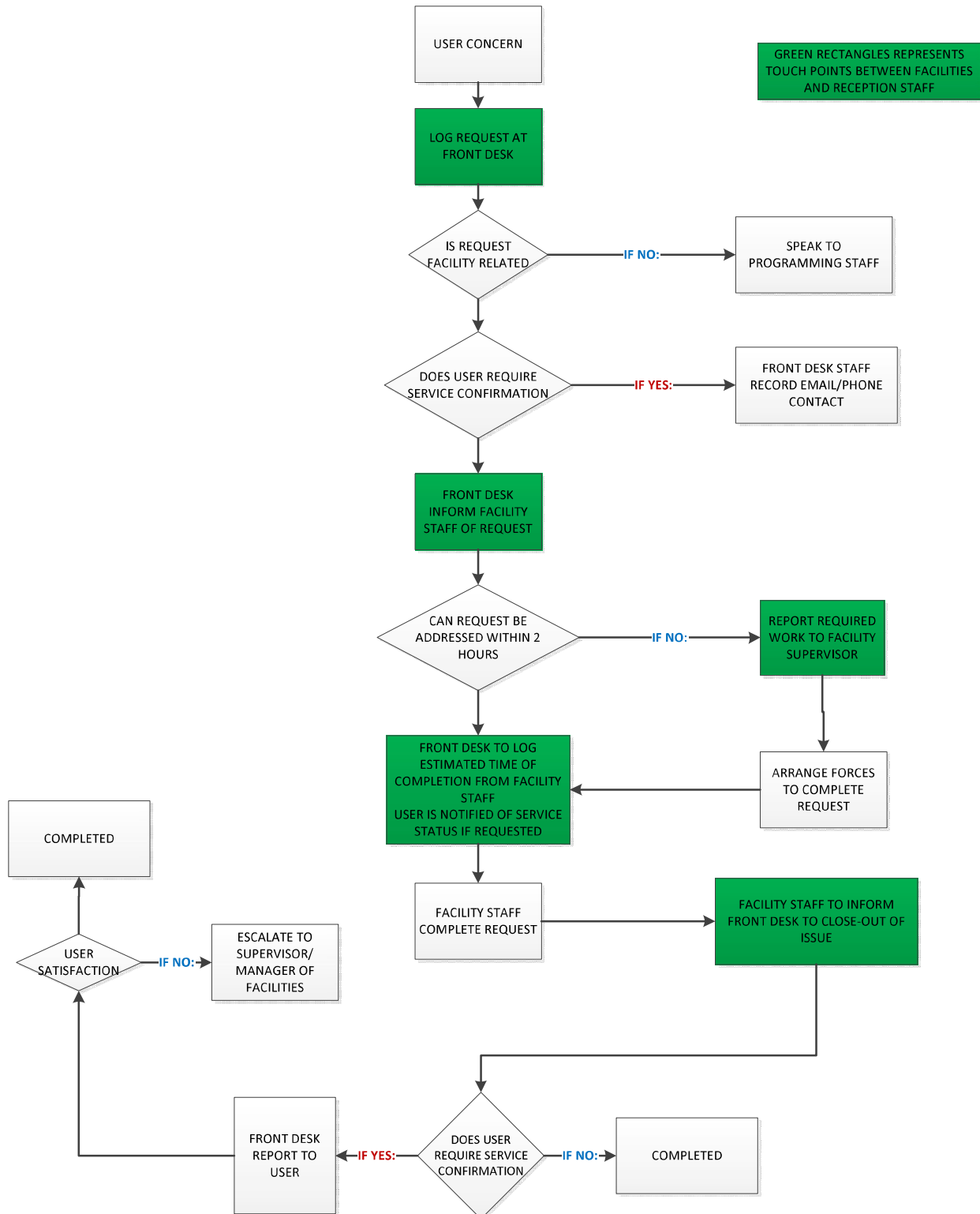
AFLC User Group Items

Issue Room	Item	Priority	Request	Response	Estimated Cost	Recommendation	Target Completion	Status
58 Skate Board Park	Cracks- Contractor accountability- Cost?			Warrant issue for contractor		Contractor		
59 Skate Board Park	Landscape rocks are too close to edge- Kids can crash. Move them back. SIGNAGE for Indemnity		Move them back.	Skate park designed by company that builds skate parks all over North America. Liability issued covered through town insurance. Recommended no additional signage be installed. Signage posts can be more of a hazard. Risks are what they are and additional signage does not provide the town with any additional protection.		Landscape Rocks Removed		Completed
60 Other	family change room has power door but others don't...		Ask Chris about AODA requirements and provide feedback	Facility complies with AODA		No Action		No Action
61 Other	nails in parking lot causing tire punctures			Entire parking lot has been swept		Complete		Completed
62 Other	baby sitting					To be Discussed		
63 Other	are pavers properly installed in court yard area (foundation materials)					Contractor	Noted Deficiency	
64 Other	lights poles and cameras around skate park, (what are we doing to address this)			Camera is installed under soffit, additional lighting is required		In Scope	Noted Deficiency	Pending
65 Other	wrist band are not a good idea, Are there other options							
66 Other	add large scale thermometers			Building Thermostats show room temperature Can add dock with temperature read out		In Progress		In Progress
67 Men's Aquatic Change room	Small bench to be added near hair dryers					Pending Approval		No Action
68 Fitness Studio	Along with Blinds please add a water fountain in the fitness room			Blinds are being installed. Staff to monitor temperature after information has been given. Water fountain is not recommended in wood floor Area		Monitor		In Progress
69 Fitness Studio	Please Install Fans in Fitness Area							

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Facility Service Request Workflow



PUBLIC RELEASE
May 25, 2015

Appendix C



**TOWN OF AURORA
AURORA FAMILY LEISURE COMPLEX
(AFLC) LIAISON COMMITTEE
MEETING AGENDA**

Wednesday, May 27, 2015
4 p.m. to 5:30 p.m.
AFLC Program Room B

Councillor Sandra Humfryes in the Chair

1. **OPENING REMARKS**
2. **PREVIOUS MEETING MINUTES OF MAY 7, 2015**
3. **UPDATE AFLC OUTSTANDING DEFICIENCY LIST**
4. **PROGRAM DISCUSSION**
5. **NEXT MEETING**
6. **ADJOURNMENT**

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**Aurora Family Leisure Complex Liaison Committee Meeting Agenda
Wednesday, May 27, 2015**

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**TOWN OF AURORA
AURORA FAMILY LEISURE COMPLEX (AFLC)
LIAISON COMMITTEE MEETING MINUTES**

Date: Thursday, May 7, 2015

Time and Location: 2 p.m., Program Room B, Aurora Family Leisure Complex

Committee Members: Councillor Sandra Humfryes (Chair) (arrived 2:04 p.m.), Councillor John Abel, Councillor Michael Thompson, Wendy Frappier (departed 3:05 p.m.), Frans LeRoi, Janet Matthews, Gene Scherrer, and Jo-anne Spitzer

Member(s) Absent: Deni Crescenzi and Juergen Daurer

Other Attendees: Neil Garbe, Chief Administrative Officer, Phillip Galin, Manager, Facilities, Property and Fleet Services, Chris Catania, Accessibility Advisor, and Linda Bottos, Council/Committee Secretary

Councillor Thompson, in the absence of the Chair, called the meeting to order at 2:02 p.m.

Councillor Humfryes assumed the Chair at 2:08 p.m.

1. OPENING REMARKS

Mr. Garbe suggested that the Committee refer to the updated AFLC Outstanding Deficiency List, included in the meeting agenda as Item 3, to continue with the prioritization of issues. Copies of the blueprints, marked with the proposed changes, were distributed to the members. The Committee members were invited to each identify their top three priorities and to add any items that may have been missing from the List. Councillor Humfryes reiterated the intent of the List and purpose of the Committee in helping to interpret the issues and represent the AFLC users. She noted that staff have committed to expediting the Committee's top three priorities, including communication and progress updates of the priorities.

**Aurora Family Leisure Complex Liaison Committee Meeting Agenda
Wednesday, May 27, 2015**

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AFLC Liaison Committee Meeting Minutes
Thursday, May 7, 2015

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2. PREVIOUS MEETING MINUTES OF APRIL 24, 2015

The Aurora Family Leisure Complex Liaison Committee meeting minutes of April 24, 2015, were provided for information.

3. REVIEW OF UPDATED AFLC OUTSTANDING DEFICIENCY LIST

The Committee was provided with an updated AFLC Outstanding Deficiency List for review, which included additional columns for Estimated Cost, Recommendation, Target Completion, and Status.

4. DETERMINATION OF TOP PRIORITIES

The Committee identified the following top priorities (staff comments in brackets):

Top Priorities	Comments/Suggestions
Back door access, security	Estimated 50-60 users would need back door access; proposed double-layer fob system for parking and door access; option to install camera and buzzer at back door; front door not secure as not everyone checks in at front desk (primary driver is security and public safety; fob systems, etc. still provide opportunities for risk; additional accessible parking at front and side; if individuals need help, staff could accommodate)
Change room issues	Need more benches, etc. per Outstanding Deficiency List
Gym space allocation	Gym often empty; could be used for overflow; should be open/utilized when not being used by youth; Why can't kids show up and shoot hoops outside of scheduled program times? (staff will discuss with programmers; space is meant to generate revenue)
Program space allocation, including fitness studio	Need to look at how building is utilized in relation to programs; building should serve users; fitness studio and other spaces now too small; need to reconsider space allocation; re-evaluate use of space
Slippery floors	Floors should be resurfaced to provide a non-slip surface in wet areas (mats will not be returned as they are considered a health hazard)

**Aurora Family Leisure Complex Liaison Committee Meeting Agenda
Wednesday, May 27, 2015**

AFLC Liaison Committee Meeting Minutes
Thursday, May 7, 2015

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Top Priorities	Comments/Suggestions
Storage for coats, boots, bags	Need more hooks, larger and more cubbies and lockers; SARC has good size (staff have ideas on how to reorganize the fitness studio for storage; need advice on sizes needed)
Ventilation, heating and cooling air management	Yoga class and other program areas too hot; consider options, e.g., large fans, ceiling fans, heat retractors; install large scale thermometers on walls and window area (each room has thermostat; will advise staff to monitor; new HVAC system will take time to balance and calibrate in each space through the seasons; blinds to be installed in gym today; portable air units should alleviate issues in mean time)
Water fountain	Need water available (water fountain bottle fill to be installed)
Water pressure	Water pressure too low; investigate alternate shower heads that would meet OBC standards (mandated to use low flow restrictors; unable to guarantee completion within 16 weeks)

5. REVIEW OF FEEDBACK PROCESS

The Committee was provided with a "Facility Service Request Workflow" chart for information.

6. NEXT MEETING

The Committee agreed to meet next during the week of May 25, 2015, (at a time later than 2 p.m.) in Program Room B of the Aurora Family Leisure Complex.

7. ADJOURNMENT

The meeting was adjourned at 3:30 p.m.

COMMITTEE RECOMMENDATIONS ARE NOT BINDING ON THE TOWN UNLESS ADOPTED BY COUNCIL AT A LATER MEETING.

PUBLIC RELEASE
June 19, 2015

Appendix D



**TOWN OF AURORA
AURORA FAMILY LEISURE COMPLEX
(AFLC) LIAISON COMMITTEE
MEETING AGENDA**

Tuesday, June 23, 2015
2 p.m. to 4 p.m.
AFLC Program Room B

Councillor Sandra Humfryes in the Chair

1. **OPENING REMARKS**
2. **PREVIOUS MEETING MINUTES OF MAY 27, 2015**
3. **UPDATE AFLC OUTSTANDING DEFICIENCY LIST**
4. **NEXT MEETING**
5. **ADJOURNMENT**

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**Aurora Family Leisure Complex Liaison Committee Meeting Agenda
Tuesday, June 23, 2015**

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**TOWN OF AURORA
AURORA FAMILY LEISURE COMPLEX (AFLC)
LIAISON COMMITTEE MEETING MINUTES**

Date: Wednesday, May 27, 2015

Time and Location: 4 p.m., Program Room B, Aurora Family Leisure Complex

Committee Members: Councillor Sandra Humfries (Chair), Councillor John Abel, Deni Crescenzi, Juergen Daurer, Frans LeRoi, Janet Matthews, and Jo-anne Spitzer

Member(s) Absent: Councillor Michael Thompson, Wendy Frappier, and Gene Scherrer

Other Attendees: Councillor Wendy Gaertner, Councillor Tom Mrakas, Neil Garbe, Chief Administrative Officer, Ilmar Simanovskis, Director of Infrastructure and Environmental Services, Al Downey, Director of Parks and Recreation Services, Chris Catania, Accessibility Advisor, and Linda Bottos, Council/Committee Secretary

The Chair called the meeting to order at 4:05 p.m.

1. OPENING REMARKS

Councillor Humfries welcomed the group and acknowledged the additional handout provided by Frans LeRoi, which included questions and concerns regarding safety and security, as well as general and program questions.

The Committee discussed the security concerns, including the advantages and disadvantages of fob entry versus the current front desk control and wristband system. Staff reviewed the past and present entry procedures and concerns, and noted that Council had approved a motion directing staff to report on the feasibility of rear door access. Staff reviewed the reporting process and delegation opportunities, and advised that the report to Council would include options, costs and implications, and the impact on programming. It was agreed that the Committee members would be informed when the report is ready for General Committee and Council.

**Aurora Family Leisure Complex Liaison Committee Meeting Agenda
Tuesday, June 23, 2015**

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AFLC Liaison Committee Meeting Minutes
Wednesday, May 27, 2015

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The Committee inquired about staff training with respect to safety and security including intruder and emergency procedures, the fire safety plan, and security and monitoring of the skateboard park. Staff assured the Committee that all procedures were in place and staff were fully trained. Staff noted that, while there is no dedicated monitoring staff, the skateboard park is placed in a visible area and issues would be addressed as they occur.

The Committee inquired about staff orientation with respect to the HVAC and other systems. Staff indicated that the HVAC automated systems were under third-party control, but Parks and Recreation Services staff and Infrastructure and Environmental Services staff have received the appropriate training, including cross-training through the various facilities.

It was noted that there were now nine accessible parking spaces at the front of the building and staff have been directed to park at the back of the building.

2. PREVIOUS MEETING MINUTES OF MAY 7, 2015

The Aurora Family Leisure Complex Liaison Committee meeting minutes of May 7, 2015, were provided for information.

3. UPDATE AFLC OUTSTANDING DEFICIENCY LIST

The Committee was provided with an updated AFLC Outstanding Deficiency List, dated May 27, 2015, for review. The Committee acknowledged that much had been accomplished and many of the issues had been improved and resolved. The Committee requested that the Deficiency List be reorganized by area/space for better ease of reference and follow-up.

The Committee provided further comments including:

1. Family dressing room cubicle has gap that allows view to next cubicle;
2. Fitness centre bulletin board not in appropriate location;
3. Need more, better quality fans (health and safety issues);
4. Lack of stretching area (only small space available near fountain);
5. Fountain overshoots and spills on floor;
6. Lack of storage space for outdoor shoes, boots, coats; and
7. Fitness centre music source needs to be upgraded to improve clarity.

It was noted that the fitness centre ceiling fans would be installed in July 2015. The Committee inquired about the budget process and funding for the facility and staff provided a brief overview.

**Aurora Family Leisure Complex Liaison Committee Meeting Agenda
Tuesday, June 23, 2015**

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AFLC Liaison Committee Meeting Minutes
Wednesday, May 27, 2015

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4. PROGRAM DISCUSSION

The Committee inquired about the babysitting program and staff indicated that this service would no longer be offered, and added that any programs not supporting themselves have been or would be discontinued.

The Committee inquired about membership data and staff advised that membership had increased based on the monthly count of paid members. Staff advised that the dedicated space for youth after school is not dictated by use numbers from a programming perspective, and suggested that there may be an opportunity to adjust the time and use of the gym for programs during non-youth periods. Staff discussed the challenges of both the drop-in philosophy and registered programming, noting that the majority of aquafit participants are "drop-in" and 13-14 members are needed in order to break even. The Committee inquired about the manner of counting members at classes and noted that members who remain for a second class are not included in the count and only new arrivals are counted. It was further noted that two wristbands are required for two classes.

The Committee and staff discussed the pros and cons of various access and control systems including wristbands, shoe tags, fobs, and programmable cards. The Committee remarked that the previous fob system worked well, users are now complaining about waiting too long at the front desk, and wristbands are being discarded everywhere. The Committee also commented on the design of the front desk and suggested that it is further from the public, less inviting, and there is less eye contact because of the glass barrier. Staff indicated that staff had requested the glass and believes it allows for more individualized contact with the AFLC members and the public.

5. NEXT MEETING

The Committee agreed to meet next on Wednesday, June 17, 2015, at 4 p.m. in Program Room B of the Aurora Family Leisure Complex, subject to change.

6. ADJOURNMENT

The meeting was adjourned at 6 p.m.

COMMITTEE RECOMMENDATIONS ARE NOT BINDING ON THE TOWN UNLESS ADOPTED BY COUNCIL AT A LATER MEETING.

Appendix E



**TOWN OF AURORA
AURORA FAMILY LEISURE COMPLEX (AFLC)
LIAISON COMMITTEE MEETING MINUTES**

Date: Tuesday, June 23, 2015

Time and Location: 2 p.m., Program Room B, Aurora Family Leisure Complex

Committee Members: Councillor John Abel (Chair), Councillor Michael Thompson, and Frans LeRojj

Member(s) Absent: Councillor Sandra Humfryes, Deni Crescenzi, Juergen Daurer, Wendy Frappier, Janet Matthews, Gene Scherrer, and Jo-anne Spitzer

Other Attendees: Councillor Wendy Gaertner, Councillor Tom Mrakas, Neil Garbe, Chief Administrative Officer, Ilmar Simanovskis, Director of Infrastructure and Environmental Services, Al Downey, Director of Parks and Recreation Services, Chris Catania, Accessibility Advisor, and Samantha Kong, Council/Committee Secretary

The Chair called the meeting to order at 2:05 p.m.

1. OPENING REMARKS

Councillor Abel welcomed the group and acknowledged that this may be the last meeting of the Aurora Family Leisure Complex (AFLC) Liaison Committee, contingent on Council's discretion and completion of the outstanding deficiencies.

2. PREVIOUS MEETING MINUTES OF MAY 27, 2015

The Aurora Family Leisure Complex Liaison Committee meeting minutes of May 27, 2015, were provided for information.

3. UPDATE AFLC OUTSTANDING DEFICIENCY LIST

The Committee was provided with an updated AFLC Outstanding Deficiency List, dated June 23, 2015, for review. Staff indicated that the fans have been ordered and would be installed in July 2015, and the installation of benches in the change rooms had been completed. The Committee commented on the quality of the benches and inquired if meeting minimum standards was sufficient. Staff stated that minimum standards refer to the dimensions of the benches rather than quality, and consideration of the quality, functionality, and cost is given when selecting finishes. Staff further noted that the entrance and exit areas of the track would be switched to address safety concerns.

The Committee inquired about the status of additional storage space for outdoor footwear and coats, as well as the size of lockers. Staff stated that the current shelves outside of the program rooms would be repurposed for outdoor footwear storage, and modifications would be made in the gym area and aerobic room to provide additional storage space. Staff further indicated that the proposed new lockers would be full-sized with an integrated bench to accommodate the needs of all users, and would require Council's approval.

The Committee inquired about the cost of the items indicated as "in progress" or "pending" on the list. Staff stated that items that indicate "in progress" would be allocated from the capital budget, and the items that indicate "pending" would require approval by Council.

The Committee inquired about babysitting services, family memberships, and alternatives to wrist bands. Staff indicated that babysitting services would no longer be offered and that family memberships would be a pricing policy discussion, which does not fit within the Committees mandate. Staff noted that wrist bands are cost-effective and that the cost and feasibility of alternatives would be presented in a future report to Council.

6. NEXT MEETING

None

7. ADJOURNMENT

The meeting was adjourned at 3:12 p.m.

COMMITTEE RECOMMENDATIONS ARE NOT BINDING ON THE TOWN UNLESS
ADOPTED BY COUNCIL AT A LATER MEETING.



TOWN OF AURORA
GENERAL COMMITTEE REPORT **No. IES15-050**

SUBJECT: *Purchase of Portable Four Post Hoist*

FROM: *Ilmar Simanovskis, Director of Infrastructure & Environmental Services*

DATE: *September 8, 2015*

RECOMMENDATIONS

THAT report IES15-050 be received; and

THAT notwithstanding the Procurement By-law, the purchase of a portable four post electric/hydraulic vehicle hoist as supplied by B&B Dixon be approved in the amount of \$51,345.00 excluding taxes; and

THAT funding be provided from the Fleet Repair and Replacement Reserve.

PURPOSE OF THE REPORT

The purpose of this report is to seek approval for the purchase of a portable four post vehicle hoist for fleet services.

BACKGROUND

Fleet services heavy capacity floor hoist failed in early 2015

An important part of the fleet services equipment is the heavy duty floor hoist which is used on a regular basis to maintain our heavy vehicles. The existing garage bay is equipped with one heavy duty hoist which is used for all lifting requirements for the fleet.

This hoist is over 40 years old and failed in March. This report describes actions taken to date to address this equipment need and next steps required to support fleet services.

COMMENTS

At time of equipment failure, fleet services had to take steps to respond to service needs

At the time of the hoist failure, repairs were attempted. However due to age and condition of the equipment it was determined that repairs would not provide a cost

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Report No. IES15-050

effective solution and that required parts where no longer available. As this equipment has been reliable in the past there was no immediate plan to replace the unit.

As this failure was not foreseen, staff was unprepared to respond with a proactive resolution. To address the issue the following steps have been taken:

- Staff used alternate lighter duty hoisting equipment where possible to continue with in-house maintenance activities
- Certain tasks were deferred where possible until an interim solution was found
- Heavy equipment maintenance needs that could not be performed in-house or that could not be delayed were sent out to a third party service garage
- Staff began a needs assessment and evaluation to identify an appropriate replacement hoist

Needs assessment performed to identify requirements and specification for new hoist equipment

Appropriate hoist equipment was investigated by staff to determine what would be the best solution for the town's needs. This exercise involved discussions with the mechanics, evaluation of industry best practices, review of equipment specifications based on the type of fleet the Town maintains, as well as operating and maintenance costs of the various hoists available on the market.

The Fleet team reviewed the units the Town of Newmarket are using and investigated and reviewed three different manufactures. After the evaluation, the fleet team tested the hoist equipment that they thought would work for our equipment needs.

Hoist manufactured by Rotary Lift is preferred equipment based on identified needs and field testing

Of several manufactured reviewed and tested, staff prefer the Rotary Lift hoist. This equipment currently remains on site as part of the field test trial requested by staff with no financial cost at this time.

Commitment is required to proceed with hoist purchase as trial period comes to a close

Staff are in favour of proceeding with purchasing the Rotary Lift hoist as it has met the identified needs and provides a cost effective solution for fleet services. The trial period is nearing an end after which the test hoist will be removed. Staff are in support of purchasing this unit based on the investigations and testing that has occurred since March. The benefits of proceeding with this recommendation are:

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- There are two other vendors who are not based in the local area to respond to service calls (Quebec and Orillia)
- The preferred manufacturer is in North America. Staff have found North American products more durable and reliable compared to off shore.
- The new equipment that is on site was bought by B&B Dickson months ago. The cost of the equipment has increased about \$7,000 since then. This is direct saving to the purchase as the vendor has carried both the cost of the initial purchase, and benefited from a stronger Canadian dollar when the equipment was initially purchased.

Staff preference is to proceed with a purchase directly from B&B Dixon. This is primarily because selection of the preferred equipment has been done through an investigation and trial testing process. Due to the unique nature of hoisting equipment and how the unit matches to the needs of the mechanics and the type of fleet, it is believed that proceeding in this manner with the believed best performing equipment will create efficiency within the garage as this equipment is used on a daily basis.

The Rotary Lift will meet interim needs at the Scanlon garage for the next 6 to 7 months and will be well suited to be transferred to the new operations centre in early 2016.

LINK TO STRATEGIC PLAN

Maintaining our fleet of Roads vehicles supports the Strategic Plan goal of Investing in sustainable infrastructure by maintaining infrastructure to support forecasted population growth through technology, waste management, roads, emergency services and accessibility.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

There are two alternatives to the recommendations:

1. Continue with outsourcing of hoisting services- This option can be continued with the Scanlon garage operations but will result in additional third party service costs as more vehicles will need to be sent off site for any repairs that require a hoist. This solution will only work for the short term as new equipment will be required for the JOC as the existing equipment is non-functioning.
2. Pursue other procurement options such as tendering- Staff have gone through an extensive investigation process in selecting the preferred hoist. As is the case with equipment of this nature, there is only one distributor for this equipment in the area which is B&B Dixon of Aurora. They are currently a vendor for the Town and have been for many years and are a reputable supplier of automotive parts, tools and equipment.

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Report No. IES15-050

FINANCIAL IMPLICATIONS

The cost for the hoist is not in the current operating budget. Funding through the JOC is also not available as it was removed as part of the value engineering exercise. The expectation was that existing garage equipment would be reused at the new facility until new equipment could be purchased at a future date.

It is recommended that funding of \$51,345.00 be provided from the Fleet Repair and Replacement reserve to replace the non-functioning hoist.

CONCLUSIONS

The existing vehicle hoist at the Scanlon Court garage is non-functioning as of March and cannot be repaired. Staff have investigated a number of replacement hoist options and are currently testing a unit from Rotary Lift.

This unit is meeting the needs of the mechanics and is the preferred hoist based on their evaluation. The trial period for this unit is nearing its end and the company will be removing the hoist. Staff are in support of proceeding to purchase the Rotary Lift hoist and have arranged to keep the trail hoist until the purchase can be completed to avoid being without a hoist for an extended period of time.

To proceed with the purchase, funding in the amount of \$51,345.00 is required which can be funded from the Fleet Repair and Replacement Reserve. It is also recommended that the Rotary Lift hoist be purchased notwithstanding the provisions of the Procurement By-law as the product is only distributed through B&B Dixon who is a current approved vendor of the Town for all fleet related supplies.

Proceeding with an alternate procurement process will result in the existing trial unit being removed from site. There will be additional operating costs related to needing to service vehicles through third party services where hoist work is required until such time as an alternate procurement process can be completed and with the current Canadian dollars diminished valuation, there would be no savings to the Town. Anticipated time for this RFP would be 4 to 6 months.

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Report No. IES15-050

PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting of August 27, 2015

Prepared by: Phillip Galin, Manager, Facilities, Property & Fleet - Ext. 4323



Ilmar Simanovskis
Director, Infrastructure &
Environmental Services



Patrick Moyle
Interim Chief Administrative Officer



TOWN OF AURORA
GENERAL COMMITTEE REPORT **No. IES15-051**

SUBJECT: *2014 Annual Solid Waste Program Performance Report*

FROM: *Ilmar Simanovskis, Director, Infrastructure and Environmental Services*

DATE: *September 8, 2015*

RECOMMENDATIONS

THAT Report No. IES15-051 be received for information.

PURPOSE OF THE REPORT

This report provides an update on the performance of the Town's waste and recycling collection program.

BACKGROUND

Overview of Waste Collection and Management Program

Waste and recycling collection is provided directly by the Town of Aurora. The materials collected by the Town's contractor are then transferred to Regional facilities for recovery, additional processing and final disposal. Additionally, the Region manages community Environmental Centres for resident drop offs throughout the Region. Details of York Regions responsibilities can be found through the York Region web site.

The Town collections program is focused on residential waste collection with some participation from the smaller industrial, commercial and institutional (ICI) sector. The 2014 client base is summarized in the following table.

Table 1- Client Summary

Description	Count
Households	16,214 homes
Multi Residential Units	2095 units, 22 buildings
Town Facility Disposal Needs	9 locations
ICI collections	109 locations

The service delivery model for waste collection is a fully contracted collection service for the above clients. In addition, Town staff manage community collection containers within the downtown core and throughout the parks system.

Staff are also responsible for managing the waste collection contracts, program

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education and promotions, web based information platforms and the annual waste calendar.

Other program features include abandoned materials litter pick-up, bulk materials collection and special events such as the annual cleanup day, free compost giveaway days and e-waste collection events.

With the approval of the SM4RT Living Plan, staff are initiating annual reports on the progress of the program. This is the first annual report.

COMMENTS

Industry Trends

Provincial Perspective

The waste stream in Ontario generally consists of two components, the Residential component and the Non-residential component. Municipalities are responsible for the residential component and non-residential generators are required to manage their waste materials directly.

Ontario residents and businesses generate almost 1,000 kg per person per year of waste. Residential waste is approximately one third and ICI waste is two thirds of this total. More than 95 percent of residents have access to curb side recycling programs with a provincial recycling performance of 67.6 percent.

Waste Management Legislative Framework

Waste management in Ontario is regulated primarily by the following three Acts:

- Environmental Protection Act- which serves the purpose of establishing liability on any party who fails to take reasonable care to prevent the release of pollutants into the environment.
- Environmental Assessment Act- which sets out approval processes for any major public sector undertaking that has the potential for environmental effects.
- Waste Diversion Act- which mandates the development and operation of waste diversion programs.

Of these Acts, the Waste Diversion Act 2002 is most significant for Aurora. This act sets out the requirement to establish the agency, Waste Diversion Ontario, which is mandated to operate the programs spelled out by the Act and funded based on fees paid by industry. Each program is to set diversion targets, establish program costs and determine industry fees to recover those costs.

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The WDO is required to develop programs in cooperation with and industry funding organization (IFO). Stewardship Ontario is an example of an IFO which is mandated to address Ontario's Blue box and municipal hazardous waste programs (Stewardshipontario.ca). The importance of WDO to Aurora is their contribution to our Blue Bin costs which was \$255,000 in 2014 and represents about 13 percent of our overall program costs. The funding formula is based on collection costs for printed materials, paper packaging, plastics, steel, aluminum and glass packaging.

Legislative Trends

Significant challenges regarding the Waste Diversion Act and related programs has created tension between the stewards and municipalities. AMO and other municipal supporters are actively engaged to insuring fairness and equity to municipalities who play a significant role in residential waste management in the province. Some highlights for 2014 are:

- Steward obligations challenged through Stewardship Ontario resulting in WDO requiring arbitration which resulted in confirmation that 50 percent funding of net costs submitted by municipalities was appropriate. This arbitration process required significant support which was provided by York Region on behalf of the local municipalities in concert with other municipal organizations such as AMO. Ruling was favourable to municipalities with preserved funding based on 2013 funding model.
- In November 2014, Ministry of Environment and Climate Change announced that reform of the waste diversion legislation would be on the agenda for 2015. (note that 2013 attempt to reform Act through Bill 91-Proposed Waste Reduction Act did not receive royal assent due to general election call)
- Councils who have been approached by industry lobby groups regarding extended producer responsibility are being informed to not participate in support campaign due to risk of undermining the collective municipal interest by potentially disproportionately benefiting stewards.

Waste Generation Trends

Four trends that are expected to influence waste generation in the future for Aurora are:

- Continued light weighting of materials
- Food waste patterns
- Residential intensification through multi-story housing
- Blue Box Contamination Rate

Light weighting of materials and food waste patterns are two trends that are influencing all areas. The primary driver for light weighting has been the removal of LCBO related

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glass products in 2009 and general trends towards more plastic products. This trend is present and a consideration in the per capita generation rates. The same decreasing trend is occurring with newsprint as well.

Food waste patterns have also been an emerging trend wherein increased food waste correlates to increased societal affluence. Habits such as over buying or less concern for food conservation seem to be the main drivers. This is an area being targeted by the Region as well and will be jointly supported through education programs.

Multi-story housing is known to have reduced success with recycling programs for many reasons. As Aurora's housing stock shifts to a higher percentage of multiunit residential, there is an increased need to better equip new buildings with effective recycling systems. Other aspects such as occupant behaviour and convenience must be addressed adequately to maximize recovery from these properties. Lessons learned from high density communities are being considered in the planning processes for Aurora.

Blue box contamination is the placement and inadvertent collection of materials that do not meet the blue box materials criteria. Although clearly non-compliant materials are not collected from the curb, some material does end up in the waste stream. A second component of contamination occurs during processing where materials that may be comingled or otherwise inappropriately altered are separated from the recoverable materials and disposed of as waste. The 2014 inbound contamination rate for Blue Box materials is 16%. This number increased by about 2% from 2011.

Industry trends are monitored regularly and program adjustments made to suit the changing waste management landscape. The current program has included consideration of these trends.

Waste Management Strategies and Programs

The Towns waste management strategy is to concentrate more on waste reduction programs, with significant focus on reducing overall waste tonnage collected while maximizing material recoveries and increase promotion and education.

The Town works closely with York Region and the other municipalities in waste management. Programs are derived from the collaborative planning process through the York Region SM4RT living Plan which is part of the Integrated Waste Management Master Plan.

A key aspect of this plan is the setting of regional and local reduction targets in support of the 4 R's. One of the primary key targets in the SM4RT Living plan is overall reduction of waste generation per person.

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Four key indicators have been selected to help advance our waste management program. The benchmark year for these targets is 2012 with a 9 year horizon for achievement. These targets are:

- Reduce total materials generation by 9.4% (30 kg/person/year reduction) by 2021 for a total waste generation of 289.9 kg/person/year.
- Reduce organics weight collected by 15% (11 kg/person/year reduction) by 2021 for a total organics generation of 65 kg/person/year
- Reduce total household garbage by 19% (21 kg/person/year reduction by 2021 for a total household waste generation of 88 kg/person per year.
- Reduce blue box contamination by 50% to 8% contamination by 2021

Figure 1 – Waste Generation Per Capita Targets

Waste Generation kg Per Capita Targets	2012	2021	% difference	kg change (bracket shows growth)
Total Materials	319	289	-9.4%	30
Yard Waste	38	40	5.7%	(2)
SSO	77	65	-15.0%	11
Blue Box	96	96	0.0%	-
Household Waste	108	88	-19.1%	21

These targets are intended to encourage behaviour change to reduce the amount of overall waste collected by using alternate consumer waste channels, encouraging a reduction in purchased product packaging, reduce curb side organics collection, and increase awareness of blue box materials and to reduce contamination.

The implementation of the SM4RT Living plan is being coordinated with all 10 partners and is being undertaken with an approach to leverage benefits across all partners. This is being accomplished through partnering, piloting projects and sharing resources as new innovations are tested and benchmarked. The Town’s plan to both meeting Aurora goals as well as supporting the broader Regional program is as follows:

Table 2- Town of Aurora Implementation Plan

Year	Project	Objective	Status
2014	Multi-Residential Working Group	This working group supports all multi-residential initiatives to create consistency and leverage experiences across municipalities. Decisions based on data gathering and analysis to verify project effectiveness	Ongoing meeting with the working group
2014	Waste By-law Update	To increase diversion, improve quality of waste stream and update provisions as needed	Complete
2015	Food Waste Reduction Advertising Campaign	To increase awareness of food waste reduction message through promotion on N6 waste collection vehicles	Under Review with Region

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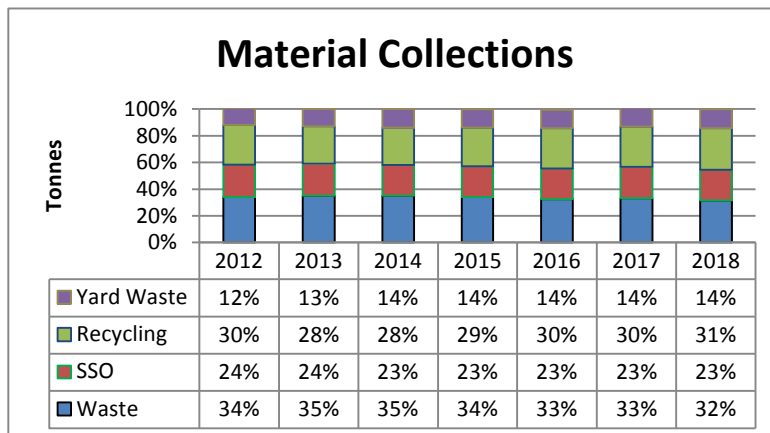
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2015	Backyard Composting Campaign	Promote backyard composting to decrease the amount of organic material requiring processing.	Rolled out on June 15 to Sept 30
2015/16	Curbside textile collection Joint Project with the Region	Work with Region/community partners to develop pilot program to increase textile diversion	Initiation stage
2016	Waste Electrical and Electronic Equipment (WEEE) collection in multi-residential buildings	Work with community partners to support drop off bins at multi-residential buildings.	
2016	2 bag system + tags	Each resident will be able to set out 2 bags of garbage. Any more bags will have to purchase a bag tag.	
2016	Camera – at Illegal dumping Hot Spots	3 month Pilot Project using EyeTrax technology in catching illegal dumpers	
2016	Revitalize Promotion and Education	Develop initiative to promote reduction and re-use with radio, e- advertising, newspaper to address new collection contract, new programs etc.	
2017	Did you know?	Develop P & E Video Campaign to help increase awareness to residents about the current blue box and waste programs.	
2017	Updated development standards for multi-residential	Update standards to improve reduction infrastructure in multi-residential and mixed use buildings	
2017	Mandatory Diversion By-law	Amending the current by-law to require residents to source separate recyclables and organic materials from the waste stream	
Future	3 stream collection at events and public spaces	Pilot to develop baseline data on capture of 3 stream diversion and options to be considered at public events and complete business case of effectiveness.	
Future	Fees for bulky items	Any items over the 5 bulky item limit will pay a fee	
Future	Clear Bag Program	Review option of Clear Bag Initiative	
Future	Textile collection in multi-residential buildings	Work with community partners to establish drop off bins for multi-residential buildings	
Future	Community Gardens	Set up new areas for additional community gardens in Aurora (we currently have only one)	

Summary of Collection Results and Forecasts

Overall material collection metrics have been stable since 2012. This is as a result of the maturity of the Town’s collection program. Achieving overall reductions in tonnage will require changes to the current program as well as increased public promotion and education. Much of the current strategy is focused in improving these metrics. Figure 2 is a summary of collected materials on a percentage basis.

Figure 2-Summary of Material Collections



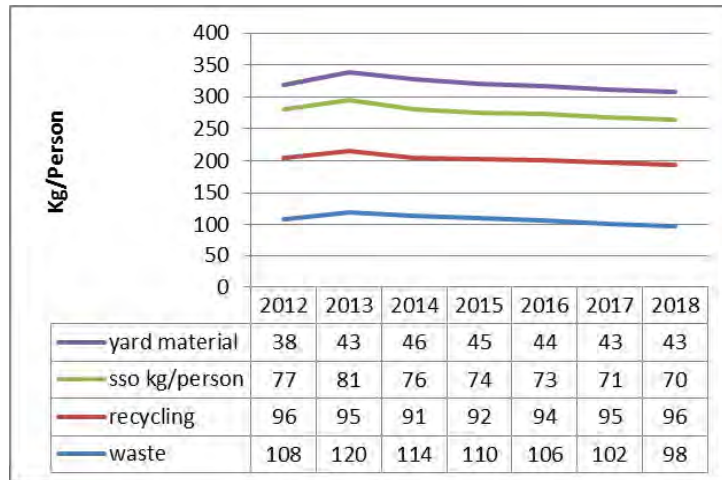
The 2014 single family curbside residential diversion rate was 67 percent. It has been unchanged since 2008. It will continue to flat line due to light materials being placed into the blue box.

We need to understand that changes are happening; the diversion rate calculations are not the main indicator of program success in the Province. For instance, the Region’s SM4RT Living plan 4 R’s hierarchy primary target is to focus on reduction first, then reuse, recycle and recover. As well, the WDO is looking at changing their title. The WDO is looking at changing their name from WDO to WRO (Waste Reduction of Ontario). With these changes, we need to start shifting the focus from diversion to reduction. The Town waste management goals need to be aligned with the Regions SM4RT Living plan, which is part of the Integrated Waste Management Plan. There are other metrics being introduced to better support performance reporting as goals from overall diversion to a focus on reduction in total materials generated. As an example, a significant reduction in organics collection at the curb due to increased use of backyard composters and less food waste is a preferred behaviour vs simply increased curbside organics collection.

The metric that will be guiding the Town’s waste program going forward will be the waste generation rates on a per capita base for curbside collections being garbage, blue box recycling, organics, and yard materials. Bulky items, white goods and e-waste will continue to be reported but are not significant in driving overall program goals at this time as these are less than 1 percent of the total.

Figure 3 presents the per capita generation rates for these materials. Forecasts assume a reduction in curbside organics, increase in blue box collections and a reduction in garbage collection as per the waste reduction targets.

Figure 3- Per Capita Annual Generation Rates



Waste Collection Contract Performance

Waste Collection is performed by Green For Life Inc. This contract is a 10 year term and expires in the fall of 2017. Staff initiated tender preparation activities in early 2014 and is currently in the process of retaining a consultant to consolidate efforts into a tender document for release in early 2016. Further information will be provided to Council in the progress of this process.

Contract performance is monitored on a daily basis and key performance indicators are tracked to insure high quality service is maintained for our community. Below are the current KPI's tracked for 2014.

Table 3- Contractor KPI's

Issue Type	Reported Incidents
Missed Streets	26
Missed Location	158
Improper Set-Outs	38
Late Set-Outs	67
Extra Garbage Pick-up	10
Liquidated Damages	\$4,500

The above results are in line with previous years experiences and are indicative of successful performance of the contractor.

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2014 Program Successes

Special E-waste and textile events

In 2014, the Town organized two special electronic (e-waste) Saturday collection events at the IES Operation yard at 9 Scanlon Court. These events are designed to give residents opportunity to deliver unwanted or unusable electronic materials or products to a designated location within the Town for free collection and disposal. These local events collected 15 tonnes. Currently residents can bring their e-waste and batteries to a Regional Depot or drop off at the Town Hall or Senior's Centre and Public Library.

As a trial, the Town offered collection for textiles at one of the e-waste special event days and to our surprise it was a reasonably good turn-out. We collected over 280 kg of textiles which was sent to a second hand Clothing store in Newmarket. Due to the great feedback from residents at the e-waste event, we will continue to offer textiles collection in 2015 as well working with the Region on a joint textile pilot project for 2015/2016.

Waste Communications

The Town continued to actively promote the benefits of waste reduction through the following program and activities:

- Participated in two display events at home shows and local fairs
- Printed materials
- Information postings on Regional and Municipal websites
- Informative advertisements were placed in the Notice Board and local newspaper
- Distributed 21,000 waste management calendars to residents through Canada Post and additional mail outs through Info Aurora.

LINK TO STRATEGIC PLAN

Promoting and advancing waste/recycling initiatives: through the use of effective education and promotion, staff will encourage focusing on reduction programs rather than diversion programs as new provisions of the By-law are implemented.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

None

FINANCIAL IMPLICATIONS

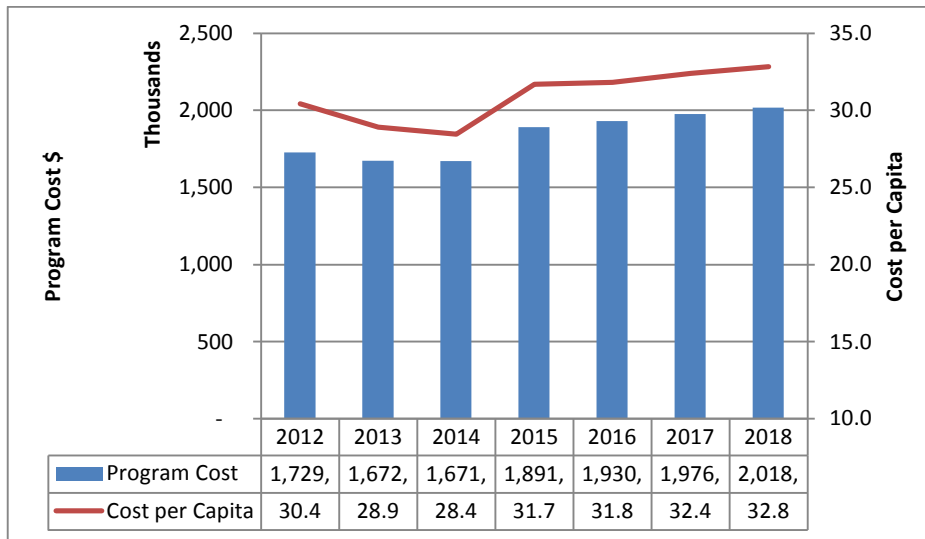
There are no financial implications with this report.

Below is a financial report on total program costs and program costs per person.

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CONCLUSIONS

This report provides information on the performance of waste collection services and strategic directions being taken that are in line with the SM4RT Living Program. Overall the waste program is performing well with favourable trends in all pertinent areas.

The Towns waste management strategy is to focus less on diversion, and more on reduction programs. To increase promotion and education to residents about reducing overall waste through the 4R's reduce, reuse, recycling and recover.

Staff will provide periodic reports on specific programs as implementation efforts continue.

PREVIOUS REPORTS

none

ATTACHMENTS

none

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PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting of August 27, 2015

Prepared by: Amanda Cutler, Waste/Recycling Coordinator, Title - Ext. 3447



Ilmar Simanovskis
*Director, Infrastructure &
Environmental Services*



Patrick Moyle
Interim Chief Administrative Officer



**TOWN OF AURORA
GENERAL COMMITTEE REPORT**

No. LLS15-045

SUBJECT: *Accessing Neighbouring Property – Right-of-Entry By-law*
FROM: *Warren Mar, Director of Legal & Legislative Services/Town Solicitor*
DATE: *September 8, 2015*

RECOMMENDATIONS

THAT Report No. LLS15-045 be received; and

THAT staff bring forward for enactment a “non-permit system” right-of-entry by-law which would allow and regulate the access onto adjoining property by a Town resident for purposes of making repairs to the resident’s property.

PURPOSE OF THE REPORT

The purpose of this report is to inform Council about right-of-entry by-laws, and to recommend that a by-law be enacted to permit and regulate the access onto adjoining property by Town residents for purposes of making repairs to their property.

BACKGROUND

Following receipt of a resident’s concerns regarding access to his neighbour’s property in order to conduct repairs on his house, Council adopted the following recommendations on May 11, 2015:

THAT staff be directed to report back to Council on opportunities to implement a temporary right of access to adjacent landowner property in accordance with s. 132 of the Municipal Act, 2001.

This report is presented to Council in response to Council’s direction of May 11, 2015.

COMMENTS

Power-of-Entry/Right-of-Entry By-laws

Section 132 of the *Municipal Act, 2001* authorizes municipalities in Ontario to pass by-laws that would “authorize the owner or occupier of land to enter adjoining land, at any

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reasonable time, for the purpose of making repairs or alterations to any building, fence or other structures on the land of the owner or occupant but only to the extent necessary to carry out the repairs or alterations.”¹ In its entirety, s. 132 of the *Municipal Act, 2001* states as follows:

“132. (1) A local municipality may authorize the owner or occupant of land to enter adjoining land, at any reasonable time, for the purpose of making repairs or alterations to any building, fence or other structures on the land of the owner or occupant but only to the extent necessary to carry out the repairs or alterations.

(2) The following apply to a power of entry under a by-law under this section:

1. The power of entry may be exercised by an employee or agent of the owner or occupant of land.

2. A person exercising the power of entry must display or, on request, produce proper identification.

3. Nothing in a by-law under this section authorizes entry into a building.

4. The owner or occupant shall provide reasonable notice of the proposed entry to the occupier of the adjoining land.

5. The owner or occupant of land shall, in so far as is practicable, restore the adjoining land to its original condition and shall provide compensation for any damages caused by the entry or by anything done on the adjoining land.”

Several municipalities have right-of-entry by-laws – some being more complex and providing a greater role for municipalities than others. While some provide for a permit scheme, others simply serve an informational role aimed at informing residents of their rights and preventing disputes between neighbours.

As part of staff’s research into this matter, right-of-entry by-laws were examined in six major municipalities in Ontario: Ottawa, London, Windsor, Hamilton, Toronto, and Oshawa. Toronto, Ottawa and Windsor have permit schemes in place that require an applicant seeking entry to apply for a permit for a fee in order to access adjoining property. The right-of-entry by-laws from the other municipalities did not place a permit requirement on residents prior to obtaining access. Many municipalities in Ontario also do not have a right-of-entry by-law, e.g., Mississauga, Brampton, Vaughan, Whitby,

¹ *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, at s. 132(1).

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Pickering, and Guelph. Currently, the Town of Aurora does not have a right-of-entry by-law.

To avoid the cost implications of administering a complex permit scheme, a general right-of-entry by-law, such as the City of Oshawa's, is recommended. The minimum requirements of such a by-law should include provisions dealing with: (a) the manner in which a right-of-entry is exercised; (b) providing reasonable notice; and (c) ensuring that the adjoining property is left in the same condition as it was before entry occurred. This will give Town residents sufficient authority to enter adjoining property for the purposes set out in section 132 of the *Municipal Act, 2001*, being for the necessary repair and maintenance of their property.² The Town would serve an informational role, with the goal of informing residents of their rights and preventing disputes. Any disputes between neighbours would require resorting to civil action – thereby limiting the responsibility and expense obligations of the Town to enforce the by-law.

Right-of-Entry Requirements

Section 132(2) of the *Municipal Act, 2001* requires the owner or occupant seeking access onto adjoining property to provide reasonable notice of the proposed entry to the owner or occupant of the adjoining property and to restore the adjoining property to its original condition after the necessary repairs or alterations have been made.³ Several of the above mentioned municipalities with right-of-entry by-laws have included provisions dealing with these requirements, while others make no mention of them. For example, Toronto's right-of-entry by-law requires that at least 24 hours written notice be given before entry, whereas Windsor's right-of-entry by-law requires that three days notice be given.⁴

Please see attached chart for a comparison of the above mentioned municipalities that have passed right-of-entry by-laws.

Use of a Right-of-Entry By-law

In most situations, it is likely that the owner of the adjoining property will consent to their neighbour accessing their property for the purposes of making necessary repairs or alterations. However, in situations where the neighbour refuses entry to the owner or occupant of the adjoining property seeking access, a right-of-entry by-law may be useful. An analysis of jurisprudence suggests that neighbours are likely to refuse entry if the proposed repairs involve the encroachment onto the neighbour's property (i.e., excavation work to repair wall foundation that requires heavy machinery and digging

² *Ibid.*

³ *Ibid.*, at s. 132(2).

⁴ City of Toronto, By-law No. 1154-2008, *By-law to amend City of Toronto Municipal Code Chapter 363, Building Construction and Demolition, to provide a right to enter adjoining land to make repairs and alterations and to repeal the right-of-entry by-laws of the former area municipalities* (30 October 2008), c 363-24(B)(10)(d) [Toronto by-law].

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between closely-situated properties).⁵ Thus, a by-law authorizing access by notice or permit would only be necessary in situations where neighbours do not wish to cooperate. In this event, even if notice or a permit is provided, the neighbour may argue that the permit only authorizes access and does not allow for the permanent encroachment onto their property. In addition, injunctive relief may be sought, preventing or stopping the access.

Permit Fees

A 2008 City of Toronto report purports that there is a 50% probability that permit fees will dissuade most individuals from applying for a permit.⁶ The report also found that, where available, permits are not often applied for in other municipalities across Ontario. For example, from the enactment of the City of Windsor's right-of-entry by-law in 1977 to 2008, only six permits were issued by the City.⁷ Similarly, in the City of Ottawa, from the enactment of the City's right-of-entry by-law in 2005 to 2008, only about a dozen permits have been issued.⁸

Current Right-of-Entry By-laws in Ontario

Please see the attached chart for a comparison of the following by-laws:

City of Toronto *"By-law 1154-2008 to amend City of Toronto Municipal Code Chapter 363, Building Construction and Demolition, to provide a right to enter adjoining land to make repairs and alterations and to repeal the right-of-entry by-laws of the former area municipalities."*⁹

City of Ottawa By-law 2005-326. *"A by-law of the City of Ottawa authorizing entry upon adjoining lands for the purpose of making repairs or alterations to buildings, fences or other structures."*¹⁰

City of London By-law A-6. *"A by-law to provide for the Entry Upon Adjoining Lands."*¹¹

City of Windsor By-law 5711. *"A by-law to authorize entry upon adjoining land for the purpose of making repairs, alterations or improvements."*¹²

⁵ See *Marks v. Ottawa (City)* (2007), 40 MPLR (4th) 264, (available on CanLII) (Ont Sup Ct) [*Marks v. Ottawa*].

⁶ City of Toronto, *Right to Enter Adjoining Land to Make Repairs*, prepared by Executive Director, Municipal Licensing and Standards (30 September 2008) at 10 [Toronto Report].

⁷ *Ibid* at 7.

⁸ *Ibid*.

⁹ Toronto by-law, *supra* note 4.

¹⁰ City of Ottawa, by-law No 2005-326, *Right-of-Entry By-law* (13 July 2005) [Ottawa by-law].

¹¹ City of London, by-law A-6, *Access to Adjoining Property By-law* (15 November 1993) [London by-law].

¹² City of Windsor, by-law No 5711, *A by-law to authorize entry upon adjoining land for the purpose of making repairs, alterations or improvements* (24 May 1977) [Windsor by-law].

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City of Oshawa By-law 46-96. *“A by-law to authorize entry to property pursuant to Paragraph 210(64) of the Municipal Act, R.S.O. 1990, c. M.45, as amended.”*¹³

City of Hamilton By-law 05-336, *“To Adopt a By-law to Allow for the Entry of Adjoining Property for Maintenance Purposes.”*¹⁴

Considerations – Variation in By-law Components

The right-of-entry by-laws currently in place in several municipalities across Ontario take various forms. While some are short and concise, others are long and complex. Some provide for a permit scheme requiring the enforcement of the municipality, others do not. For example, the City of London’s right-of-entry by-law does not provide for a permit scheme. Instead, it simply provides that if a neighbour does not consent to the access of their property, the owner or occupant seeking entry must provide reasonable notice and leave the land in the same condition it was in at the time of entry.¹⁵ Whereas the City of Toronto’s right-of-entry by-law provides for a complex permit scheme, the fee for which is determined based on the impact of the proposed repairs – high or low impact.¹⁶ In addition, the City of Toronto’s by-law provides for the annual increase of the permit fee, calculated using a complex formula.¹⁷

High-Impact vs Low-Impact Work

The City of Toronto’s right-of-entry by-law differentiates between high and low impact work.¹⁸ This distinction becomes relevant when determining the permit fee and deposit amount. However, this differentiation can also be used to create a by-law requiring a permit for high-impact work only, and not for low-impact work (i.e., low-impact work would only require that reasonable written notice, with no permit necessary).

Elements of a Right-of-Entry By-law

The following list of elements is based on the provisions of the “right of entry” by-laws currently in place in municipalities across Ontario. This list has been considered for the drafting of a right-of-entry by-law without a permit system:

- **Right-of-Entry** – e.g., upon notice/consent/permit, the owner or occupant of any

¹³ City of Oshawa, by-law No 46-96, *A by-law to authorize entry to property pursuant to Paragraph 210(64) of the Municipal Act, RSO 1990, c M-45, as amended* (17 June 1996).

¹⁴ City of Hamilton, by-law No 05-336, *To Adopt a Bylaw to Allow for the Entry of Adjoining Property for Maintenance Purposes* (17 November 2005).

¹⁵ London by-law, *supra* note 11, s 1.2.

¹⁶ Toronto by-law, *supra* note 4, c 363-24(B)(12).

¹⁷ *Ibid*, c 442-14.

¹⁸ Toronto by-law, *supra* note 4, c 363-22(A)(definitions).

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property is permitted, at any reasonable time, to enter upon any lands which are immediately adjacent to his or her property, but only to the extent necessary to effect repair or maintenance of his or her property.

- **Reasonable Notice** – e.g., except with the consent of the occupier of the adjoining land, no person shall enter upon such adjoining property without providing at least 24/48 hours (or some other time period) written notice before such entry.
- **Inspection** (option under permit scheme) – e.g., no permit shall be issued until the Building Commissioner or his Building Inspector has made an inspection of the building, fence or structure to be repaired, and of the land to be entered, and has satisfied himself that the entry upon such land is necessary for the purpose of making such repairs, alterations or improvements.
- **Restore Property to its Original Condition** – e.g., every applicant/person/owner who enters upon adjoining land in pursuance of this by-law shall leave the adjoining land in the same condition it was in prior to such entry.
- **Compensation for Damages** – e.g., if adjoining land is damaged by the entry or anything done on the land as a result of the entry, the owner or occupant shall restore the land as close to its original condition in so far as is practicable, and shall provide compensation for any damage caused by the entry or anything done to the adjoining land.
- **No Entry Into Building** – e.g., the right of entry does not authorize entry into a building on the adjoining property.
- **Emergency Exception** – e.g., if a building, fence or other structure on the land poses an immediate danger to the health or safety of any person, the owner or occupant of the building, fence or other structure or his or her employee or agent may enter the adjoining land without a permit or prior consent, but only to the extent necessary to terminate the emergency.
- **Liability** – e.g., by-law does not relieve the person seeking to exercise the right of entry from any liability for any damage or injury to any person or property caused by the exercise of the right of entry; also protection for the Town if anyone seeks to enter onto adjoining property by virtue of the application of the by-law.

Jurisprudence

The availability of case law dealing with right-of-entry by-law issues is limited.

In *Jessie's Centre Non-Profit Home Corporation v. Bottan*, the Court ordered the dismantling of scaffolding erected by the adjoining property owners for purposes of preventing entry.¹⁹

Similarly, in *Parla v. Pleasants*, the Ontario Superior Court of Justice ordered a non-

¹⁹ *Jessie's Centre Non-Profit Home Corp v Bottan* (1991), 47 CLR 113 (available on CanLII), (Ont Gen Div).

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compliant neighbour who was refusing access to remove any blockage by way of gate and materials from the passageway, to which the applicant required access in order to inspect and repair his property.²⁰ This case was brought under the old City of Toronto by-law that has since been replaced by the new 2009 by-law. However, it remains applicable in circumstances where a neighbour is erecting barriers in efforts to prevent the entry of an individual who has complied with a right-of-entry by-law and has a right to access either by way of notice or permit.

In *Marks v. Ottawa (City)*, the Ontario Superior Court of Justice found that the permit and deposit required by the municipality in order to obtain access were sufficient to ensure that the neighbour would be indemnified for any damage caused to their property during excavation work conducted to repair a leaking foundation wall.²¹

Alternatives to a Right-of-Entry By-law with a Permit Scheme

A right-of-entry by-law with a permit scheme is a highly complex and resource intensive option. Instead, some reports suggest a right-of-entry by-law that is enforced not through the municipality, but through civil litigation.²² Under such a non-municipality enforced right-of-entry by-law, it is up to residents to use the courts for enforcement. This approach alleviates the municipality from the complexity, expenses, increased staff time and other resources required to operate and enforce a permit scheme by-law. Such an approach will give municipalities an informational role and require them to inform parties of their rights and obligations under a general right-of-entry by-law. The focus of a non-permit scheme by-law would be to prevent disputes between neighbours. If a dispute between the parties arises, they would have the option of resorting to civil action, if necessary.²³

Based on the Town's analysis of various municipal by-laws, the estimated frequency of access requests, and the cost of running a permit system, it is recommended that the Town's right-of-entry by-law follow the non-permit process, and focus on protecting the Town's interests while setting out the technical requirements for entering onto neighbouring property.

If the recommendations in this report are approved by Council, staff will bring forward the necessary by-law to Council for its review and enactment.

LINK TO STRATEGIC PLAN

None.

²⁰ *Parla v Pleasants* (2006), 50 RPR (4th) 145 at para 13, (available on CanLII), (Ont Sup Ct).

²¹ *Marks v Ottawa*, *supra* note 5.

²² Toronto Report, *supra* note 6 at 4, Table 1.

²³ Toronto Report, *supra* note 6 at 8.

FINANCIAL IMPLICATIONS

A right-of-entry by-law that implements a permit scheme enforced by the Town would likely require additional staffing resources for the review and issuing of permits, and for enforcement purposes. However, the additional staff resources, and costs thereof, may be recoverable through the implementation of a permit fee. Prior to the enactment of the City of Toronto's new right-of-entry by-law, the City issued a report outlining the financial impact of the new by-law. The report found that the permit scheme by-law would require \$7,500-\$106,300 per year in additional staffing resources required to administer and enforce the by-law.²⁴ Staff projections determined that the average cost of the permit program would be \$28,700 per year, the entirety of which would be recoverable through the implementation of permit fees for high and low impact work.²⁵ These projections do not account for the costs associated with the enforcement of non-compliance.²⁶

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. THAT staff bring forward for enactment a "permit system" right-of-entry by-law which would allow and regulate the access onto adjoining property by a Town resident for purposes of making repairs to the resident's property.
2. THAT staff take no further action to bring forward a right-of-entry by-law.

CONCLUSIONS

Section 132 of the *Municipal Act, 2001*, authorizes a municipality to pass a by-law to allow a property owner to access adjoining property for purposes of making repairs to their own property. As the Town does not currently have a right-of-entry by-law, it is recommended that Council considers enacting such a by-law. A comparative analysis of the right-of-entry by-laws of other Ontario municipalities reveals that such by-laws either provide for a permit scheme -- requiring a neighbour to apply for a municipal permit in order to access the adjoining property -- or simply serve as providing the authorization and informational role, requiring neighbours to only provide reasonable notice prior to access. In order to keep the financial impact of a right-of-entry by-law on the Town to a minimum, an authorization and informational type by-law is preferred over a complex permit scheme by-law.

²⁴ *Ibid* at 2.

²⁵ *Ibid*.

²⁶ *Ibid*.

September 8, 2015

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Report No. LLS15-045

ATTACHMENTS

Attachment #1 – Comparison Chart of Other Municipalities' Right-of-Entry By-laws

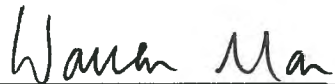
PREVIOUS REPORTS

None.

PRE-SUBMISSION REVIEW

Executive Leadership Team – July 30, 2015

Prepared by: Daria Vodova, Legal Summer Student and Warren Mar, Director of Legal & Legislative Services/Town Solicitor – Ext. 4758



***Warren Mar
Director of Legal & Legislative
Services/Town Solicitor***



***Patrick Moyle
Interim Chief Administrative Officer***

**Attachment #1 to Report No. LLS15-045
COMPARISON CHART – Various Municipalities’ “Right-of-Entry” By-laws**

Municipality	Name of By-law / Authority	Permit System?	Fee + Renewal?	Deposit?	Consent	Reasonable Notice	“Leave in same condition”
City of Toronto	By-law 1154-2008 ¹ found in Chapter 363 of Municipal Code, Article V: Right of Entry (enacted 2009) (previously 1994-0404) Authority: s 101(1) City of Toronto Act	Yes Must file application	Yes Fee depends on impact of work (ie. low or high impact) \$230-845.00 CAN**	Yes \$500.00 CAN for low-impact work \$2,000.00 CAN minimum for high-impact work	Yes Right of Entry via consent or permit	Yes At least 24 hours written notice before entering property	Yes Power of entry is subject to compliance with: restoring adjoining land to its original condition (compensation for damages, removal of equipment and materials)
City of Ottawa	By-law 2005-326 ² (enacted 2005) Authority: s 132 Municipal Act, 2001	Yes Must file application in writing and provide reasonable notice to owner of your intent to access their property	Yes \$250.00 CAN	Yes Minimum \$500.00 CAN (cash), must accompany application for permit (Determined by Director based on estimated cost of	Not mentioned	Yes Written notice at least 1 business day before entry	Yes

¹ City of Toronto, by-law No 1154-2008, By-law to amend City of Toronto Municipal Code Chapter 363, Building Construction and Demolition, to provide a right to enter adjoining land to make repairs and alterations and to repeal the right-of-entry by-laws of the former area municipalities (30 October 2008).

² City of Ottawa, by-law No 2005-326, Right-of-Entry By-law (13 July 2005).

<p>City of Windsor</p>	<p>By-law 5711³ (enacted 1977) Authority: s 354(1) Municipal Act RSO 1970 Chapter 284, Para 58 By-law amended in 1992, cannot locate.</p>	<p>Permit issued only if inspection is conducted, per Director</p> <p>Yes</p>	<p>Yes</p> <p>\$75.00 CAN for 1 & 2 family units, \$125.00 for all other uses. 2 month validity, renewable for \$10.00</p>	<p>restoring adjoining land if damage occurs)</p> <p>No</p>	<p>No</p> <p>No mention of consent</p>	<p>Yes</p> <p>A copy of permit shall be served no later than 3 days before entry</p>	<p>Yes</p> <p>Must leave land in same condition it was in at time of entry</p>
<p>City of Oshawa</p>	<p>By-law 46-96⁴ (enacted 1996) Authority: s 210(64) Municipal Act RSO C.M. 45</p>	<p>No</p> <p>No permit system in place</p>	<p>N/A</p>	<p>N/A</p>	<p>Yes</p> <p>If the owner of adjoining property consents to the entry, the person seeking entry has a right of entry. If no consent is obtained, must provide 48 hours</p>	<p>Yes</p> <p>48 hour written notice of intention to enter required (unless owned of adjoining land has provided consent)</p>	<p>Yes</p> <p>Must leave land in same condition it was in at time of entry</p>

³ City of Windsor, by-law No 5711, A by-law to authorize entry upon adjoining land for the purpose of making repairs, alterations or improvements (24 May 1977).

⁴ City of Oshawa, by-law No 46-96, A by-law to authorize entry to property pursuant to Paragraph 210(64) of the Municipal Act, RSO 1990, c M-45, as amended (17 June 1996).

City of London	By-law A-6 ⁵ (enacted 1993) Authority: s 2-10 Municipal Act RSO 1990 C.M.45	No No permit system in place	N/A	NA	written notice Yes If neighbour consents, no need to give notice	Yes Must give 48 hour notice, unless neighbour consents to access	Yes Must leave property in same condition it was in at time of entry
City of Hamilton	By-law 05- 336 ⁶ Authority: s 132 Municipal Act, 2001	No No permit system in place	N/A	N/A	No No mention of consent	Yes Reasonable prior written notice of proposed entry, including: description of proposed work, proposed date of entry & duration of occupancy	Yes Must restore property to its original condition and provide compensation for damages

⁵ City of London, by-law A-6, Access to Adjoining Property By-law (15 November 1993).

⁶ City of Hamilton, by-law No 05-336, To Adopt a Bylaw to Allow for the Entry of Adjoining Property for Maintenance Purposes (17 November 2005).



**TOWN OF AURORA
GENERAL COMMITTEE REPORT**

No. LLS15-052

SUBJECT: *Municipal Legislation Review*

FROM: *Warren Mar, Director of Legal & Legislative Services/Town Solicitor*

DATE: *September 8, 2015*

RECOMMENDATIONS

THAT Report No. LLS15-052 be received; and

THAT Council members provide any feedback or comments on the draft submission letter directly to the Town Solicitor by no later than September 25, 2015; and

THAT the Town Solicitor prepare a final version of the submission letter, taking into account any feedback or comments from Council members, and present the final version of the submission letter at the October 6, 2015 General Committee meeting for Council's endorsement.

PURPOSE OF THE REPORT

The purpose of this report is to inform Council and obtain Council feedback regarding the draft letter to be sent to the Ministry of Municipal Affairs and Housing (the "Ministry") regarding the Ministry's review of the *Municipal Act, 2001* (the "MA") and the *Municipal Conflict of Interest Act* (the "MCIA").

BACKGROUND

On June 23, 2015, an information memo was presented to Council regarding, among other items, the Ministry's review of the MA and MCIA. As noted in that memo, the review of the MA and the MCIA is focusing on three broad themes: accountability and transparency; financial sustainability and the use of existing financial tools; and responsive and flexible service delivery. General comments about other areas of the MA and MCIA may also be considered as part of the review, but overall there is no guarantee that any substantive changes will be made to the legislation. The deadline for making submissions to the Ministry regarding the review and consultation is October 31, 2015.

September 8, 2015

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Report No. LLS15-052

COMMENTS

As part of the Ministry's review of the MA and the MCIA, it has published a Public Consultation Discussion Guide (the "Guide") to provide parameters around the feedback it wishes to receive, and also to help shape the discussion. While the review appears to be broad and comprehensive, on page 2 of the Guide the Ministry has set out two general goals for the legislative review: "... to ensure our local governments remain strong and financially-sustainable, and that they have the tools to be flexible, responsive and accountable to the people they serve."

While the general public and individual Council members may make their own submissions to the Ministry as part of the legislative review, Minister McMeekin's June 5, 2015 letter to the Mayor invited the Town of Aurora to make its own formal comments on the MA and MCIA.

In response to this invitation, a draft submission letter is attached to this report for Council consideration. This letter would be the formal submission of the Town when it is finalized. As previously mentioned in the June 23, 2015 memo to Council, in order to give Council members time to consider the contents of the letter and provide specific input if they so choose, the recommendations in this report suggest providing a window of opportunity for Council to review the draft submission letter. A final version of the letter would then be presented to General Committee on October 6, 2015. Thereafter, it is suggested that the final letter be endorsed by Council at the October 13, 2015 Council meeting. According to the Guide, the Ministry would like confirmation regarding whether comments from a municipality have been specifically endorsed by a Council resolution. The intent of this report's suggested process is to obtain the endorsement of the Town's submission at the October 13, 2015 Council meeting, in time to meet the October 31, 2015 submission deadline.

The draft submission letter is laid out to address the MA in parts, following the same partitions contained in the MA. The draft submission letter also provides more general comments on the overall operation and application of the MCIA. Additionally, where appropriate, the draft submission letter addresses some of the discussion points identified throughout the Guide, as it is presumed that the Ministry would like to obtain specific feedback about the discussion points.

On July 28, 2015, in-house municipal solicitors and clerks from the Region of York and several local municipalities, including Aurora, met to discuss the municipal legislative review. The draft submission letter reflects some of the discussions that took place at that meeting.

The formal submission letter also requests that the Town be given a further opportunity to make a presentation or submission to a committee of the Ontario Legislative Assembly when any proposed amendments to the MA and MCIA are being considered. This would give the Town the additional opportunity to provide input on any changes to the legislation.

September 8, 2015

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Report No. LLS15-052

LINK TO STRATEGIC PLAN

None.

FINANCIAL IMPLICATIONS

None.

ALTERNATIVE TO THE RECOMMENDATIONS

1. THAT staff be directed not to provide the Ministry with any formal comments on behalf of the Town regarding the municipal legislation review.

CONCLUSIONS

As part of the Ministry's municipal legislation review, a draft submission letter has been provided for Council's review and feedback. The draft submission letter addresses various concerns regarding the application of the MA and the MCIA, as well as the discussion points raised in the Guide. It is recommended that Council take time to review the draft submission letter, and ultimately endorse the final version of the submission letter prior to the submission deadline of October 31, 2015.

ATTACHMENTS

Attachment #1 – Municipal Legislation Review – Public Consultation Guide
Attachment #2 – Draft Submission Letter to the Ministry

PRE-SUBMISSION REVIEW

Executive Leadership Team – August 27, 2015

*Prepared by: Warren Mar, Director of Legal & Legislative Services/Town Solicitor
– Ext. 4758*



Warren Mar
Director of Legal & Legislative
Services/Town Solicitor



Patrick Moyle
Interim Chief Administrative Officer

MUNICIPAL LEGISLATION REVIEW

PUBLIC CONSULTATION DISCUSSION GUIDE

June 2015

Attachment #1

ontario.ca/provinciamunicipalreview



MUNICIPAL LEGISLATION REVIEW
PUBLIC CONSULTATION DISCUSSION GUIDE

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CHAPTER 1: INTRODUCTION

Municipalities are the government level closest to people in communities. They provide front-line services like public transportation, garbage collection, and recreation facilities. They also deal with other local issues like fixing local roads and collecting property taxes.

All Ontarians want strong, vibrant communities where they can live, work and raise families. That means Ontario municipalities need to be financially sustainable, open and accountable. That's why we want to ensure they are using, and have in place, the tools and powers to make that happen.

WHAT IS BEING REVIEWED?

Ontario is reviewing three key elements of Ontario's municipal legislative framework: the Municipal Act, the City of Toronto Act, and the Municipal Conflict of Interest Act.

The government is required by legislation to review the Municipal Act and City of Toronto Act every five years. The government is reviewing these Acts at the same time, along with the Municipal Conflict of Interest Act.

We want to hear from municipalities, organizations, elected officials, experts, and Ontarians in every part of the province about how this legislation might be improved. We are interested in all suggestions. Based on what we've heard to date from members of the public, municipalities and other interested groups, there are three main themes that this review will focus on:

- 1. Accountability and Transparency;**
- 2. Municipal Financial Sustainability; and**
- 3. Responsive and Flexible Municipal Government.**

This discussion guide is your chance to have your say about these themes and to share your ideas on these important pieces of legislation.

MUNICIPALITIES IN ONTARIO

There are 444 municipalities in Ontario, ranging from large urban centres to small, rural towns with very small populations. Many factors, such as whether a municipality is part of a county or regional government, can influence how a municipality is governed and how it delivers services.

In Northern Ontario, most of the population lives in municipalities, but most of the land mass is "unorganized territory" – areas of the province without municipal organization. In some of these areas, local services boards and local roads boards deliver basic community services to

 **CHAPTER 1: INTRODUCTION**

residents. Because of this diversity, the needs, priorities and capacity of municipalities in the province can vary widely.

The Municipal Act and the City of Toronto Act (for Toronto) provide the primary legislative framework, setting out the roles, responsibilities and powers for Ontario's municipalities. However, municipalities also get their responsibilities and powers from over 100 provincial acts, such as: the Highway Traffic Act, the Police Services Act, the Ambulance Act and the Ontario Heritage Act.

MUNICIPAL LEGISLATION REVIEW: GOALS

We want to ensure our local governments remain strong and financially-sustainable, and that they have the tools to be flexible, responsive and accountable to the people they serve.

While the government's view is that these pieces of legislation are generally working well, the government regularly receives suggestions for improvement from municipalities, stakeholders, and the public. The Ministry of Municipal Affairs and Housing (MMAH) will consider all suggestions for change as part of this review. Issues raised that are outside the scope of this review or outside the scope of the ministry will be shared with the appropriate area of the provincial government for future consideration.

WAYS TO GET INVOLVED

We want to hear your concerns and suggested solutions on the Municipal Act, the City of Toronto Act and the Municipal Conflict of Interest Act. We want to hear what is working, what could work better, and your innovative ideas for addressing challenges together.

There are a number of ways to share your feedback:

Online Discussion Guide: access this discussion guide online at ontario.ca/provincialmunicipalreview and complete the discussion questions on one or more themes.

E-mail: e-mail your suggestions for changes to the legislation, or any other comments or questions you may have about the reviews, to municipalreview@ontario.ca.

Mail: send a written submission with your suggestions for changes to the legislation, or any other comments to:

Municipal Legislation Review
Ministry of Municipal Affairs and Housing
Local Government Policy Branch
777 Bay Street, 13th Floor, Toronto, ON M5G 2E5

USER INFORMATION

To help us make the most effective use of your comments, please consider identifying your municipality or, if you prefer, your geographic region of the province (for example, southwestern Ontario) or whether you live in a rural or urban area.

If you are providing comments on behalf of an organization, please provide its name. If you are providing comments on behalf of a municipality, please provide its name and indicate whether the submission has been endorsed by a council resolution.

Your responses may be used for the purposes of the ministry's consultation process. Please note the ministry may summarize and share them, including with other ministries and the public. Names of organizations and persons who indicate an affiliation may also be shared.

Please do not provide any additional personal or identifying information such as opinions about individuals or names and addresses as part of your response.

CHAPTER 2: OVERVIEW OF THE ACTS

MUNICIPAL ACT OVERVIEW

The Municipal Act gives municipalities a variety of powers, both broad and specific, so that they can govern, deliver services, and effectively serve their residents.

The current act came into force in 2003, and the last review was completed in 2006.

Part 1 (General – ontario.ca/cafy) includes the purposes of municipalities, key definitions, and general provisions. It requires the Ministry of Municipal Affairs and Housing to initiate a review of the act every five years. Part 1 also commits to ongoing consultation between the province and municipalities through the memorandum of understanding (MOU) between the province and the Association of Municipalities of Ontario (AMO).

Part 2 (General Municipal Powers – ontario.ca/cafz) establishes key municipal powers, including natural person powers and broad powers. Natural person powers allow municipalities to act like an individual or a corporation. For example, they can enter into a contract or hire staff. Broad powers provide municipalities with authority to pass bylaws in a wide range of areas, subject to certain limits, including:

- Governance structure of the municipality and its local boards
- Financial management of the municipality and its local boards
- Economic, social and environmental well-being of the municipality
- Health, safety and well-being of persons

Part 2 also sets out how municipalities can delegate municipal powers to local bodies, such as advisory committees or community councils, to assist with local decision-making. The act establishes rules such as what powers can and cannot be delegated.

Part 3 (Specific Municipal Powers – ontario.ca/caf1) provides specific rules and provisions for certain municipal powers (some of which are affected by other ministries' legislation). For example, there are specific provisions in Part 3 for:

- Highways
- Transportation
- Waste Management
- Public Utilities
- Culture, Parks, Recreation and Heritage
- Drainage and Flood Control
- Parking
- Economic Development
- Closing of Business Establishments
- Health and Safety

- Natural Environment
- Animals
- Structures, including fences and signs

Part 4 (Licenses – ontario.ca/caf3) sets out business licensing powers of municipalities (for example, concerning tow trucks, taxis). This part also gives the municipality authority to require a person to pay an administrative penalty to the municipality if they fail to comply with any part of a licensing system.

Part 5 (Municipal Reorganization – ontario.ca/caf4) deals generally with municipal restructuring (annexations, amalgamations, etc.) and other kinds of organizational changes at the local level. This includes changing municipal names, transferring powers between tiers, establishing municipal corporations and municipal service boards, and establishing or changing wards. Part 5 also includes provisions respecting municipal changes to certain local boards and respecting business improvement areas.

Part 5.1 (Accountability and Transparency – ontario.ca/caf5) includes provisions about establishing codes of conduct for members of municipal council and many of their local boards. Municipalities may also choose to appoint local integrity officers: an Integrity Commissioner, Ombudsman, Lobbyist Registrar and Auditor General. For more information on accountability and transparency provisions of the Municipal Act and the City of Toronto Act and to share feedback, please see Chapter 3 of this Guide.

Part 6 (Practices and Procedures – ontario.ca/caf6) sets out roles, responsibilities, rules and processes for municipal councils and key staff members including the clerk and chief administrative officer (CAO). Part 6 includes rules about the conduct of council and local board meetings and the public's right to attend them. Most council and local board meetings are required to be open to the public (with certain allowed exceptions). Part 6 also has requirements on quorum, council member eligibility and vacancies from office, and records retention. Under Part 6, municipalities are required to have policies on certain matters, including the sale and other disposition of land, hiring employees, procurement of goods and services and public notice.

Parts 7-13 (along with Part 3 sections 106-110, and other sections – ontario.ca/caf7) contain many of the rules and procedures for financial and administrative matters such as budgeting, financial reporting, fees and charges, debt and investment, and the administration and collection of property taxes. For more information on financial and administrative provisions of the Municipal Act and the City of Toronto Act, and to share feedback, please see Chapter 4.

Part 14 (ontario.ca/caf8) deals with enforcement of municipal bylaws, including offences and penalties, powers of entry, general enforcement powers, municipal orders and remedial actions, and court orders to close premises. Part 14 includes provisions on establishing a system of fines for offences for contravening a bylaw, with rules on minimum and maximum fine amounts, and rules concerning special fines.

 **CHAPTER 2: OVERVIEW OF THE ACTS**

Parts 15-18 (ontario.ca/caf8) contain municipality-specific, technical, transitional, and miscellaneous provisions, including provisions on regulations and municipal liability.

CITY OF TORONTO ACT OVERVIEW

The City of Toronto Act is the counterpart legislation to the Municipal Act (which applies to all other municipalities in Ontario) for the City of Toronto (ontario.ca/cagb). It creates the legal framework for the roles, responsibilities and powers for the City of Toronto and its local bodies, such as city boards or committees.

The City of Toronto Act is similar to the Municipal Act, but there are some particular differences that recognize Toronto's status as Ontario's largest municipality. These include:

- 1) The City of Toronto has broad authority to levy taxes in addition to property taxes, beyond those available to other Ontario municipalities. The City's authority in this area is subject to specific limitations. For example, the City may not put in place taxes on personal or corporate income, gasoline or sales taxes.
- 2) The City of Toronto is required to have a Code of Conduct for council and members of certain local boards, as well as an Integrity Commissioner, City Ombudsman, Auditor General and a Lobbyist Registry. In other municipalities, appointing these officers is optional.
- 3) The City of Toronto has specific authority to require and govern the construction of green roofs.
- 4) The City of Toronto's long-term debt is not subject to a provincial Annual Repayment Limit, in recognition of the City's internal capacity to determine its own appropriate level of debt.
- 5) The City of Toronto's wholly-owned land development corporation, Build Toronto, has special powers to incorporate corporations.

The City of Toronto Act came into force in 2007, and the last review took place in 2009.

MUNICIPAL CONFLICT OF INTEREST ACT OVERVIEW

The Municipal Conflict of Interest Act (last substantially amended in 1983) sets out rules to help ensure that municipal council members and members of local boards (including school boards and police services boards) do not participate at meetings when their council, committee or local board considers a matter in which the members have a pecuniary (i.e. financial) interest (ontario.ca/cagc).

For more information on conflict of interest rules for municipalities, and to share feedback, please see Chapter 3 of this Guide.

CHAPTER 3: ACCOUNTABILITY AND TRANSPARENCY

In response to what we have heard from municipalities, the public, and experts, we have made Accountability and Transparency a theme of this review. This chapter of the Discussion Guide outlines the accountability and transparency requirements for municipalities and the tools they have to deliver them. We invite you to provide your feedback on accountability and transparency by answering the questions at the end of this chapter.

The Municipal Conflict of Interest Act sets out some rules for municipal council and local board members that are enforced through the courts. Other accountability and transparency-related rules set out in law include requirements under the Municipal Act and City of Toronto Act, such as open meeting requirements.

In 2014, the province passed the Public Sector and MPP Accountability and Transparency Act. Schedule 9 of the Bill, when proclaimed into force on January 1, 2016, will extend the role of the Ontario Ombudsman to include all municipalities. The intent is to ensure that every Ontarian has access to an ombudsman.

We want to examine the accountability and transparency requirements for municipalities, and the tools for locally-determined integrity frameworks, to ensure they provide a greater benefit and meet the changing needs of municipalities and the public. In this review we want to consider:

- Codes of conduct
- Integrity officers
- Conflicts of interest
- Open meetings

CODES OF CONDUCT

Some municipalities have codes of conduct for members of council and local boards. They may also have other procedures, rules and policies governing the ethical behaviour of those members. It is generally up to a municipality to determine the content of its code of conduct (if it chooses to have one)– for example, a general set of principles, or a more detailed set of rules on specific issues. Because of this, codes of conduct vary from municipality to municipality. Some common issues that codes of conduct address include use of municipal resources, gifts and benefits and conduct at council meetings. As of 2014, many large municipalities have adopted a code of conduct, but most medium sized or small municipalities have not.

It is up to a municipality to determine the complaints process for codes of conduct and many of the rules around its enforcement. Municipalities also have authority to appoint an integrity commissioner to investigate complaints related to the code, though not every municipality

▶ **CHAPTER 3: ACCOUNTABILITY AND TRANSPARENCY**

with a code of conduct also has an integrity commissioner. There are two penalties available to council for code of conduct contraventions: a reprimand or a suspension of the member's pay for up to 90 days.

For more information on municipal codes of conduct, please see section 223.2 of the Municipal Act (ontario.ca/cage) and section 157 of the City of Toronto Act (ontario.ca/cagd).

Some municipalities have also developed a code of conduct for municipal staff.

Similar to municipal codes of conduct, codes of conduct for school board trustees are developed by the school board and reflect the norms of behaviour that trustees agree to uphold and respect. Like other codes of conduct, school board codes might cover such matters as acting with integrity, guarding against conflict of interest, complying with legislation, maintaining confidentiality, and respecting the decision-making authority of the board.

DISCUSSION

- Do you know whether your municipality or school board has a code of conduct? If so, does it seem to be working effectively?
- Do you think there should be a greater range of penalties for violating a code of conduct?

[Share your feedback online](#)

INTEGRITY OFFICERS

All municipalities may decide to appoint integrity officers, and Toronto must do so under the City of Toronto Act. The Municipal Act and the City of Toronto Act set out the general responsibilities and functions of the integrity officers, and each municipality determines their specific duties.

These integrity officers are:

- An Integrity Commissioner
- A municipal Ombudsman
- An Auditor General
- A lobbyist registry (related officer is a lobbyist registrar)

If a municipality chooses to put one or more of these officers in place, it can help to increase accountability and transparency at the local level.

Integrity Commissioner

An Integrity Commissioner's role is independent and his or her functions are assigned by council. The commissioner's functions may include conducting inquiries about whether a member of council or a local board has contravened the code of conduct.

If the Integrity Commissioner reports that a member of the council or local board has contravened the code of conduct, the municipality may impose a penalty in the form of a reprimand or a suspension of pay for a period of up to 90 days. The commissioner, who reports to council, may also be tasked with looking at how members of council have applied procedures, rules and policies of the municipality or local board governing the ethical behaviour of members of council and local boards. Some municipalities have also assigned their commissioner with other functions such as providing advice and/or education and training on ethical matters to members of council.

Municipal Ombudsman

A municipal Ombudsman investigates acts, decisions, and recommendations made in the course of the administration of a municipality. A municipal Ombudsman also does this for local boards or certain municipal corporations as specified by the municipality. Toronto is currently the only municipality in Ontario to have an Ombudsman, which it is required to have under the City of Toronto Act. The current Toronto Ombudsman describes her role as "an impartial investigator of residents' complaints about the administration of city government".

Auditor General

An Auditor General may assist council in holding itself and municipal administrators accountable for the quality of stewardship over public funds and achieving value for money in municipal operations. An Auditor General must perform his or her duties in an independent manner.

Lobbyist Registrar and Registry

The Municipal Act authorizes a municipality to establish a public Registry for lobbyists, establish a code of conduct for lobbyists and prohibit former public office holders from lobbying for a designated time period.

DISCUSSION

- Are there gaps in the current municipal accountability and transparency system?
- What kinds of tools would support greater accountability and transparency in local government?

[Share your feedback online](#)

▶ **CHAPTER 3: ACCOUNTABILITY AND TRANSPARENCY**

CONFLICTS OF INTEREST

Local members (including councillors and members of local boards) have legal and ethical duties to consider in relation to conflict of interest. Some of these are found in the Municipal Conflict of Interest Act, but other related rules or codes may also apply to local members (for example, in a local code of conduct for councillors).

The Municipal Conflict of Interest Act sets out ethical rules for council and local board members if they have certain pecuniary (financial) interests in a matter that is before their council or board at a meeting. For example, a member might have to declare a pecuniary interest if they own land or a property that is likely to be affected by a council/board decision.

The Municipal Conflict of Interest Act generally requires a local member with a financial interest in a matter that is before their council or board at a meeting to:

- disclose the interest before the matter is considered at the meeting;
- not take part in the discussion or voting on the matter;
- not attempt to influence the voting before, during, or after the meeting; and
- immediately leave the meeting, if the meeting is closed to the public.

As with any legal matter, local members may seek legal advice if they wish to.

The declaration of the member's interest is recorded in the meeting's record (minutes). The public may use meeting records to assist in finding out whether a member declared an interest on a matter.

The Municipal Conflict of Interest Act includes some exceptions. For example, a member would not need to declare a pecuniary interest for an interest in common with electors generally. A proposed property tax increase affecting all property owners in the municipality might be an example of an interest in common with electors generally.

The courts decide whether or not a contravention of the Municipal Conflict of Interest Act has taken place. Any elector in the municipality may apply to a court if he or she feels that a municipal councillor or local board member has violated conflict of interest rules.

If the judge finds that there is a contravention of the Municipal Conflict of Interest Act, the judge must remove the member, unless the judge also finds that the contravention was because of the member's inadvertence or error of judgement.

A judge may also find that other penalties for contravention of the Municipal Conflict of Interest Act apply. These include:

- restitution (i.e. reimbursement of a person who suffered the loss where the contravention resulted in personal financial gain); or

- disqualification from office for up to seven years (which a judge may decide does not apply due to a member's inadvertence or error of judgement).

For more information about the conflict of interest rules for municipalities, please see the Municipal Conflict of Interest Act (ontario.ca/cagc).

DISCUSSION

- How might conflict of interest rules be made clearer for municipal officials and the public?
- Do you think the current rules prevent municipal councillors from participating in municipal decision making too often? Do you feel that your own councillor/board member (e.g. school trustee) has been able to represent your interests at meetings given these conflict of interest rules?
- Do you think municipal councillors need more support to comply with conflict of interest rules? For example, having a municipality make expert or legal advice available to them.
- How could public access to the decision-making process about conflicts of interest be improved?
- What do you think are the appropriate penalties for violating conflict of interest rules?
- Who should enforce municipal conflict of interest rules?

[Share your feedback online](#)

OPEN MEETINGS

Most municipal meetings must be open to the public. There are a limited number of reasons why meetings may be closed to the public. For example, meetings may be closed for discussion of matters that are before the courts, a pending purchase or sale of land, or personal matters about an identifiable individual.

A person may request an investigation of whether a meeting was properly closed to the public. The municipality may appoint an independent investigator who may report with recommendations to council. If the municipality does not appoint an investigator, the Ontario Ombudsman may investigate.

For more information about open meetings requirements, please see section 239 of the Municipal Act (ontario.ca/cagh) and section 190 of the City of Toronto Act (ontario.ca/cagj). Some boards, such as police services, library and school boards have different rules about their meetings, which are found in other legislation. For example, please see ontario.ca/cagk.

▶ **CHAPTER 3: ACCOUNTABILITY AND TRANSPARENCY**

DISCUSSION

- Do you think there should be more options for municipal councils to use technology in holding meetings? (e.g., internet video conferences?) Please provide examples.
- Do you think that the public has appropriate access to council meetings? How could municipal council meetings be more transparent?
- Under what circumstances do you think it is appropriate for council to discuss matters in private? (e.g. personal information, security of the municipality)

[Share your feedback online](#)

In addition, we have some general questions regarding the current accountability and transparency framework for municipalities.

DISCUSSION

- Overall, what do you see as the province's role in supporting municipal and local board accountability and transparency? What do you see as your municipality's role?
- How effective are the accountability and transparency requirements in the Municipal Act, City of Toronto Act and Municipal Conflict of Interest Act?
- How might accountability and transparency rules be made clearer for municipal officials, board members and the public?

[Share your feedback online](#)

CHAPTER 4: MUNICIPAL FINANCIAL SUSTAINABILITY

We want to ensure our local governments remain strong and financially sustainable, and that they continue to be accountable, flexible and responsive to the people they serve. We invite your input on topics such as:

- How existing municipal financial tools can be used more effectively
- Whether municipalities have the necessary tools to effectively plan for, prioritize and fund their investments in infrastructure and spending on services
- What barriers municipalities may face in achieving long-term financial sustainability

WHAT IS MUNICIPAL FINANCIAL SUSTAINABILITY?

Municipal financial sustainability can be defined as the ability to match expenditures well with revenues – on both an operating and capital cost basis.

Municipalities are responsible for providing a range of services to Ontarians, including: fire, police, water, garbage, public health, and recreation programs. Municipalities are also responsible for maintaining and expanding public infrastructure, such as roads, bridges, water systems and their local public transit systems. In order to deliver on both responsibilities, municipalities must manage their finances effectively.

This chapter outlines financial management tools and processes contained in the relevant municipal legislation and used by municipalities in Ontario. We invite you to provide your feedback on this topic by answering the questions at the end of this chapter.

MUNICIPAL BUDGETS AND FINANCIAL REPORTING

Municipal governments are expected to deliver services and facilities in a way that is financially sustainable.

The Municipal Act and the City of Toronto Act require municipalities to pass balanced operating budgets each year. While municipalities may borrow over the long term to fund capital expenditures, such as building a new bridge, or installing a new water main, they are generally not allowed to fund operating expenses, such as salaries and wages, fuel or contracted services through borrowing. This helps to ensure that municipalities pay for the expenses that they incur each year, while allowing them the flexibility to spread out the cost of long-term assets.

Municipalities are also required to prepare annual financial statements according to the Public Sector Accounting Board (PSAB)'s recommended accounting principles. Municipalities must publish and make publicly available their audited financial statements for the previous year within 60 days of receiving them. This helps to ensure that municipalities are accountable to their citizens and also to the province.

▶ **CHAPTER 4: MUNICIPAL FINANCIAL SUSTAINABILITY**

MUNICIPAL REVENUE SOURCES/FINANCIAL TOOLS

The Municipal Act provides municipalities with financial tools to help them pay for the services they provide, including:

- Property taxes, including special area rates
- User fees and charges
- Local improvement charges
- Fees for licenses, permits and rents
- Fines and penalties
- Debt financing
- Investment income
- Development charges

In addition to these tools, the City of Toronto has broad authority under the City of Toronto Act to implement a variety of municipal taxes, subject to limitations (see below for further information).

Property Taxes

The property tax generates \$17.5 billion across the province and is a municipality's main source of revenue. In order to determine the amount of property tax they need to collect, municipalities first determine their revenue needs as part of their annual budget process. Municipalities then set the tax rates.

A property tax bill is composed of two components: a municipal portion and a provincial education portion. The tax rate and levy for the municipal portion, is set by the municipality (subject to provincial rules) and is based on their revenue needs as part of their annual budget process. The tax rate for the education portion is set by the province. These tax rates, multiplied by the assessed value, results in the tax levies for municipal and education purposes. These amounts added together equal the amount of total property taxes payable.

For example, if a residential property is assessed at \$300,000 and the total tax rate is 0.75 per cent, the total property tax bill would be \$2,250.

Property assessments are determined in accordance with the Assessment Act, which is not within the scope of this legislative review.

Special Area Rates

Municipalities have the authority to impose special area rates to recover the cost of a special service for only a designated area of the municipality. A special service is a service that is not generally provided throughout the municipality, or is provided in a different way or at a different level in other parts of the municipality. Examples of services for which municipalities have used this authority include: public transit, sewer, water and waste collection.

User Fees and Charges

Municipalities have broad authority to impose fees or charges for any service or activity they provide, or for the use of their property. Examples of common municipal fees include: sewer, water, garbage collection, recreation programs and transit. In recent years, many municipalities have adopted user fee policies to bring some of these services closer to cost recovery, particularly in the case of water and wastewater services. These policies also help reduce pressure on the general tax base, freeing up resources for services that are not as amenable to pricing.

Local Improvement Charges

A local improvement is a capital project that a municipality undertakes that provides a benefit to properties in the vicinity, such as sidewalks and sewers. Municipalities can impose local improvement charges on properties that benefit from the project to recover all or part of its cost. This tool allows municipalities to spread the cost of a project over several years to minimize the annual payment property owners have to make.

Licenses, Permits, and Rents

Municipalities also receive revenues from issuing licenses and permits related to specific activities related to, businesses, vendors, trailers and animals. These revenues also include rents charged to use or occupy municipal properties.

Fines and Penalties

This source of revenue includes fines imposed for not complying with municipal bylaws, or provincial regulatory laws. The most common fines are for local parking infractions and offences under the Highway Traffic Act.

City of Toronto Broad Taxation Authority

The City of Toronto Act gives the City of Toronto broad authority to implement a variety of taxes, subject to certain limitations, such as:

- no tax on personal or corporate income;
- no tax on wealth or payroll;
- no tax on gas or hotels; and
- no sales tax, except for taxes on the sale of entertainment, alcohol or tobacco.

Under this authority, the City of Toronto has elected to implement a Municipal Land Transfer Tax and a Third Party Sign Tax.

Any decision to use the taxation authority is solely the decision of City of Toronto Council. The imposition of taxes under this authority is done through a bylaw. If you have questions

▶ **CHAPTER 4: MUNICIPAL FINANCIAL SUSTAINABILITY**

regarding the taxes that the City of Toronto has implemented under this authority, please contact the City of Toronto directly.

Grants

Municipalities may receive grants from the province and/or federal government under specific programs.

For example, the Ontario Municipal Partnership Fund (OMPF) is the Province's main unconditional transfer payment to municipalities. In 2015, the Province is providing municipalities with \$515 million in unconditional funding through the OMPF, with over 90% of the grant supporting northern and rural municipalities.

Municipalities receive a significant level of ongoing support from the province in other ways. In 2015, the province is providing municipalities with approximately \$3.7 billion in ongoing support through the provincial upload of social assistance benefit program costs, the Ontario Municipal Partnership Fund, provincial gas tax program, and other ongoing initiatives.

MUNICIPAL CAPITAL FINANCE

To help pay for capital projects and plan future operating budget expenditures, a municipality may use a number of sources of financing, including debt (up to a set limit), investment income, and development charges.

Debt Financing

Generally, unless it first receives approval from the Ontario Municipal Board, a municipality may not incur a long term debt that would require it to use more than 25 per cent of its total annual own-purpose revenues to service that debt and the municipality's other long term debt. It is the municipality's decision to use debt or pay-as-you-go financing.

The debt limit for a municipality is often referred to as the annual repayment limit (ARL). The ARL is calculated using the data that municipalities submit annually through the Financial Information Return to the Ministry of Municipal Affairs and Housing on their long-term liabilities and debt charges. The City of Toronto's long term debt is not subject to an Annual Repayment Limit.

Investment Income

During the year, a municipality may have cash on hand (for example, from reserve funds or interim tax collections) that is not immediately needed. This cash is often invested to earn income.

Development Charges

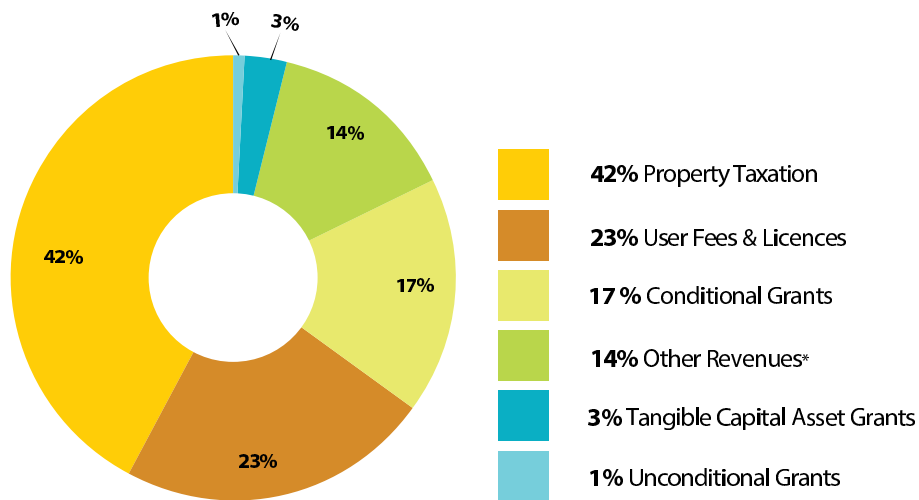
Development charges are fees imposed by municipalities on developers to pay for increased growth-related capital costs (both residential and non-residential) related to items such as water lines or recreational facilities. Development charges are payable when a builder applies for a permit.

The Development Charges Act was reviewed in 2014. That review has concluded and that legislation is not within the scope of this review.

Municipal Expenditures and Revenues

The following charts provide an overview of municipal capital and operating expenditures and how those costs are financed.

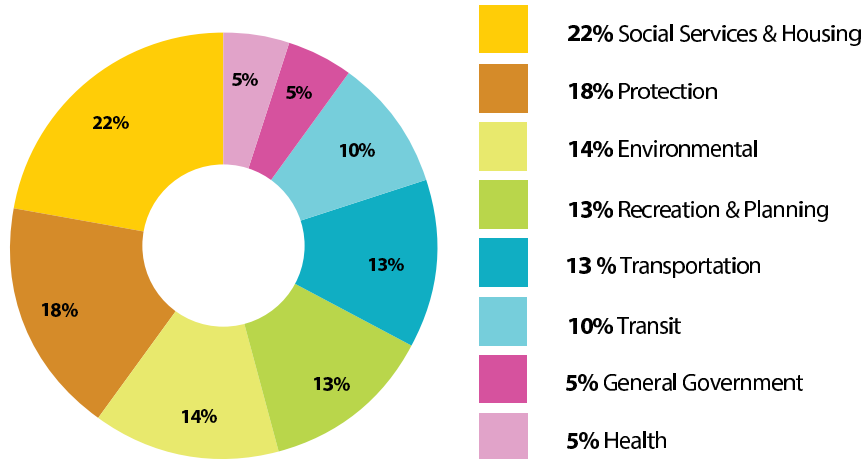
2013 Municipal Revenues



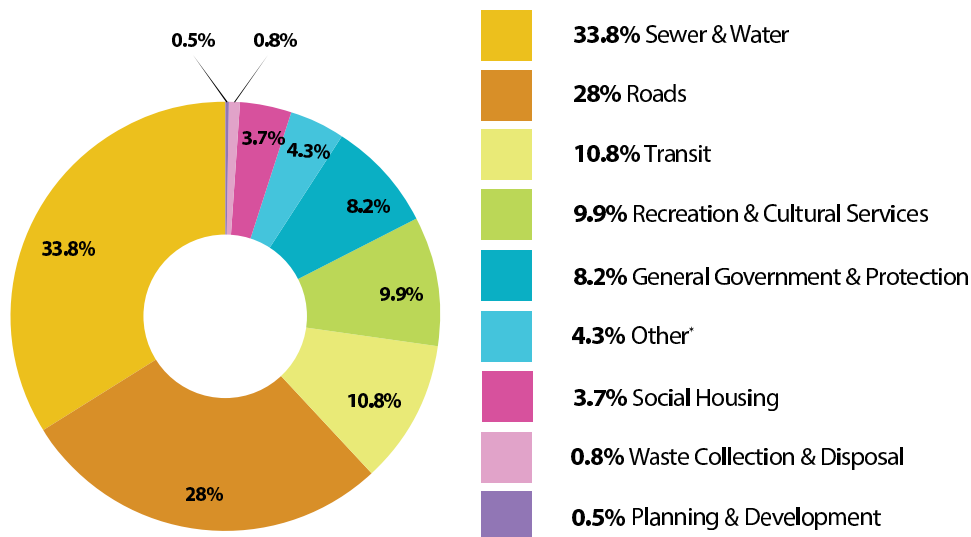
* Other revenues includes: investment income, deferred revenue earned (development charges), donations, revenue from other municipalities, fines, penalties, and City of Toronto Municipal Land Transfer Tax.

▶ **CHAPTER 4: MUNICIPAL FINANCIAL SUSTAINABILITY**

2013 Municipal Operating Expenses

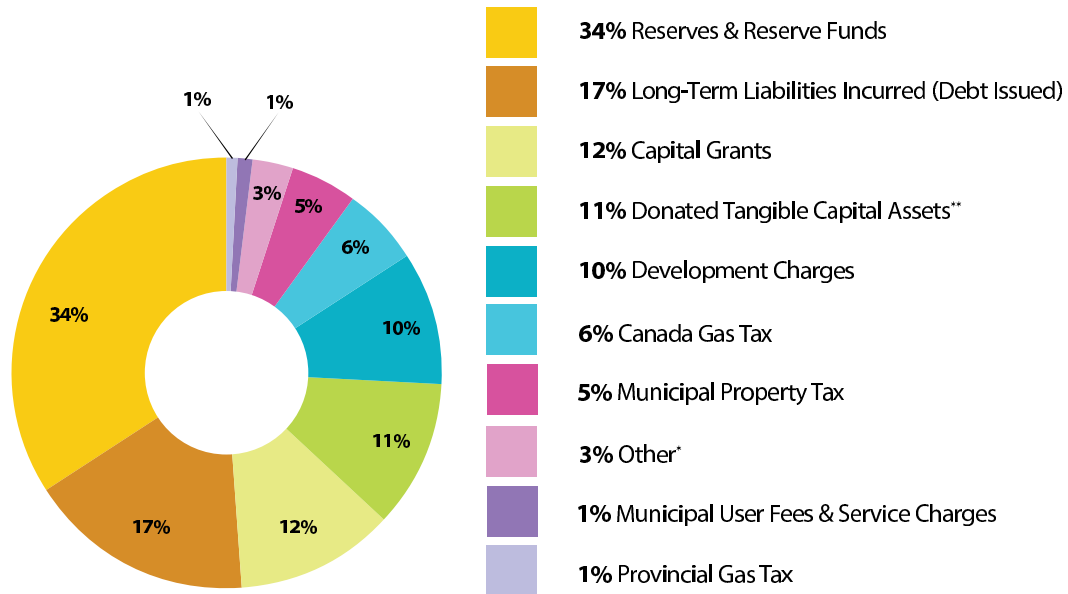


2013 Capital Acquisitions



* Other includes health, social and family services, parking and air transportation.

2013 Sources of Tangible Capital Asset Acquisition Financing



* Other includes contributions from reserves and reserve funds, cash donations, recreational land, other deferred revenues.
** Assets have been contributed to municipalities from developers and private citizens.

OTHER TOOLS

Municipal Services Corporations

Municipalities can create corporations for most services that they provide. Corporations may have advantages and challenges compared to other service delivery mechanisms. Advantages may include their ability to increase capital, pool expenses, expertise and staff resources, and provide better economies of scale. Challenges may include balancing independent operation with accountability to the public. Municipal services corporations also allow municipalities to potentially partner with the private and not-for-profit sectors, educational institutions and Aboriginal communities.

Capital Facilities Agreements

Outside parties (potentially private, not-for-profit, educational and Aboriginal partners among others) can provide facilities related to a number of municipal services on behalf of municipalities through a formal agreement. Some of these are referred to as municipal capital facilities agreements. Under these agreements the municipality can provide financial incentives (property tax exemptions, waivers from fees and charges or the use of municipal

▶ **CHAPTER 4: MUNICIPAL FINANCIAL SUSTAINABILITY**

employees) relating to the delivery of those facilities. For example, many municipalities can provide incentives through capital facilities agreements with housing providers for affordable housing in the municipality. That outside service provider may therefore receive similar financial treatment as a municipality would if it provided the facility itself.

Business Incubators

With the approval of the Minister of Municipal Affairs and Housing, municipalities can provide financial incentives to facilitate the development of small business programs (commonly referred to as business incubators) in their communities.

Business incubators provide a means for small businesses to grow their client base, take advantage of shared resources and learn from each other. Incubators often bring together small businesses that reflect local industry in the municipality.

MUNICIPAL ASSET MANAGEMENT PLANNING

Asset management planning can help municipalities make the best possible decisions regarding the building, operating, maintaining, renewing, replacing and disposing of infrastructure assets. It is an integrated, long-term or lifecycle approach to planning, intended to maximize benefits, manage risk and provide satisfactory levels of service to the public in a financially sustainable and environmentally responsible manner.

Municipal asset management plans describe the following:

- the characteristics and condition of infrastructure assets;
- the expected levels of service of the assets;
- the planned actions to ensure the expected level of service; and
- the financing strategies to implement the planned actions.

Ontario municipalities must develop detailed asset management plans to accompany any request for provincial infrastructure funding. It is a best practice for municipalities to do ongoing asset management planning and to integrate it into long-term financial planning.

DISCUSSION

- Do you feel your municipality is able to effectively plan for and prioritize its investments in infrastructure (e.g. roads, bridges, water systems, public transit) and its spending on services (e.g. fire, police, water, garbage, public health, recreation programs)?
- Municipalities have a number of options when deciding how to pay for services and projects (e.g. property tax, user fees). Do you feel your municipality is using the right mix of revenue sources to pay for local services and invest in infrastructure?
- Are there changes to current tools that could contribute to municipal financial sustainability (i.e. ability to meet current and future financial needs)?
- Do regional variations (e.g. economy, geography, demographics) present barriers to municipalities achieving long-term financial sustainability? If so, how can these challenges be addressed in the Municipal Act?

[Share your feedback online](#)

CHAPTER 5: RESPONSIVE AND FLEXIBLE MUNICIPAL GOVERNMENT

INTRODUCTION

The province views municipalities as responsible and accountable governments. As such, the province wants to make sure that municipalities have the powers and the flexibility they need to govern and be creative and responsive in providing services to their communities. In this review, we will consider topics such as:

- Whether municipalities are able to be innovative in how they are providing services to the community;
- How improvements to the Municipal Act and City of Toronto Act can help ensure that municipalities can make the best use of their authority and available tools to respond to climate change and other municipal and provincial priority areas; and
- Whether the Municipal Act and City of Toronto Act have the necessary processes in place to address local representation needs.

DIVISION AND TRANSFER OF POWERS BETWEEN UPPER- AND LOWER-TIER MUNICIPALITIES

In Ontario, there are three types of municipalities: upper- and lower-tier municipalities in a two-tier municipal structure, and single-tier municipalities that are not part of a two-tier system. Upper-tier municipalities are commonly referred to as counties, historically one of the oldest forms of municipal government in Ontario and largely rural; or as regions, which were created in the 1970s by special legislation to cope with the emerging demands of rapidly growing urban centres.

For lower-tier and single-tier municipalities, the term “local municipality” is often used. They may also be known as cities, towns, villages, or townships.

Division of Powers

As discussed in chapter 2, all municipalities have a range of powers, to make decisions that serve the needs of their community. In two-tier municipal structures, the Municipal Act provides specific rules for the division (or sharing) of powers between upper- and lower-tier municipalities (ontario.ca/cagm).

In practice, this means that if your municipality operates in a two-tier structure, the upper-tier municipality delivers certain services within the upper-tier boundaries. For example, upper-tier services provided by regional municipalities often include arterial roads, transit, sewer and water systems and waste disposal. Upper-tier services provided by counties often include only arterial roads. Lower-tier municipalities are usually responsible for local roads, garbage collection and animal control.

Transfer of Powers (Service Migration)

While the Municipal Act divides certain powers between upper- and lower-tier municipalities, it allows for the transfer of powers between lower- and upper-tier municipalities as long as certain requirements are met (ontario.ca/cagn).

An upper-tier municipality may make a bylaw to transfer all or part of certain lower-tier powers (from one or more lower-tiers) to the upper-tier. This is referred to as upper-tier service migration, and the bylaw does not come into force unless a “triple majority” vote supports the bylaw, meaning:

- the upper-tier council passes the bylaw by majority vote of all votes on the council;
- the councils of a majority of all the lower-tier municipalities forming the upper-tier municipality pass resolutions supporting the bylaw; and
- the total number of electors in the lower-tier municipalities supporting the bylaw form a majority of all the electors in the upper-tier municipality.

A lower-tier municipality may make a bylaw to transfer all or part of certain upper-tier powers to one or more lower-tiers. The lower-tier service migration bylaw does not come into force unless a “triple majority” vote supports the bylaw, meaning:

- at least half of all the other lower-tier municipalities forming the upper-tier municipality pass resolutions supporting the bylaw;
- the total number of electors in the lower-tier municipalities supporting the bylaw (including the lower tier that made the bylaw) form a majority of all the electors in the upper-tier municipality; and
- the upper-tier council passes a resolution supporting the transfer of power by majority vote of all the votes on council.

Some services that have been transferred from one tier to another tier may be transferred back. For example, public transportation systems, other than highways can be migrated between lower-and upper-tier municipalities. Waste collection can also be migrated between lower-tier and upper-tier municipalities.

Under the current rules, some powers may not be transferred back once they have been migrated. For example, the production, distribution and supply of water can only be migrated from the lower-tier to the upper-tier. It cannot be migrated from the upper-tier municipality to the lower-tier.

▶ **CHAPTER 5: RESPONSIVE AND FLEXIBLE MUNICIPAL GOVERNMENT**

DISCUSSION

We want to hear if powers are working well in your communities, including the division and transfer of powers.

- What steps is your council taking to improve the quality of municipal services or to save money in the way municipal services are provided to the community?
- Are you aware of any challenges and/or barriers that may prevent your council from providing municipal services, such as economic development, roads or parks, in a more effective and/or innovative manner?

[Share your feedback online](#)

CLIMATE CHANGE

Climate change is one of the most significant challenges of our time. Ontario released its Climate Change Action Plan in 2007, which includes greenhouse gas emissions reduction targets of 80 per cent below 1990 levels by 2050 to help reduce the future impacts of climate change and support the development of a strong, low carbon economy. Many municipalities have been leaders in taking action on climate change and in involving their communities in developing mitigation and adaptation strategies.

Climate Change Mitigation

The Ministry of Municipal Affairs and Housing provides some direction and guidance to municipalities on climate change mitigation. For example, ministry policies encourage compact development and complete communities, which may help to reduce greenhouse gas emissions through improved energy efficiency and a reduced need to drive. The ministry also administers a Building Code that specifies energy and water efficiency requirements for new construction.

Under the City of Toronto Act, the City of Toronto has the authority to require and govern the construction of green roofs or alternative roof surfaces in certain circumstances. The Municipal Act currently does not include similar green roof provisions.

Climate Change Adaptation

Municipalities are already feeling the impacts of a changing climate as they deal with the aftermaths of an increased number of extreme weather events like greater flooding, tornados, more frequent heat waves and more severe episodes of freezing rain. These events can pose serious and costly threats to public safety and infrastructure. In addition, climate change impacts, like an increased number of extreme heat waves, may have significant effects on

public health. Municipalities have a role to play in fostering resilient communities that are prepared to anticipate and address these impacts.

DISCUSSION

We want to ensure the long-term prosperity and livability of our communities. The Ministry of the Environment and Climate Change (MOECC) is leading Ontario's efforts to fight climate change. MOECC is currently developing a climate change strategy and action plan to be announced later this year. We are interested in hearing how we can strengthen the Municipal Act and the City of Toronto Act to help municipalities address climate change across all municipal departments.

- Has your local council integrated climate change considerations in its policies, programs and decision making processes?
- What tools do municipalities need to address climate change mitigation and adaptation?
- Are you aware of any challenges and/or barriers that your council is facing in implementing initiatives related to climate change?

[Share your feedback online](#)

LOCAL REPRESENTATION

The Municipal Act sets out rules that municipalities must follow if they wish to change their council composition. For regional municipalities, some of the changes they may make include:

- changing the size of council;
- changing the way in which members of the upper-tier council are selected (for example, directly elected to the upper-tier); and,
- changing the method for how the head of council (e.g. regional chair) is selected.

If a regional municipality wishes to change its composition, it must first ask the Minister of Municipal Affairs and Housing to pass a regulation allowing it to do so. If and when a regulation is passed, the regional municipality must then follow the rules set out in the Act to change its composition. These rules include passing a bylaw, holding at least one public meeting to discuss the proposed change and receiving the required level of support from the lower-tier municipalities for the change.

Municipalities may also create local bodies, such as advisory committees or community councils, to help municipalities take into account community views in local decision-making. It is up to the municipality to decide the purpose of the local body, its composition, and its powers.

▶ **CHAPTER 5: RESPONSIVE AND FLEXIBLE MUNICIPAL GOVERNMENT**

DISCUSSION

- Does the Municipal Act process for changing regional municipal council representation allow regions to respond to changing demographics and/or rapid population growth? If not, do you have suggestions for how these issues can be addressed?
- How can local bodies, such as community councils, best be used to increase community input in municipalities?

[Share your feedback online](#)

CHAPTER 6: WHAT'S NEXT

NEXT STEPS – WHAT WE HEARD

The main engagement period for the review will run from June to October 2015. Over the summer, the Ministry of Municipal Affairs and Housing will begin analysis on what we heard from Ontarians and our municipal sector partners.

Later this year, the government will post a “What We Heard” document on the Municipal Affairs and Housing website (ontario.ca/dl82) to capture and organize the input received from the public, municipalities and organizations.

OTHER WAYS TO GET INVOLVED

In addition to providing feedback through this discussion guide, you are welcome to send any further questions or suggestions you may have to:

Municipal Legislation Review
Ministry of Municipal Affairs and Housing
Local Government Policy Branch
777 Bay Street, 13th Floor, Toronto, ON M5G 2E5

Email: municipalreview@ontario.ca

FURTHER READING

We understand that you may have additional questions regarding the current municipal legislation framework. For more information, please see the resources below:

- **Municipal Councillor’s Guide** (ontario.ca/cagp)
- **Municipal Act on e-laws** (ontario.ca/cagq)
- **City of Toronto Act on e-laws** (ontario.ca/cagb)
- **Municipal Conflict of Interest Act on e-laws** (ontario.ca/cagr)
- **MMAH website** (ontario.ca/mah)
- **Ontario Ombudsman website** (ombudsman.on.ca)

Ministry of Municipal Affairs and Housing

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Attachment #2



Legal & Legislative Services
Warren Mar
905-726-4758
wmar@aurora.ca

Town of Aurora
100 John West Way, Box 1000
Aurora, ON L4G 6J1

October 13, 2015

DELIVERED BY REGULAR MAIL & EMAIL TO:

minister.mah@ontario.ca
municipalreview@ontario.ca

The Honourable Ted McMeekin, Minister of Municipal Affairs and Housing
Ministry of Municipal Affairs and Housing
Office of the Minister
777 Bay Street, 17th Floor
Toronto, Ontario M5G 2E5

- and -

Municipal Legislation Review
Ministry of Municipal Affairs and Housing
Local Government Policy Branch
777 Bay Street, 13th Floor
Toronto, Ontario M5G 2E5

Dear Minister McMeekin:

Re: Municipal Legislation Review – Submission by the Town of Aurora regarding the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act*

On behalf of Mayor Geoffrey Dawe and the Council of The Corporation of the Town of Aurora (the “**Town**”), thank you for your letter received on June 5, 2015 inviting the Town to make a submission and provide comments regarding the municipal legislation review being undertaken by the Ministry of Municipal Affairs and Housing (the “**Ministry**”).

What follows in this letter is the Town’s official submission to the Ministry regarding the legislative review of the *Municipal Act, 2001* (the “**MA**”) and the *Municipal Conflict of Interest Act* (the “**MCIA**”). This submission is endorsed by Town Council, and a copy of the relevant Council resolution is attached for your information.

We trust that these comments will be of assistance in your review of these key pieces of municipal legislation. We also request that the Town continue to be sent all future

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notices and communications from the Ministry arising out of the municipal legislation review. Should there be an opportunity to make a formal presentation or submission to a Standing Committee or Select Committee of the Ontario Legislative Assembly regarding this matter, the Town also requests to be notified of such opportunity so that it may participate if it so wishes.

COMMENTS ON THE MUNICIPAL ACT, 2001

Introduction

With 86% of Ontarians living in urban areas, according to the most recent figures from Statistics Canada in 2011, municipal government plays an important role in the daily lives of those who reside in Ontario's 444 municipalities. Arguably more than any other level of government, municipalities have a direct and regular impact on the services that Ontarians receive, including community housing, waste collection, public transit, clean water, police, fire, ambulance, parks, and snow clearing – just to name a few. In addition to these services, infrastructure inspection and maintenance are significant capital expenditures that municipalities – both growing and established – must invest in despite the constraints on the financial tools that municipalities may utilize.

Municipalities in Ontario are also the most accountable and transparent level of government in Canada, subject to specific laws regarding conflict of interest, closed session meetings, and financial reporting. No other level of government in Canada allows citizens to so directly influence and witness the creation of yearly budgets. There are no budget lock-ups or closed cabinet meetings to advance policies as in federal and provincial governments – nearly every action a municipal council undertakes occurs in the full light of public scrutiny.

Overall, the MA is an improvement over previous versions of legislation governing municipalities in Ontario. No longer treated as a subjugated arm of a provincial ministry with an enumerated and highly technical list of rules and constraints under which it may operate, under the MA municipalities in Ontario have been allowed to find new and innovative ways to efficiently and effectively provide services and govern their citizens within their spheres of jurisdiction.

The Town submits that further revisions to the MA should increase the authority that municipalities have and recognize that municipalities in Ontario are mature, accountable and democratic institutions that require increased flexibility and options for meeting ongoing fiscal and service delivery challenges.

The Town is concerned that recent developments, such as Bill 8, are an attempt to roll back the authority and autonomy that municipalities have successfully enjoyed under the MA and other municipal legislation. It is the Town's position that increased provincial oversight, whether by the Ontario Ombudsman or by another provincial agency, is unnecessary. While creatures of the province, municipalities are responsive democratic institutions by which their citizenry are able to hold their governing councils

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and staff accountable. Municipalities should not be treated as simple provincial service-delivery agencies, with complaints about policy formulation and service implementation sent to an oversight provincial caretaker. In fact, even where the Supreme Court of Canada has reaffirmed “that municipal governments are creatures of [provincial] legislation,”¹ it has also recognized that municipalities are special entities, and are “democratic institutions through which the people of a community embark upon and structure life together.”² Municipalities are capable of being held accountable by their electorate and are entitled to take into consideration “broader social, economic and political issues”³ when passing by-laws and, consequently, serving its residents. Once the rules, responsibilities, and authority are passed to municipalities, it is the Town’s position that municipalities should be trusted, as democratic institutions, to best govern themselves within their broad scope of granted powers.

What follows in the Town’s submission about the MA and MCIA are comments and suggested amendments that address the three main themes described in the Ministry’s “Municipal Legislation Review – Public Consultation Discussion Guide”:

1. Accountability and Transparency (“**A&T**”);
2. Municipal Financial Sustainability (“**MFS**”); and
3. Responsive and Flexible Municipal Government (“**R&FMG**”).

Each comment and suggested amendment by the Town will identify which of the three main themes are being addressed by noting the abbreviation after the suggestion.

Part I of the MA – General

1. **The definition of “highway” in s. 1 should be amended to include the boulevard, sidewalk, and entire right of way.** (Technical Amendment)

Amending the definition of highway in this manner clarifies the jurisdiction that a municipality has over the entire road allowance. This amendment would also be consistent with s. 26, which refers to highways being, among other things, “road allowances, highways, streets and lanes shown on a registered plan of subdivision.”

2. **The requirement in s. 5(3) that a municipal power must be exercised by by-law should be amended to allow a municipal power to be exercised by resolution unless a by-law is specifically required by the MA or another statute.** (R&FMG)

Municipalities conduct most of their business by voting on resolutions, which have similar requirements as by-laws. The distinction between the two methods of exercising municipal power is minimal, especially with the municipal practice of

¹ *Pacific National Investments Ltd. v. Victoria (City)*, [2000] 2 S.C.R. 919, at para. 33.

² *Ibid.*

³ *Catalyst Paper Corp. v. North Cowichan (District)*, [2012] 1 S.C.R. 5, at para. 32.

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passing confirmatory by-laws at the end of every council meeting to formalize the adopted resolutions and meet the requirements of s. 5(3). This extra layer of procedure is unnecessary and practice has evolved to make the distinction somewhat irrelevant.

Part II of the MA – General Municipal Powers

- 3. The spheres of jurisdiction between upper-tier and lower-tier municipalities should be amended to state that emergency services (police, fire, and ambulance) are exclusively wholly assigned to all upper-tier municipalities in the Greater Toronto Area. (MFS and R&FMG)**

Within the Region of York, police and ambulance services are regional services, while fire service is a local service. This split of emergency services, even though all are served by 911, should be changed. The existence of local fire services within a regional municipality usually requires coordination agreements or understandings to be put in place – for logistical, responsibility, and financial compensation reasons – to ensure joint fire response in the event of a large fire or where lower-tier municipal border fire coverage is an issue. Coordination at the regional level would be more sensible for a large region serving over a million people as in the Region of York. It would also end service gaps where volunteer firefighters are called upon to serve lower-tier municipalities (such as King Township), and instead ensure that dedicated fire fighters are always available with a consistent level of service across the Region of York.

In addition, the cost of providing effective fire service is rapidly becoming a large tax burden for lower-tier municipalities, taking up a greater proportion of the annual operating budget. Even with innovative solutions, such as Aurora and Newmarket partnering to create a joint fire service known as Central York Fire Services, the cost of building new fire stations, employing additional fire crews, and maintaining existing infrastructure leaves little funds remaining for other core municipal services without resorting to large property tax increases. With continued growth and intensification mandated by the province, the costs of providing this life saving and emergency service should be borne at the regional level – not the lower-tier level – in order to ensure long-term sustainability of this service.

The Town recognizes that nothing in the MA currently prohibits all lower-tier municipalities from agreeing to transfer fire service responsibility to the respective upper-tier municipality. Unfortunately, jurisdictional, parochial, and employment issues often arise that hamper the ability for lower-tier municipalities of different densities and population sizes to agree on how such a transition should take place. Given the importance of this issue, the Town is recommending that the province regionalize fire services within the Greater Toronto Area. The Town is aware that outside of the GTA, moving fire services to an upper-tier municipality may not be feasible, especially where large rural and

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low density areas have fire services solely provided by volunteer firefighters. As such, the Town is limiting this request to those municipalities within the GTA.

4. **The “conflict of laws” sections regarding the application of lower-tier and upper-tier by-laws, and by-laws and federal/provincial statutes, should be amended to clarify the meaning of “frustrates the purpose”. (R&FMG)**

Municipalities have a broad range of powers within each of their jurisdictions, and have often developed unique or innovative ways to address issues within the municipality. While the exercise of such power and authority may sometimes conflict with another level of government’s by-laws or statutes, the jurisdiction of the municipality to exercise its authority should be clear. The current wording in ss. 13, 13.1, and 14 should be improved, and take into account the way in which case law has evolved in the interpretation of the conflict of laws.

Part III of the MA – Specific Municipal Powers

5. **In order to improve the clarity of s. 29, a definition of “boundary highway” should be added. Additionally, the procedure should be simplified for minor amendments to municipal boundaries when a boundary highway is moved or rebuilt. (R&FMG)**

There is a difference between a boundary line that lies upon a highway, and a highway that actually functions as a municipal boundary. For example, according to the Region of York, Steeles Avenue is the boundary line between the Region of York and the City of Toronto. However, unlike most boundary highways, the municipal boundary line does not lie in the centre of the road allowance – the northern limit of the Steeles Avenue road allowance is the actual legal boundary between the Region of York and the City of Toronto, and therefore Steeles Avenue is entirely within the jurisdiction of Toronto. This reality is confusing with the language of s. 29, and the Town believes that a definition of “boundary highway” would be helpful in clarifying certain legal boundary issues such as the one described.

The Town also would like to see amendments to the MA that would allow municipal boundaries to be easily redrawn for technical reasons, such as when a boundary highway that is under regional jurisdiction is realigned or rebuilt. Currently, in s. 29(3), only when physical difficulties or obstructions occur that prevent a highway from following a municipal boundary is the highway regardless deemed to be the boundary line. However, such as in the case of Bloomington Road between Aurora and Richmond Hill, sometimes boundary highways are realigned in such a way that the presumed boundary highway no longer follows the boundary line. So, between Bayview Avenue and Yonge Street, the actual boundary highway between Aurora and Richmond Hill is the local Old Bloomington Road, and not the newer regional Bloomington Road several metres to the south. This creates a legal oddity that can only be fixed by the province, despite the recognition by the affected municipalities that the legal boundary

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should follow the new reality on the ground. The process for fixing this minor issue should be at the municipal – not provincial – level.

- 6. While highways have minimum maintenance standards that limit municipal liability, municipalities are responsible for other infrastructure that people use everyday, including parks and recreation facilities. However, the current joint and several liability rules often mean that municipalities are left to pay out large claims even if found 1% liable – this should change.**
(MFS)

Joint and several liability reforms are desperately needed for municipalities, who face rising legal and insurance costs. To this end, the Town agrees with the position of the Association of Municipalities of Ontario in its advocacy on this matter:

“Under the current joint and several liability system in Ontario, a defendant whom is found to be only 1% liable for damages caused to the injured party can be burdened with responsibility for paying the entire damage award if the co-defendants lack the ability to pay. This situation has a profound impact on municipalities in particular. As “deep pocket” defendants with seemingly limitless public resources at their disposal through the power of taxation, municipalities have often become the targets of litigation when other defendants do not have the means to pay high damage awards.

According to current legislation; the Negligence Act, joint and several liability dictates that damages may be recovered from any of the defendants regardless of their individual share of the liability. For municipalities, as public organizations with “deep pockets”, this often means even a finding of slight or minimal liability can result in responsibility for millions of dollars in damage awards, especially in cases where other liable parties do not have sufficient assets.

The effects of joint and several liability on municipalities are manifest in several areas including claims related to motor vehicle accidents, road safety, building inspections, and facility and event safety. It is a contributing factor in the slow pace Brownfield site redevelopment. The loss of economic activity this could create, particularly with sites located in prime urban areas that are ripe for new development. It has also resulted in increased insurance premiums and in many communities, has caused municipal governments to scale back the scope of the services provided to citizens in an effort to limit liability exposure and the duty of care.”⁴

⁴ “The Case for Joint and Several Liability Reform in Ontario”, AMO, April 1, 2010, page 4.

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7. **The ability to apply administrative penalties should be clarified and expanded beyond failing to comply with parking, standing, or stopping of vehicles by-laws in s. 102.1. (MFS)**

By-law enforcement of all kinds, not just traffic by-laws, incurs administrative expense beyond the imposition and collection of fines permitted under the MA for by-law infractions. The application of additional administrative penalties helps to recognize that municipalities often require internal staff beyond by-law enforcement officers to assist with the prosecution of by-law infractions (e.g., illegal tree cutting may require parks staff to assist, or zoning by-law infractions may require planning or building staff assistance). Greater flexibility in applying administrative penalties will help municipalities to cover these internal costs and use of staff resources.

8. **Anti-bonusing provisions should be revised to give greater flexibility to municipalities in assisting certain industrial or commercial enterprises that are key economic components within a municipality. (A&T, MFS, and R&FMG)**

The current anti-bonusing provisions are too restrictive, and limit a municipality's ability to respond to changing economic conditions to ensure that key local employers remain within a municipality or are attracted to a municipality that is seeking to expand its employment base. This limits the financial sustainability of municipalities. It also promotes "hidden assistance" by municipalities who attempt to attract industrial or commercial enterprises, which undermines accountability and transparency in a municipality's business affairs with third parties.

Part V of the MA – Municipal Reorganization

9. **Where there is a transfer of powers between tiers, ss. 190 and 192 should be amended to provide that when a transfer of powers by-law comes into force, the transferee municipality is assigned and assumes all liabilities and obligations of the transferor municipality under any agreement for which the transferred power is exercised. (R&FMG)**

This change in the legislation will close a gap in the transfer of powers between tiers of municipal government, and will reflect a similar provision in s. 53(a) where municipal jurisdiction over a roadway is transferred. This would avoid having to renegotiate and execute agreements with third parties who may be providing the transferred service on behalf of the transferor municipality.

10. **The power to establish municipal corporations in s. 203 should be broadened to allow municipalities a wider variety of areas in which a municipal corporation could be established to operate on behalf of a municipality. (R&FMG)**

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The current regulation (O. Reg. 599/06, as amended) places restrictions on how municipal corporations operate, the manner in which they are formed, and what areas of authority they may provide a service. The Town would like to see the procedure for establishing a municipal corporation made simpler. The areas in which the municipal corporation may operate should also be broader to allow municipalities greater service model options to deliver services in areas such as fire prevention and long term care homes. The Town understands the rationale in keeping municipal service corporations wholly publicly-owned; however, a great tool in providing responsive and flexible service delivery is currently hampered with rules and restrictions that take away from the creation and operation of such corporations. Clarification regarding operating and closed session meeting rules would also assist in the use of municipal service corporations.

Part V.1 of the MA – Accountability and Transparency

- 11. The code of conduct and integrity commissioner powers should be clarified and updated to be more effective. (A&T)**

The integrity commissioner powers should be clarified to allow a commissioner to provide advance rulings where a member of council is unsure if certain actions may fall afoul of a code of conduct. This would protect the actions of members of council and avoid complaints from being filed or investigated after the fact, wasting valuable time and resources. If the goal of an integrity commissioner is to ensure compliance with the code of conduct and promote accountability and transparency, then advance rulings should be encouraged.

Part VI of the MA – Practices and Procedures

- 12. The chief administrative officer should be a mandatory statutory position to reflect the need for day-to-day administration and leadership of municipalities, and to ensure efficient and effective operations. (A&T and R&FMG)**

A municipality requires a clerk and a treasurer under the MA, but the same statutory status is not given to the chief administrative officer under s. 229. Given the importance and need for centralized leadership and accountability for staff, as well as ensuring that the daily operations of the municipality are smoothly undertaken, s. 229 should be amended to make the chief administrative officer position mandatory – as opposed to permissive – for municipalities.

- 13. Electronic participation for accessibility advisory committee meetings should be permitted. (R&FMG)**

The MA does not address the issue of attendance at meetings from a remote location through electronic means. Currently, s. 189(4) of the *City of Toronto Act, 2006* permits a member of Council to attend a council meeting electronically, but

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not count towards quorum. Also, the *Northern Services Boards Act* provides that meetings can be held through teleconference, video-conference or other means of distance communication (a possible necessity given the large distances between communities in northern Ontario). No such provisions exist in the MA.

Initially, a provision allowing for attendance and voting from remote locations was meant to be inserted into the MA. However, when the amendments to the MA were brought to the legislature for review, the matter of electronic voting and participation came under scrutiny. Generally, there appeared to be a sentiment among some Members of Provincial Parliament that it would not be appropriate to allow councils to have the option of voting on a manner without physically being present at the meeting at which the matter is being considered. Eventually, the provision was deleted entirely.⁵

While the Town understands the accountability concerns of the province, municipalities that are required to have accessibility advisory committees (those municipalities with populations greater than 10,000 people) should also be permitted the flexibility to support and accommodate the attendance of committee members at meetings. This is especially the case given that a majority of committee members must be persons with disabilities. With the ubiquity and effectiveness of electronic communication for political engagement, and the maturity of audio/video conferencing technology, the MA should not be a barrier to meeting the needs of persons with disabilities when the technology and desire to accommodate clearly exists.

- 14. The closed session meeting provision for considering matters involving “the security of the property of the municipality or local board” should be clarified, as the scope of this provision has been narrowed in decisions of the Information and Privacy Commission which restrictively interpret the wording to mean the actual security of physical assets and public safety. (A&T and R&FMG)**

The “security of the property” exception to open meetings requires clarification to ensure that municipalities who utilize this exception do not fall afoul of the MA. What is meant by “security” and “property” is unclear, especially as the IPC has taken various restrictive approaches to this subsection when determining whether a record can be exempted from disclosure if it reveals the substance of a closed meeting of council (e.g., IPC Orders MO-2468-F and MO-2683-I involving the City of Toronto).

⁵ Ontario, Legislative Assembly, *Official Report of Debates (Hansard)*, No. L097 (26 September 2006) (Michael Prue); Ontario, Legislative Assembly, *Official Report of Debates (Hansard)*, No. L106 (12 October 2006) (Andrea Horwath, Peter Kormos); Ontario, Standing Committee on General Government, *Official Report of Debates (Hansard)*, No. G043 (11 December 2016) (Michael Prue, Ernie Hardeman); Ontario, Legislative Assembly, *Official Report of Debates (Hansard)*, No. L138B (18 December 2006) (Michael Prue).

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- 15. If audio or video recording of closed session meetings is to be permitted or required in order to assist closed session meeting investigations, then specific restrictions should be placed on the use and disclosure of such recordings in order to protect municipalities. (A&T)**

Should the MA include provisions to permit or require audio or video recording of closed session meetings for the purposes of ensuring compliance with the MA, then protections for disclosure of such a record should also be included. These protections should be similar to the *Open Meetings Act* provisions from the State of Illinois, where in s. 2.06(e) it states: "the verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative or judicial proceeding other than one brought to enforce this Act".

- 16. The requirement for a municipal auditor to approve municipal record retention periods should be removed. Municipalities should not require the rubber-stamping and cost of a municipal auditor to approve a records retention by-law. (R&FMG)**

Retention periods established by by-law under ss. 254 and 255 which apply to municipal records are now common across municipalities, and have well established rules, timeframes, and statutory requirements. The need for a municipal auditor to review such retention periods under s. 255(3) is unnecessary and does not serve any constructive purpose in ensuring that the retention periods are properly followed.

- 17. Vacancies on municipal councils should not be required to be filled within at least 6 months before voting day of a regular municipal election, instead of the current 90 days in s. 263(5) para. 3. (R&FMG and MFS)**

A vacancy in the office of a member of council occurring in a regular election year can be a cumbersome and costly process to fill, especially if a by-election is called for by council. Even in a situation where there is an appointee to fill the vacancy, there is usually little time for a new council member to become engaged in the affairs of the municipality, especially when most councils do not meet as often in the months prior to a regular election. The current 90 day window prior to voting day where a vacancy does not have to be filled should be expanded to at least 6 months, to avoid the logistical issues and increased costs in an already busy and costly election year. This would be consistent with the current provision in s. 27(1) of the *Legislative Assembly Act*, which requires a writ to be issued within 6 months after a warrant is filed to fill a vacancy in the Ontario Legislative Assembly (although it is noted that s. 27(2) of the same Act states that there is no time period to fill a vacancy if the vacancy occurs in the last year of the legal life of the Assembly).

While a vacancy on council for 6 months in an election year should not negatively impact municipal business or governance, the Town understands if the province

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wishes to restrict such changes to a single vacancy situation, to avoid the occurrence of multiple vacancies at one time.

- 18. Where only the head of a lower-tier council serves as the municipality's representative on the upper-tier council, s. 226 should be amended and s. 267 should be clarified so that the lower-tier council may appoint an alternate council member to attend meetings of the upper-tier council where the head of council is unavailable. (R&FMG)**

In Aurora, the Mayor is the only local representative on regional council. In situations where the Mayor is unavailable to attend meetings on regional council or its committees, the MA should clarify that a local municipality is permitted to appoint an alternate representative other than the head of council to attend such regional council meetings to ensure that the lower-tier municipality's interests continue to be represented. Currently, ss. 226 and 267 can be interpreted to conflict with one another when dealing with the head of council:

"226. A municipality may, with the consent of the head of council, appoint a member of council to act in the place of the head of council on any body, other than on the council of another municipality, of which the head of council is a member by virtue of being head of council.

...

267. (1) If a person who is a member of the councils of a local municipality and its upper-tier municipality is unable to act as a member of those councils for a period exceeding one month, the local council may appoint one of its members as an alternate member of the upper-tier council to act in place of the member until the member is able to resume acting as a member of those councils.

(2) If the offices of a person who is a member of council of both a local municipality and its upper-tier municipality become vacant and the vacancies will not be filled for a period exceeding one month, the local council may appoint one of its members as an alternate member of the upper-tier council until the vacancies are filled permanently.

(3) This section does not authorize the appointment of an alternate head of council of the upper-tier municipality."

Financial Provisions of the MA

While the Town has no specific comments regarding the individual financial provisions of the MA, the Town recognizes that the MA imposes financial constraints on debt, borrowing, financing, and the raising of revenue – unlike the province and the City of Toronto. It would be preferred if municipalities had similar authority to broaden their

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revenue base beyond what is currently permitted in the MA to move towards better financial sustainability.

If the current fiscal limitations are to be maintained by the province, the Town requests that provincial grants to municipalities be formally prescribed, increased, and maintained to allow municipalities to properly budget and plan on a yearly and long-term basis to improve municipal financial sustainability. Given the broad taxation and borrowing powers that the province enjoys compared to municipalities, it is incumbent on the province to ensure that municipalities are adequately funded to meet their ongoing infrastructure, capital asset, and service requirements.

Part XI of the MA – Sale of Land for Tax Arrears

- 19. The words “and the treasurer shall immediately” in s. 379(2) should be removed as it creates an unnecessary procedural timeline that could invalidate an otherwise properly followed procedure for the sale of land for tax arrears. (MFS and R&FMG)**

Upon the expiry of the one year period following the date of registration of a tax arrears certificate, the treasurer is required to complete a number of items as part of the sale of land for tax arrears, such as making a statutory declaration and advertising the land for sale in the Ontario Gazette. However, the fact that the treasurer must do so “immediately” imposes an uncertain time restriction that could be used to challenge or invalidate an otherwise properly followed tax sale process. It would be clearer if the MA specified a time period in which the statutory requirements outlined in s. 379(2) must be completed.

- 20. The *Municipal Tax Sales Rules* (O. Reg. 181/03, as amended) and s. 380.1 should be amended to allow municipalities greater flexibility to sell properties and recover property taxes after a public sale is conducted and there is no successful purchaser. (MFS and R&FMG)**

Under s. 379(2.1) and the *Municipal Tax Sales Rules*, the minimum tender amount is the minimum amount that a municipality must receive in order to sell a property as part of a tax sale. This minimum tender amount represents all property tax arrears plus reasonable costs owing against the property. Pursuant to s. 380.1, if the first tax sale is unable to find a successful purchaser (i.e., a purchaser who meets all the technical submission requirements and who is willing to pay at least the minimum tender amount), a municipality may conduct a second tax sale for a property within two years after the date of the original public sale. However, a municipality is still required to obtain the minimum tender amount for the sale of the property. As such, it becomes an “all or nothing” situation for a municipality for the recovery of taxes, even if the real estate market or property condition does not make full recovery realistic.

It is preferred that a municipality be given a certain amount of freedom on the second sale attempt to obtain as much value as possible to recover the tax

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arrears. As such, it is suggested that the MA be amended to allow the council of a municipality to accept a value less than the statutory minimum tender amount if: (a) the assessed value of the property is equal to or less than the amount of taxes owing; or (b) the highest bid submitted is within 20% of the minimum tender amount.

Part XIV of the MA – Enforcement

- 21. Municipalities should have greater authority to register notices of violation, notices of enforcement action, and orders under ss. 444 and 445 on title to affected properties without the need to first obtain a court order permitting such notices to be registered. (R&FMG)**

Generally, a municipality has very limited circumstances in which it can register notices on title to a property without an owner's consent. The most obvious circumstance is when a municipality obtains a court order permitting the registration of a notice or order on title. Additionally, s. 15.2(4) of the *Building Code Act, 1992* permits a municipality to register a property standards order on title. Beyond these two circumstances, there is a lack of clear authority for a municipality to register a notice or order on title to property when seeking enforcement of municipal by-laws. The registration of such orders and notices is important as it notifies the owner and potential purchasers of by-law infractions that could affect the use and condition of the property. As the registration also becomes an encumbrance on title, it also aids in the resolution of outstanding notices and orders by an owner who is selling the property.

The failure to have clear authority to register notices is an issue for municipalities due to the existence of the slander of title. The slander of title is an economic tort based on defamation, and has been developed in case law and in the *Libel and Slander Act*. Without the statutory authority and protection from amendments to the MA that would permit such notices to be registered, a municipality that registers such a notice on title without clear authority and without permission from the owner could face a claim by the owner for slander of title if the registration is found to cause pecuniary damage to the owner (e.g., the registered notice causes a potential purchaser to revoke an offer to purchase).

Part XV of the MA – Municipal Liability

- 22. The “performance of duties in good faith” immunity from liability in s. 448 should be clarified and expanded to protect council members and municipal employees for their actions during a declaration of emergency. (MFS and R&FMG)**

This suggested minor change in s. 448 would clarify and recognize that in declarations of emergency, municipalities are often called upon to make quick decisions and take action to prevent the loss of life and limit damage to property. In these situations, where decisions are also made in good faith with the

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information available and in changing conditions, the municipality should be protected from liability. Without this clear protection, a municipality could face large insurance claims afterwards for individual actions done to protect the greater good of the municipality.

Part XVI of the MA – Regulations and Forms

- 23. Regulations and limits on the exercise of municipal powers in the face of a provincial interest pursuant to s. 451.1 should only occur after consultation with the affected municipalities and should only minimally impair the exercise of municipal powers as may be needed to meet the provincial interest. (R&FMG)**

Despite being time limited to 18 months, s. 451.1 provides that the Lieutenant Governor in Council has the ability to make regulations imposing limits and conditions on the broad powers granted to municipalities in ss. 9, 10, and 11 and Part IV of the MA. This power should be used sparingly, and only after consultation with the affected municipalities. The concern of the Town is that the legislature has granted municipalities broad power and authority, and yet left a loophole for the executive branch of government to restrict such power. In this respect, the Town agrees with the court in *Brantford (City) Public Utilities Commission v. Brantford (City)*: “where the Legislative Assembly has expressly granted a power by a statute it should not lightly be assumed that it intended that this power could be suspended by the executive through regulation.”⁶

COMMENTS ON THE MUNICIPAL CONFLICT OF INTEREST ACT

The MCIA is an important piece of provincial legislation governing conflicts of interest for municipal council members. However, as currently constituted and with the evolution of case law in this area, the MCIA is no longer an effective piece of legislation.

The evolution of the case law in the application of the MCIA has generally moved towards a strict and narrow interpretation of its provisions, due to the punitive nature of its penalties. Over the decades, various cases seeking to apply and interpret the MCIA have led to a patchwork of rulings that have sought to fill in the gaps of a troubled piece of legislation, such as the Town’s own application for statutory interpretation in 2013.⁷

Over time, legislation that was presumably meant to ensure that council members were not obtaining pecuniary advantage for their decisions has turned into a political tool to silence or remove council members by taking them to court over alleged conflicts. Often, these conflicts are found to fall into the exceptions contained in s. 4, but by then the damage is done and the council member is forced to remove him or herself from the

⁶ *Brantford (City) Public Utilities Commission v. Brantford (City)* (1998), 36 O.R. (3d) 419 (Ont. C.A.).

⁷ *Aurora (Town) v. Ontario*, 2013 ONSC 6020 (Ont. S.C.J.).

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ongoing debate for fear of further self-incrimination. This type of occurrence undermines the effectiveness of the MCIA.

Part of the problem therein is that the MCIA is reactive in nature, with actions only brought after a contravention of s. 5 is alleged to have occurred. Other than a Rule 14.05(3) application to the Superior Court of Justice under the *Rules of Civil Procedure* for the interpretation of a statute, there is no simple, quick, and cost-effective method to obtain an advance ruling on a possible conflict of interest. As such, in order to enhance compliance with the MCIA, a method or office should be created to provide councillors with an advance ruling to avoid costly and time-consuming court actions after-the-fact under the MCIA.

In addition, the Town believes that the penalties in the MCIA are too severe and absolute regardless of the extent of the contravention (e.g., declaring the seat vacant and possible disqualification for up to seven years from holding office). A range of penalties should be available to a judge where a contravention of the MCIA is found, to allow for lesser penalties, such as a suspension of a member's right to sit on council for a number of meetings or for a period of several months. Currently, s. 10(3) does not permit suspension as a form of punishment. Judges often appear unwilling to penalize municipal council members under the tough penalties in s. 10(1), so the interpretations of exceptions have expanded their scope.

However, there must be a balance to ensure that accountability of municipal decision-makers is maintained. If the range of penalties becomes broader, so too should what is considered a conflict. Non-pecuniary considerations or private interests may also affect a councillor's deliberations and position on a matter, creating a conflict between obtaining a personal advantage and advancing a councillor's perception of the public interest. Accordingly, private personal interests, not just pecuniary interests, should be covered in amendments to the MCIA. Such private interests should be clearly defined and be material to the decision-making process of a councillor, such that it could reasonably impact a councillor's deliberations on a particular matter. In addition, members of committees, agencies, boards, and commissions controlled or established by a municipality, even where such members are not councillors, should be covered by the MCIA.

As will no doubt be familiar at this point, the framework of the above principles and proposed changes are in keeping with Justice Cunningham's recommended amendments to the MCIA in his report on the Mississauga Judicial Inquiry of 2011.⁸ It is the Town's position that Justice Cunningham's recommendations should be considered in any revisions to the MCIA.

⁸ *Report of the Mississauga Judicial Inquiry – Updating the Ethical Infrastructure*, The Honourable J. Douglas Cunningham, p. 166 to 173.

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CONCLUSION

Once again, on behalf of Mayor Geoffrey Dawe and the Council of the Town, thank you for the opportunity to make submissions regarding the review of the MA and the MCIA. We hope that you find the above comments and recommendations helpful in your review, and we look forward to their consideration in amendments to these key pieces of municipal legislation. As best as possible, the Town has addressed the discussion points raised in the Guide. The Town reiterates that, should there be an opportunity to make a formal presentation or submission to a Standing Committee or Select Committee of the Ontario Legislative Assembly regarding this matter, the Town requests to be notified of such opportunity so that it may make a submission.

It is the Town's belief that any changes to the MA and MCIA should strengthen the authority and responsibility that municipalities have, thereby improving accountability to municipal residents, addressing municipal financial needs, and allowing municipalities to be effectively responsive to resident concerns.

Yours sincerely,

Warren Mar
Director of Legal & Legislative Services/Town Solicitor

Att.



**TOWN OF AURORA
GENERAL COMMITTEE REPORT No. PR15-027**

SUBJECT: *Aurora Tigers Jr. A Hockey Club Rink Board Agreement*
FROM: *Allan D. Downey, Director of Parks and Recreation Services*
DATE: *September 8, 2015*

RECOMMENDATIONS

THAT Report No. PR15-027 be received; and

THAT the execution of an amended agreement for the Aurora Tigers Junior "A" Hockey Club Incorporated (Tigers) rights to sell advertising space on the rink boards at the Aurora Community Centre Arena #1 be approved; and

THAT the Mayor and Town Clerk be authorized to execute the attached Agreement, including any and all documents and ancillary agreements required to give effect to same.

PURPOSE OF THE REPORT

To continue to provide the Tigers with approval for the advertising rights at the Aurora Community Centre (ACC) Arena #1, without imposing undue administrative challenges for the Tigers, while also maximizing use of the available space for the Town's Facility Advertising Program.

BACKGROUND

At its March 27, 2012 meeting, Council approved proceeding with a new Rink Board advertising agreement with the Tigers, whereby both the Tigers and the Parks and Recreation Services Department (PRS) would have joint access to sell rink board advertising at ACC#1.

Prior to this agreement, the Tigers had sole access to rink board sales, and the Town was unable to generate any revenue from rink board sales in this arena. Since this new agreement was enacted both organizations have successfully worked together to share rink board sales, with the Town generating an annual revenue of more than \$10,000.00 (Based on the existing number of rink board ads in place at ACC#1.), while the Tigers have also been able to implement a sponsorship program that includes rink board ads

September 8, 2015

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Report No. PR15-027

as part of their sponsor recognition.

COMMENTS

In accordance with the existing agreement, the Tigers are required to pay to the Town an annual amount equivalent to 20% of their rink board advertising revenue; however, this has proven to be difficult for the Tigers to determine, as they do not actually sell the rink board advertising as a stand-alone item. Rather, the rink board is part of an overall sponsorship recognition package. Additionally, as most or all of the Tigers' sponsors provide gift-in-kind support (services or products) rather than financial contributions, the Tigers' are not generating actual revenue in which to base the 20%.

Given the success of the existing partnership with the Tigers and the successful revenue generation the Town is realizing from rink board sales at this location, in addition to the inability to attribute direct revenue to the Tigers' rink board sales, staff recommends that the agreement be amended to remove the requirement of the Tigers to pay the 20% fee.

LINK TO STRATEGIC PLAN

Entering an amended Agreement with the Aurora Tigers Junior "A" Hockey Club supports the Strategic Plan goal of Supporting an Exceptional Quality of Life for All through its accomplishment in satisfying requirements in the following key objectives within this goal statement:

Encouraging an active and healthy lifestyle by developing a long-term needs assessment for recreation programs, services and operations to march the evolving needs of the growing and changing population.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. That Council not proceed with the recommended agreement and direct staff to proceed with renewal of the existing agreement in its current form.
2. That Council not proceed with the recommended agreement, and does not authorize execution of the previous agreement.
3. Further options as required.

FINANCIAL IMPLICATIONS

None.

September 8, 2015

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Report No. PR15-027

The Tigers are currently unable to attribute any revenue generation to this program and are therefore unable to provide any payment to the Town.

The Town shall continue to generate revenue from the Facility Advertising Program from Rink Board sales at this arena.

CONCLUSIONS

In an effort to continue supporting the Aurora Tigers Junior "A" Hockey Club, in this the Year of Sport, and in future years, while also maintaining revenue generation for the Town, staff recommends proceeding with the execution of the new agreement as described in this report.

PREVIOUS REPORTS

None.

ATTACHMENTS

None.

PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting, July 30, 2015.

Prepared by: John Firman, Manager of Business Support - Ext. 4328



Allan D. Downey
Director of Parks and Recreation



Patrick Moyle
Interim Chief Administrative Officer



**TOWN OF AURORA
GENERAL COMMITTEE REPORT No. PR15-028**

SUBJECT: *Facility Sponsorship Program – McAlpine Ford*

FROM: *Allan D. Downey, Director of Parks and Recreation Services*

DATE: *September 8, 2015*

RECOMMENDATIONS

THAT Report No. PR15-028 be received for information.

PURPOSE OF THE REPORT

To inform Council of the Facility Sponsorship commitment from McAlpine Ford, to rename the Aurora Community Centre arenas.

BACKGROUND

Council, at its meeting of June 11, 2013 adopted the Sponsorship Signage program for facility sponsorships. In 2014 staff started the process of soliciting potential recreation facility sponsors and has now received a commitment from McAlpine Ford.

COMMENTS

McAlpine Ford has agreed to a five year commitment at \$20,000.00/year for the naming rights of the McAlpine Ford Arena and the McAlpine Lincoln Arena. The Aurora Community Centre (ACC) arena #1 (ACC1) and arena #2 (ACC2) be renamed to the McAlpine Ford Arena and the McAlpine Lincoln Arena respectively, and McAlpine Ford shall pay to the Town a sponsorship fee of \$20,000.00/year for five years.

In accordance with Report CFS15-006 these funds, less sponsorship program expenses (ie: signage) shall be placed in the Recreation Sponsorships Reserve account to be drawn upon for Youth Programming.

This sponsorship is to come into effect as of September 1, 2015 with a formal launch to be scheduled at a later date.

September 8, 2015

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Report No. PR15-028

LINK TO STRATEGIC PLAN

Facility sponsorship supports the Strategic Plan goal of Enabling a diverse, creative and resilient economy through its accomplishment in satisfying requirements in the following key objectives within this goal statement:

Leverage partnerships with local boards, chambers and business organizations to promote Aurora as a preferred location for business.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

N/A

FINANCIAL IMPLICATIONS

The Town shall receive additional revenue of \$100,000.00 paid at \$20,000.00 per year from 2015 through 2019, less program expenses.

CONCLUSIONS

That Council receive this report for information.

PREVIOUS REPORTS

PR15-013-Facility Sponsorship Program – Pfaff Motors Inc. May 19, 2015

ATTACHMENTS

None.

PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting, July 30, 2015.

Prepared by: John Firman, Manager of Business Support - Ext. 4328



Allan D. Downey
Director of Parks and Recreation



Patrick Moyle
Interim Chief Administrative Officer



**Town of Aurora
Office of the Mayor**

MEMORANDUM

DATE: September 8, 2015
TO: Members of Council
FROM: Mayor Geoffrey Dawe
RE: **Lake Simcoe Region Conservation Authority
Highlights – July 24, 2015 – Meeting of the Board**

RECOMMENDATION

THAT Council:

- Receive the correspondence for information
- Endorse the recommendations
- Provide direction



Board Meeting Highlights

July 24, 2015

Presentations:

Mabel Davis Conservation Area – Trail Extension and Partial Wall Removal

General Manager, Conservation Lands, Brian Kemp, provided the Board of Directors with an update on matters related to the Mabel Davis Conservation Area associated with the widening of Davis Drive and improvements to the Tom Taylor Trail. As part of the widening of Davis Drive for the VIVANext Bus Rapid Transit Way, some utility services will be relocated (Rogers and York Telecom fibre optic lines) within LSRCA's property. Following completion of the road widening, the Town plans an extension to the Tom Taylor Trail north of Davis Drive under the Keith Street Bridge which requires the removal of portions of the canal wall and construction of a paved trail within the conservation area. All costs associated with the removal of a portion of the canal wall and the trail improvements will be borne by the Town of Newmarket, and all costs associated with the utility services will be borne by the respective utility companies. Board of Directors' approval is required in order for LSRCA to enter into a Use of Property Hold Harmless Agreement with the Town for the trail project. Board of Directors' approval is also required to effect utility corridor easements with Rogers Cable and York Telecom.

Staff Reports:

Mabel Davis Conservation Area – Trail Extension and Partial Wall Removal

The Board approved Staff Report No. 37-15-BOD, prepared by Kevin Kennedy, Land Securement Officer, regarding the proposed work at the Mabel Davis Conservation Area, which sought approval to work with the Town of Newmarket, Rogers Cable and York Telecom on partial removal of a portion of the canal wall and Tom Taylor Trail improvements.

Cancellation of Permission (Permit No. IP.2015.041) Pursuant to Ontario Regulation 179/06

As a result of a Board Hearing, the Board approved Staff Report No. 38-15-BOD, prepared by Beverley Booth, Manager Planning, Regulations and Enforcement, which sought the Board's approval to revoke a permit granted to Mr. Kyle Gray as the conditions of this approval have not been met, and failure to meet these conditions may result in victimization of future property owners and impacts to surrounding structures as a result of groundwater drawn down.

Budget Status Report

The Board received Staff Report No. 39-15-BOD, prepared by Susan McKinnon, Acting Finance Coordinator, which provided a summary of revenues and expenditures for the six month period ending June 30, 2015.



Consultant Selection Approval - Stability of Fairy Lake Dam

The Board approved Staff Report No. 40-15-BOD, prepared by Tom Hogenbirk, Manager, Engineering and Technical Services, which sought approval from the Board of Directors to contract exp Services Inc. to undertake the background review and preparation of design drawings for the purpose of improving the Stability of Fairy Lake Dam.

*Lake Simcoe/South-Eastern Georgian Bay Clean-up Fund:
Program Update and Round 3 Grant Approvals*

The Board received Staff Report No. 41-15-BOD, prepared by Mike Walters, Chief Administrative Officer, which provided an update to the Board of Directors regarding recent approvals of LSRCA projects under Round 3 of the Federal Government's Lake Simcoe/South-eastern Georgian Bay Clean-up Fund (LSGBCUF).

Progress Update - LSRCA Strategic Plan 2015-2020

The Board received Staff Report No. 42-15-BOD, prepared by Mike Walters, Chief Administrative Officer, which provided the Board with an update on the Strategic Planning Process, noting that the finished product is scheduled to be presented to the Board at their October 2015 meeting.



**Town of Aurora
Office of the Mayor**

MEMORANDUM

DATE: September 8, 2015
TO: Members of Council
FROM: Mayor Geoffrey Dawe
RE: Correspondence from Mayor Fred Eisenberger, City of Hamilton – Request for a Financial Contribution

RECOMMENDATION

THAT Council:

- Receive the correspondence for information
- Endorse the recommendations
- Provide direction



July 16th, 2015

Cowan

RECEIVED
JUL 30 2015
MAYOR'S OFFICE

Mayor Geoffrey Dawe
Office of the Mayor
Aurora Town Hall
100 John West Way, Box 1000
Aurora, Ontario L4G 6J1

To the Mayor and Members of Council:

As you may know, on 15 April 2015, the City of Hamilton passed a Roads–Equipment Installation By-law regulating the installation of equipment on, in and under its road allowance, including the community mailboxes being installed by Canada Post as it eliminates home delivery.

Canada Post's challenge to the By-law, an application to Ontario's Superior Court, has been successful. On 24 June 2015, the City's Council recommended that this decision be appealed to the Ontario Court of Appeal. In making their recommendation, they considered an opinion provided by the Honourable Ian Binnie, which is attached to this email. Mr. Binnie's firm of Lenczner Slaght has been retained.

The City of Hamilton's position, in short, is that municipalities have the authority to reasonably regulate their road allowance, and can apply minimum standards to the community mailboxes which ensure the protection of persons and property without conflicting with Canada Post's authority to determine how the mail is delivered.

On 25 June 2015, the Federation of Canadian Municipalities decided to seek intervenor status on the appeal. In doing so, FCM states that it is not questioning Canada Post's policy decision to eliminate door-to-door mail delivery, but is supporting municipalities' rights and duties to manage the road allowance for the benefit of all users.

We are asking for your support in this appeal by means of a financial contribution.

Any questions you have should be directed to Janice Atwood-Petkovski, City Solicitor, 905-546-2424 ext.4636, Janice.Atwood-Petkovski@hamilton.ca. We would appreciate your early response. Thank you for your serious consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "Fred Eisenberger".

Fred Eisenberger
Mayor

Attachments

Hamilton Roads – Equipment Installation By-Law

<http://www2.hamilton.ca/NR/rdonlyres/89365AF5-8ECE-4DC5-B26C-3FD45B8F0B37/0/15091.pdf>

Ontario Superior Court Decision

<https://www.canlii.org/en/on/onsc/doc/2015/2015onsc3615/2015onsc3615.html?searchUrlHash=AAAAQAUY2FuYWRhIHV3c3QaaGFtaWx0b24AAAAAQ&resultIndex=1>



**TOWN OF AURORA
ACCESSIBILITY ADVISORY COMMITTEE
MEETING MINUTES**

Date: Wednesday, July 15, 2015

Time and Location: 7 p.m., Holland Room, Aurora Town Hall

Committee Members: Tyler Barker (Chair), Gordon Barnes, James Hoyes, and Councillor Sandra Humfries

Member(s) Absent: John Lenchak (Vice Chair), and David Newton

Other Attendees: Councillor Tom Mrakas, Chris Catania, Accessibility Advisor, and Gloria Hardychuk, Council/Committee Secretary

The Chair called the meeting to order at 7:14 p.m.

1. DECLARATION OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

There were no declarations of pecuniary interest under the *Municipal Conflict of Interest Act*.

2. APPROVAL OF AGENDA

**Moved by James Hoyes
Seconded by Gordon Barnes**

THAT the agenda as circulated by Legal and Legislative Services be approved.

CARRIED

3. RECEIPT OF THE MINUTES

Accessibility Advisory Committee Meeting Minutes of June 3, 2015

**Moved by James Hoyes
Seconded by Gordon Barnes**

THAT the Accessibility Advisory Committee meeting minutes of June 3, 2015, be received for information.

CARRIED

4. DELEGATIONS

- (a) **Andrew Walasek and Issac Ransom, Canada Post Corporation**
Re: Item 1 – Memorandum from Accessibility Advisor; Re: Accessibility Considerations for the Proposed Placement of Canada Post Community Mailboxes

Mr. Walasek and Mr. Ransom provided a PowerPoint presentation entitled "Presentation to Aurora", dated July 14, 2015. It was reported that from 2006 to 2014 there has been a significant shift from paper to digital mail and as a result Canada Post is changing the way it delivers mail across the country in an attempt to help secure the postal service for all Canadians.

A cost comparison for delivery to the door versus delivery to a community mailbox was provided. The guiding principles, the conversion process, and a five-point action plan were reviewed. The various accessibility and delivery accommodation features and solutions available upon request were explained.

Mr. Ransom reported that whether on public easements, municipal right-of-ways or on private properties with permission (i.e., Church parking lot, convenience store, strip mall, gas station, etc.) the community mailbox sites would meet the criteria for determining the locations and that the *Accessibility for Ontarians with Disabilities Act* (AODA) standards will be met with respect to the installation sites.

Members expressed concerns regarding snow removal, winter maintenance and security of property, etc., and Mr. Walasek provided details on the conversion process and the customer support available.

**Moved by Gordon Barnes
Seconded by Councillor Humfries**

THAT the comments of the delegation be received for information.

CARRIED

5. MATTERS FOR CONSIDERATION

1. Memorandum from Accessibility Advisor
Re: Accessibility Considerations for the Proposed Placement of Canada Post Community Mailboxes

Staff reviewed the memorandum and provided enlarged drawings of the proposed placement of Canada Post Community Mailboxes.

Moved by James Hoyes
Seconded by Gordon Barnes

THAT the memorandum regarding Accessibility Considerations for the Proposed Placement of Canada Post Community Mailboxes be received; and

THAT the following Accessibility Advisory Committee comments be considered by staff:

1. Design of the mailboxes are forward-facing and therefore pose a challenge for persons in a wheel chair;
2. Inspect all existing mailbox sites and address any terrain issues caused due to shifts in the patio stones and slabs;
3. Double mailboxes must have double access;
4. Curb cuts must be level and not slope upward;
5. "End-Of-Life" sites, as identified by Canada Post, must be adequately updated and meet all AODA standards;
6. Responsibilities must be clearly defined regarding snow clearance and removal, service requests, maintenance and repairs, vandalism, customer complaints, as well as any safety concerns surrounding the mailbox area;
7. Door delivery service once-a-week – Canada Post recognizes that in certain circumstances persons may not have daily access to their community mailbox. To accommodate the customer's needs, their mail will be collected from the community mailbox once-a-week by Canada Post and hand delivered to the customer's door. The Committee noted that this is unacceptable and consideration should be given to more frequent door delivery service for certain individuals;
8. Key fob alternative or similar technology should be considered for mobility and limited motor skills issues;
9. Priority mail service and mail requiring signature upon delivery should continue to be delivered to the door;
10. Visual indicators would be beneficial to identify when there is mail in the mailbox eliminating the need to open an empty mailbox;
11. Connectivity from the road across the boulevard to the mailboxes would provide improved and safe access;
12. New AODA Design for Public Spaces Standards (effective January 1, 2016) must be met for all community mailbox sites; and

Accessibility Advisory Committee Meeting Minutes
Wednesday, July 15, 2015

Page 4 of 4

13. Where no sidewalk exists, identify the responsibility for the installation of a retaining wall or culvert and pathway to the mailbox site.

CARRIED

6. INFORMATIONAL ITEMS

- 2. Extract from Council Meeting of May 26, 2015
Re: Accessibility Advisory Committee Meeting Minutes of May 6, 2015**

**Moved by Gordon Barnes
Seconded by James Hoyes**

THAT the Extract from Council Meeting of May 26, 2015, regarding the Accessibility Advisory Committee Meeting Minutes of May 6, 2015, be received for information.

CARRIED

7. NEW BUSINESS

The Committee expressed concern with the location of the portable toilet at the 2015 Canada Day Celebrations.

The Committee was provided with a brief description of the Iroquois Park Sports Centre, located at 500 Victoria Street West in the Town of Whitby. The Centre is Canada's largest municipally-owned and operated multi-use sports complex. It was noted that this exceptional facility is completely accessible and well integrated.

The Committee was updated on the progress of the upcoming York Region School Board special event in September 2015 and Councillor Humphries accepted an invitation to attend a future planning meeting on behalf of the Committee. More details and information will be provided when available.

8. ADJOURNMENT

**Moved by Gordon Barnes
Seconded by Councillor Humfryes**

THAT the meeting be adjourned at 8:30 p.m.

CARRIED

COMMITTEE RECOMMENDATIONS ARE NOT BINDING ON THE TOWN UNLESS ADOPTED BY COUNCIL AT A LATER MEETING.



**TOWN OF AURORA
FINANCE ADVISORY COMMITTEE
MEETING MINUTES**

Date: Tuesday, August 11, 2015

Time and Location: 5:30 p.m., Leksand Room, Aurora Town Hall

Committee Members: Councillor Michael Thompson (Chair), Councillor Harold Kim, and Mayor Geoffrey Dawe (departed 6:32 p.m.)

Member(s) Absent: None

Other Attendees: Councillor Tom Mrakas, Councillor Paul Pirri, Patrick Moyle, Interim Chief Administrative Officer, Dan Elliott, Director of Corporate and Financial Services/Treasurer, and Linda Bottos, Council/Committee Secretary

The Chair called the meeting to order at 5:36 p.m.

1. DECLARATION OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

There were no declarations of pecuniary interest under *the Municipal Conflict of Interest Act*.

2. APPROVAL OF THE AGENDA

**Moved by Mayor Dawe
Seconded by Councillor Kim**

THAT the agenda as circulated by Legal and Legislative Services, with the following addition, be approved:

- Item 2 – CFS15-029 – Council Budget Process, Policies and Directives

CARRIED

3. RECEIPT OF THE MINUTES

Finance Advisory Committee Meeting Minutes of May 26, 2015

**Moved by Councillor Kim
Seconded by Mayor Dawe**

THAT the Finance Advisory Committee meeting minutes of May 26, 2015, be received for information.

CARRIED

4. DELEGATIONS

None

5. CONSIDERATION OF ITEMS

1. CFS15-033 – Updated Investment Policy – Final Draft

Staff presented the proposed final draft of the updated Investment Policy – Policy No. 61, and highlighted some of the most recent revisions, including the addition of limits with respect to equity investments in the ONE Investment Program, as well as limits on the protected principle notes (PPNs) and the proportions of the portfolio. The Committee provided feedback and staff agreed to incorporate the stipulation that no purchase of PPNS would exceed a ten-year term. Staff noted that the updated Policy allows for O.Reg. 438/97 to set the limits with the exception of the “Additional Local Limitations on Investments” of the Policy. Staff confirmed the intent to provide an annual report during the budget process, which would include investment performance during the last fiscal year, rates of return, change from opening balance, and benchmark indexes.

**Moved by Councillor Kim
Seconded by Mayor Dawe**

THAT Report No. CFS15-033 be received; and

THAT the final draft of the revised Investment Policy – Policy No. 61 be referred to a future Council meeting for its review and approval; and

THAT a ONE Investment Program enabling participation bylaw be brought to a future Council meeting for its review and approval.

CARRIED

**2. CFS15-029 – Council Budget Process, Policies and Directives
(Added Item)**

Staff presented a draft framework of high level guidelines for budget development for discussion in the context of balancing the need for detail and transparency with

expediting the budget approval process. Staff provided a brief overview of the proposed Council Budget Principles, Council Budget Review and Approval Process, and Directives of Council to Staff for Preparing 2016 Budget and Forecasts. The Committee discussed elements of the documents in further detail, provided feedback, and expressed its support of the guidelines. The Committee inquired about alternative budgeting concepts, such as performance-based budgeting, and staff discussed another municipality's recent transition from traditional to service-based budgeting and results-based accountability. Staff further discussed the advantages of Council providing principle-based direction early in the process. The Committee suggested that, in order to advance the budget review process, staff prepare a separate report for the September 8, 2015 General Committee meeting with the information needed, including tax pressure range, for Council to provide staff with direction in the preparation of the 2016 Operating and Capital Budgets.

**Moved by Councillor Kim
Seconded by Councillor Thompson**

THAT Report No. CFS15-029 be received; and

THAT Finance Advisory Committee comments and discussion be referred to staff for preparation of an updated Council Budget Process, Policies and Directives report for **consideration** at a future meeting of the **General** Committee.

CARRIED AS AMENDED

6. NEW BUSINESS

The Committee referred to the Notice of Motion on the Council meeting agenda of August 11, 2015, regarding "Town of Aurora Financial Health Status." Staff noted that a financial report card was currently in progress, as requested by Mayor Dawe following the adoption of the audited financial statements for the year ended December 31, 2014, and any enhancements required by Council could be added to that document or reported separately.

7. ADJOURNMENT

**Moved by Councillor Kim
Seconded by Councillor Thompson**

THAT the meeting be adjourned at 6:46 p.m.

CARRIED

COMMITTEE RECOMMENDATIONS ARE NOT BINDING ON THE TOWN UNLESS ADOPTED BY COUNCIL AT A LATER MEETING.



NOTICE OF MOTION

Councillor Harold Kim

Date: September 8, 2015
To: Mayor and Members of Council
From: Councillor Kim
Re: Mavrinac Boulevard Land – Block 208

WHEREAS the York Catholic District School Board decided in 2013 that the six-acre undeveloped lot reserved for a potential school on Mavrinac Boulevard, known as Block 208, was no longer needed for a school building; and

WHEREAS the Subdivision Agreement between the Town and Minto Communities Inc. stated that the Town had the opportunity to acquire Block 208 for municipal purposes at the equivalent price offered to the York Catholic District School Board; and

WHEREAS the Town has recently completed its purchase of Block 208; and

WHEREAS the adjacent and nearby residents had the understanding that Block 208 would be used for a school building, green space, or recreational land, and that the school building is no longer an option.

NOW THEREFORE BE IT HEREBY RESOLVED THAT staff be directed to investigate and report back to Council on options for the use of Block 208 on Mavrinac Boulevard as green space and/or other recreational usage in accordance with the Town's Parks and Recreation Master Plan and any updates to the Master Plan.