

# CITY OF VAUGHAN COMMITTEE OF THE WHOLE (2) AGENDA

Tuesday, November 12, 2019 1:00 p.m. Council Chamber 2nd Floor, Vaughan City Hall 2141 Major Mackenzie Drive Vaughan, Ontario

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### 1. CONFIRMATION OF AGENDA

- 2. DISCLOSURE OF INTEREST
- 3. CEREMONIAL PRESENTATIONS
  - City Manager's Awards Ignite, Innovation and Great Leaders Awards (Rescheduled from Committee of the Whole, November 5th, 2019)
  - 2. International Economic Development Council (IEDC) Excellence in Economic Development Awards

The City of Vaughan received:

- 1. a 2019 IEDC Silver Award in recognition of its Social Innovation Challenge in the Innovation Programs and Initiatives category;
- 2. a 2019 IEDC Silver Award in recognition of Vaughan Sector Profiles in the Print Brochure category; and
- 3. a 2019 IEDC Bronze Award in recognition of the VMC Lure Book in the Print Brochure category.

## 4. PRESENTATIONS AND DEPUTATIONS

5. COMMUNICATIONS

# 6. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION INCLUDING MEMBERS RESOLUTION(S)

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# **Committee of the Whole (2) Report**

DATE: Tuesday, November 12, 2019 WARD(S): ALL

# TITLE: INTERNAL AUDIT REPORT – FACILITY MANAGEMENT AUDIT

## FROM:

Kevin Shapiro, Director of Internal Audit

# **ACTION:** FOR INFORMATION

# Purpose

To present to the Committee of the Whole the Internal Audit Report on the Audit of Facility Management.

# **Report Highlights**

- The Facility Management department oversees 89 City of Vaughan properties, facilities and capital projects.
- The department delivers various support services which enable the day-to-day operation of buildings and the delivery of programs in a safe and effective manner.
- While the department has made significant progress on several initiatives over the past number of years, further improvements will be required to ensure risks related to the execution of the City's facility maintenance activities are efficiently and effectively mitigated, while better supporting the City's strategic plan and corporate initiatives.
- Management has developed action plans which will mitigate the identified risks and address the recommendations outlined in the report.
- Internal Audit will follow up with management and report on the status of management action plans at a future committee meeting.

## **Recommendations**

1. That the Internal Audit Report on the Audit of Facility Management be received.

# **Background**

The objective of the audit was to evaluate the adequacy and effectiveness of the internal controls, processes and procedures in place to mitigate the business risks associated with the execution of the City's maintenance strategies and programs.

The audit approach included a review of the strategic goals, objectives and oversight over facility maintenance, use of technology, a review of the procurement process, walkthrough of the facilities, review of City policies and procedures and interviews with staff and management.

The audit scope included Facility Management related activities that occurred in January 2018 to August 2019.

The audit scope <u>did not</u> include a review of the Corporate Security function.

# Previous Reports/Authority

Not applicable.

# Analysis and Options

The Facility Management department oversees 89 City of Vaughan properties, facilities and capital projects. This represents approximately 2 million square feet of service space, outdoor water play features, park walkway and sports field lighting.

Facility Management delivers various property and facility operations management support services which enable the day-to-day operation of buildings and the delivery of programs in a safe and effective manner. The responsibilities include security, property/building management, engineering services, space planning and other support duties. This is achieved by effectively maintaining and preserving buildings and equipment, responding to requests for repairs and other services, as well as supervising third party vendors that provide various services including maintenance and repairs.

Maintenance is one of the most significant expenses related to owning a building and generally includes three primary interconnected activities:

- Preventative maintenance: scheduled, routine, and recurring maintenance to prevent breakdowns and mitigate deterioration.
- Corrective repair: work required to correct a non-emergency deficiency.
- Emergency corrective repair: work performed to immediately correct a problem that poses a threat to building security or public safety.

The services provided by Facility Management are intended to ensure City-owned buildings are safe and functional over their expected life. This is particularly important since the City's facilities are vital for public safety, necessary for government business, and heavily used by residents.

# **Financial Impact**

There are no direct economic impacts associated with this report.

# **Broader Regional Impacts/Considerations**

Not applicable.

# **Conclusion**

The Facility Management department has achieved several accomplishments over the last few years, including:

- Completing condition assessments on City owned facilities.
- Developing service level agreements to facilitate operational efficiency through collaboration.
- Strengthening the City of Vaughan's commitment to environmental stewardship through innovative energy reduction initiatives and sustainable practices.

While the department has made significant progress on several initiatives over the past number of years, further improvements will be required to ensure risks related to the execution of the City's facility maintenance activities are efficiently and effectively mitigated, while better supporting the City's strategic plan and corporate initiatives.

In July, a new portfolio called Infrastructure Development was created to deliver on projects and infrastructure from "cradle to grave" with the purpose of creating a clear line of accountability, capacity and focus to deliver on results. Facility Management was moved from the Community Services portfolio to join this new portfolio. This change has presented the City with the following opportunities:

- Ensuring roles and responsibilities with respect to facility maintenance are appropriately aligned to better support corporate objectives and decision making.
- Developing and implementing a risk based preventative and predictive maintenance program.
- Improving the management and administration of lease and license agreements at City owned facilities.
- Acquiring the appropriate tools and resources to improve department planning, business processes and service delivery.

**For more information,** please contact: Kevin Shapiro, Director of Internal Audit, ext. 8293

# **Attachments**

**1.** Internal Audit Report – Facility Management Audit

# Prepared by

Kevin Shapiro, Director of Internal Audit, ext. 8293

Attachment 1



# INTERNAL AUDIT REPORT

**Facility Management Audit** 

October 2019

#### FACILITY MANAGEMENT AUDIT

#### CONCLUSION AND SUMMARY

The Facility Management department has achieved several accomplishments over the last few years, including:

- Completing condition assessments on City owned facilities.
- Developing service level agreements to facilitate operational efficiency through collaboration.
- Strengthening the City of Vaughan's commitment to environmental stewardship through innovative energy reduction initiatives and sustainable practices.

While the department has made significant progress on several initiatives over the past number of years, further improvements will be required to ensure risks related to the execution of the City's facility maintenance activities are efficiently and effectively mitigated, while better supporting the City's strategic plan and corporate initiatives.

In July, a new portfolio called Infrastructure Development was created to deliver on projects and infrastructure from "cradle to grave" with the purpose of creating a clear line of accountability, capacity and focus to deliver on results. Facility Management was moved from the Community Services portfolio to join this new portfolio. This change has presented the City with the following opportunities:

- Ensuring roles and responsibilities with respect to facility maintenance are appropriately aligned to better support corporate objectives and decision making.
- Developing and implementing a risk based preventative and predictive maintenance program.
- Improving the management and administration of lease and license agreements at City owned facilities.
- Acquiring the appropriate tools and resources to improve department planning, business processes and service delivery.

The audit noted several examples where maintenance activities are being performed by staff outside of the department and other instances where Facility Management staff were assuming responsibilities that would be better suited to staff in other departments. By realigning roles and responsibilities, the City can eliminate duplication of effort while maximizing the strengths, skill sets and core competencies of both facilities and operational staff.

Municipalities continue to face growing pressures to fund the cost of repairing and replacing aging arenas, pools, community centers and other facilities. This can be mitigated somewhat by implementing a comprehensive preventative and predictive maintenance program. The goal of a successful preventive and predictive maintenance program is to establish consistent practices designed to improve the performance, equipment life and minimize any unplanned maintenance activity. Perhaps the most important reason to invest in preventive and predictive maintenance is to enhance the safety of City owned facilities.

#### FACILITY MANAGEMENT AUDIT

Facility Management has identified the need to establish a preventative and predictive maintenance program and has taken actions over the past few years to address this gap. In 2016, Facility Management hired a consultant to perform building condition assessments. Condition assessment is the most important function in the asset management process as it forms the basis of or the starting point for other functions such as the decisions to repair or replace. Condition assessments for all major buildings including libraries and fire halls were completed in 2019. The information gathered from these assessments should inform the capital investment strategy, preventative and predictive maintenance program and align with future master planning and maintenance efforts.

Several profit and non-profit organizations use City owned facilities to run their programs. These organizations contract with the City via license agreements, leases and rental contracts. We reviewed the agreements with the various organizations and found there to be inconsistencies. The City has not defined what the difference is between a lease agreement, a licensing agreement or a permitting agreement. Establishing clear guidelines will help ensure consistency and fairness.

A maintenance work order is a communication tool. It conveys all the information about a task to be completed, who requested the work, who it's assigned to, what material is required and what is expected. Yet it is estimated that only half of the work orders are generated for work done by the department. This is principally because the work order process is manual and not fully integrated. Work orders should be the key source of KPI's for an organization's maintenance operation. KPIs help organizations understand how well they are performing in direct relation to their strategic goals and objectives and therefore help to monitor the execution of strategy. They should clearly demonstrate the cause and effect relationship between departmental processes and outcomes to the results the City wants to achieve from the strategic plan.

Internal Audit will follow up on the status of outstanding management action plans related to this audit and will report the status at a future committee meeting.

#### FACILITY MANAGEMENT AUDIT

#### BACKGROUND

The Facility Management department oversees 89 City of Vaughan properties, facilities and capital projects. This represents approximately 2 million square feet of service space, outdoor water play features, park walkway and sports field lighting.

Facility Management delivers various property and facility operations management support services which enable the day-to-day operation of buildings and the delivery of programs in a safe and effective manner. The responsibilities include security, property/building management, engineering services, space planning and other support duties. This is achieved by effectively maintaining and preserving buildings and equipment, responding to requests for repairs and other services, as well as supervising third party vendors that provide various services including maintenance and repairs.

Maintenance is one of the most significant expenses related to owning a building and generally includes three primary interconnected activities:

- Preventative maintenance: scheduled, routine, and recurring maintenance to prevent breakdowns and mitigate deterioration.
- Corrective repair: work required to correct a non-emergency deficiency.
- Emergency corrective repair: work performed to immediately correct a problem that poses a threat to building security or public safety.

The role of the Facility Management department continues to evolve through their responsibility for maintaining what is arguably the City's largest and most valuable assets. In July, a new portfolio called Infrastructure Development was created to deliver on projects and infrastructure. The portfolio works closely with City departments and external organizations to ensure the City's infrastructure, parks, real estate and facility management meet and exceed the needs of citizens. The creation of this portfolio places the City in a better position to approach major capital projects from start to finish.

#### FACILITY MANAGEMENT AUDIT

#### **OBJECTIVES AND SCOPE**

The objective of the audit was to evaluate the adequacy and effectiveness of the internal controls, processes and procedures in place to mitigate the business risks associated with the execution of the City's maintenance strategies and programs.

The audit approach included a review of the strategic goals, objectives and oversight over facility maintenance, use of technology, a review of the procurement process, walkthrough of the facilities, review of City policies and procedures and interviews with staff and management.

The audit scope included Facility Management related activities that occurred in January 2018 to August 2019.

The audit scope <u>did not</u> include a review of the Corporate Security function.

#### Auditor and Author: Mike Petrilli, CPA, CGA, CIA

#### Director: Kevin Shapiro CIA, CFE, CRMA

#### FACILITY MANAGEMENT AUDIT

#### DETAILED REPORT

#### 1. Ensure Roles and Responsibilities with Respect to Facility Maintenance are Appropriately Aligned to Better Support Corporate Objectives and Decision Making

The role of the Facility Management department continues to evolve through their responsibility for maintaining what is arguably the City's largest and most valuable assets. In July, a new portfolio called Infrastructure Development was created to deliver on projects and infrastructure from "cradle to grave" with the purpose of creating a clear line of accountability, capacity and focus to deliver on results. Facility Management was moved from the Community Services portfolio to join this new portfolio.

While it is anticipated that this reorganization will better align the department to support and advance corporate objectives, further work will be required to ensure roles, responsibilities and accountabilities with respect to corporate maintenance activities are better aligned within the organization.

The audit noted several examples where maintenance activities are being performed by staff outside of the department and other instances where Facility Management staff were assuming responsibilities that would be better suited to staff in other departments. For example:

- Facility Management is responsible for managing facility leases. In most organizations, this falls under the responsibility of the Real Estate department.
- Public Works has various agreements for catch basin cleaning, backflow prevention, pothole repairs, line painting and fire hydrant maintenance. Community centers and other City owned facilities are considered "private property" and are not maintained by these existing City programs. This has created a duplication of effort, as Facility Management has had to dedicate resources for securing separate agreements for the same activities that could have been covered under the Public Works' service contracts.
- Public Works staff are currently responsible for the maintenance of water pumping stations, salt domes and green houses. This has created a duplication of effort, as Facility Management has the skills and expertise and can leverage existing contacts and vendors to expedite repairs.
- Based on a realignment in September 2017, Recreation Services is responsible for maintenance at Recreation Centres. However, Facility Management is still processing invoices for Recreation Services.
- Facility Management has negotiated service level agreements with some City departments, including VFRS and VPL. However, service level agreements have not been finalized with other key client departments, such as Recreation Services. Service level agreements that outline the nature and standards of services to be provided, the

#### FACILITY MANAGEMENT AUDIT

basis of cost allocations and the extent of each party's responsibilities help prevent ambiguity and align expectations for all stakeholders.

The absence of a clearly-defined relationship between Facility Management and departmentspecific maintenance programs is problematic and may lead to maintenance deficiencies. In our walkthroughs of some of the community centers, libraries and other City owned facilities, we identified areas in need of repair, some of which appeared to be present for some time and that could potentially pose a hazard to staff and the public.

#### **Recommendations**

We recommend that management realign roles and responsibilities to eliminate duplication of effort while maximizing the strengths, skill set and core competencies of staff. For the purposes of this audit, this would include investigating the feasibility of:

- Moving the responsibility for managing and administrating leases from Facility Management to the Real Estate Department.
- Embedding City owned facilities into contracts managed and administered by the Public Works Portfolio for catch basin cleaning, fire hydrant inspections and maintenance, line painting, pothole repairs and any other service contracts that Facility Management may be duplicating.
- Finalize the service level agreements with all City departments to clarify roles and responsibilities, general level of response and availability of Facility Management as a provider of services.

#### Management Action Plan

Management agrees with these recommendations.

The organizational refresh (July 1, 2019) has aligned departments with major interdependencies. The Infrastructure Development portfolio offers opportunities to improve efficiency, maximize existing resources and align service delivery strategically. As part of this alignment of services, leasing is being assessed in terms of roles and responsibilities and where it will ultimately reside. The estimated date of completion is Q1 2020.

Facility Management is responsible for 52 service contracts. These contracts cover a wide range of external services required to maintain operating conditions, standards, security and safety. Facility Management will work with Public Works to leverage contracts for similar services and avoid any duplication. The estimated date of completion is Q1 2020.

Service Level Agreements are an important tool. Agreements are now in place with Fire and Rescue Services and Vaughan Public Library. The agreement with Recreation Services is in development and our goal is to have it in place by Q1, 2020.

#### FACILITY MANAGEMENT AUDIT

We will be negotiating service level agreements with all client departments. These agreements clarify roles and responsibilities and can identify opportunities to align service delivery with departments taking advantage of department expertise and resources. The estimated date of completion is Q4, 2020.

#### FACILITY MANAGEMENT AUDIT

#### 2. Develop and Implement a Risk Based Preventative and Predictive Maintenance Program

Preventive<sup>1</sup> and predicative<sup>2</sup> maintenance is typically considered the most effective facility maintenance activity. The goal of a successful preventive maintenance program is to establish consistent practices designed to improve the performance and safety of buildings and equipment. Planned and predictive maintenance of assets help to improve equipment life and avoid any unplanned maintenance activity.

The City does not currently have comprehensive, systematic preventative or predictive maintenance program in place. The audit has identified the following issues:

- Facility Management has consistently exceeded their general maintenance budget for the last 3 years by an average of over \$649K per year, as much of the City's maintenance work is reactive in nature.
- When preventative maintenance activities are not planned, there is an increased risk that the City's infrastructure will begin to fail before its expected life expectancy. A good example of this is roof maintenance. At one facility, a roof had been spotrepaired so many times that it had become unrepairable. This resulted in a significant unplanned cost to properly repair the roof. The cost of reactive maintenance is high due to the potential damage to assets, overtime, and callout fees caused by the uncertain timing and nature of failures.
- In 2018, Facility Management was the biggest user of low dollar purchases (LDM's) at the City. The \$3 million in LDM spend represented 37% of the \$8.1 million in overall LDM spend. Additionally, there is currently no formal inventory of equipment and parts in place, or alternately a formal approach to ensure quick access to such items in order to respond to critical maintenance and repair situations. Spare parts are acquired as needed from various sources, including retail outlets. While reactive management can be beneficial during a crisis, the essence of successful management is the ability to prevent problems before they arise. The absence of appropriate purchasing arrangements with external vendors increases the risk that the City may be overpaying for goods/services and/or receiving substandard quality. In addition, a perception of improper purchasing practices can harm the City's reputation.
- When Facility Management purchases parts and supplies, invoices require signature by two individuals before they are processed for payment. Facility Management personnel have the ability to prepare purchase requisitions, retain the vendor/authorize purchases, receive goods and are not required to use an inventory ledger or attach packing slips to invoices as proof of receipt. This inadequate

<sup>&</sup>lt;sup>1</sup> Preventive maintenance can be defined as a sequence of steps and measures that are taken in order to prevent the occurrence of failures and to better monitor the performance of an operation.

<sup>&</sup>lt;sup>2</sup> The aim of predictive maintenance is first to predict when equipment failure might occur, and secondly, to prevent the occurrence of the failure by performing maintenance. Monitoring for future failure allows maintenance to be planned before the failure occurs. Ideally, predictive maintenance allows the maintenance frequency to be as low as possible to prevent unplanned reactive maintenance, without incurring costs associated with doing too much preventive maintenance.

#### FACILITY MANAGEMENT AUDIT

segregation of duties significantly weakened the system of internal controls over the purchasing process.

• Facility Management has not developed key performance indicators (KPI's) to measure the performance of maintenance activities.

Facility Management has identified the need to establish a preventative and predictive maintenance program and has taken actions over the past few years to address this gap. In 2016, Facility Management hired a consultant to perform building condition assessments<sup>3</sup>. Condition assessment is the most important function in the asset management process as it forms the basis of or the starting point for other functions such as the decisions to repair or replace. Condition assessments for all major buildings including libraries and fire halls were completed in 2019. The information gathered from these assessments should inform the capital investment strategy, preventative and predictive maintenance program and align with future master planning and maintenance efforts.

The Facility Management team has also been working on moving away from LDM's and implementing vendors of record (VOR's). Some VOR agreements are already in place, however opportunities exist to fully leverage this procurement channel through spend analysis, providing training and developing procedures to optimize the VOR program.

The City owns high value facilities, some equipped with expensive equipment. Failure to proactively maintain facilities increases the risk of premature deterioration of buildings and assets as well as more costly repairs or replacements.

#### **Recommendation**

We recommend that management:

- Continue to develop and then implement a risk based preventative and predictive maintenance program. This should include processes to:
  - Maintain and update facility condition information, and establishment of a set of reassessment cycles.
  - Setting standards and KPI's, accompanied by a system to monitor performance and compare performance to the standards.
- Continue to leverage more appropriate procurement arrangements to better align with a proactive maintenance strategy.
- Work with Infrastructure Planning & Corporate Asset Management to implement software to keep track of City assets and inventory. This will help ensure that appropriate spare parts, materials and other supplies are available when needed.

<sup>&</sup>lt;sup>3</sup> Condition assessment is defined as "a process of systematically evaluating an organization's capital assets in order to project repair, renewal, or replacement needs that will preserve their ability to support the mission or activities they are assigned to serve."

#### FACILITY MANAGEMENT AUDIT

#### Management Action Plan

Management agrees with these recommendations.

Although the department is engaged in preventative maintenance activities, it is manually based and lacks resources, tools and technology to be a robust, effective and sustainable program. Many building-industry and facility-management groups agree on the benefits of well-planned preventive and predictive maintenance. They advocate preventive and predictive maintenance for its effects on improving equipment's operating efficiency, preventing premature replacement of components, and avoiding interruptions for building occupants.

An important step to developing an effective maintenance program is having the ability to track, manage and organize data from different sources. While it's not impossible to do this manually, it is often a system riddled with error, ineffective in providing accurate data and does not support a predictive program. The department has identified the importance and need for a technology-based platform to ensure that City owned assets meet or exceed life cycle.

KPIs are a challenge. Without the resources and technology to maintain databases, it's difficult to quantify performance. One of the critical tools in any comprehensive facility management system is the use of work orders. Currently the department is using the Customer Tracking System (JD Edwards) as a substitute for Computer Facility Management software to manage workorders. A robust asset management software program with a work order module can assist with KPIs.

Addressing the above technology and program needs is contingent on the implementation of the Asset Management Strategy.

Due to the type of work the department is involved in and the diverse nature of the City's assets, there is frequently a need for parts and components to repair or maintain City assets. This has resulted in a large number of LDM's being processed by the department. Management also realizes the benefits of moving away from a reactive procurement process to a more strategic sourcing framework. The department has worked with Procurement Services and introduced the use of pre-qualified vendors on term contracts. Facility Management has developed a list of VORs. There are thirty-five vendors pre-qualified to provide services in remediation, mechanical, building automation, energy management, asset management, fire protection and more. Three main areas were identified: mechanical, electrical and plumbing. These areas represent approximately 40% of all LDM purchases. Other areas are under consideration and we expect to have a comprehensive list of VOR's by Q3, 2020.

Technology can be leveraged to support a quality control program to manage and monitor inventories. Although the department has experienced no problem with vendors with a "just in time" approach, small to medium parts inventories are carried on department vehicles. This is an area that will be investigated. The estimated date of completion is Q2, 2020.

#### FACILITY MANAGEMENT AUDIT

#### 3. Determine the Optimal Level of Resources, Staff Complement and Composition of the Facility Management Department

As part of realigning roles and responsibilities and developing and implementing a risk based preventative and predictive maintenance program, opportunities exist to reevaluate the current composition of the Facility Management department to ensure that it can deliver upon its mandate. This includes assessing:

- The optimal level of leadership resources required within the department to provide direction on strategy, expected outcomes, management oversight and performance management. Existing supervisors are responsible for 35-45 buildings plus park buildings and splash pads when they open in the summer. In addition, there are limited processes in place to formally and consistently monitor maintenance and repair work to ensure they are carried out in accordance with defined standards and terms.
- The optimal number of project managers required for efficient an effective operation. The department has approximately 300 maintenance projects scheduled that vary in size and complexity. Given the existing staff complement, only a small number of these projects can be initiated and completed annually.
- The appropriate mix between the use of internal and external resources to complete maintenance activities. The department recently hired an in-house electrician. Management has indicated reduced turn-around times and a significant reduction in the need to outsource these services. Other disciplines, such as plumbing, should be considered based on a cost benefit assessment.
- What skill sets are required in the department to ensure appropriate training, safe and effective operations. Although all mandatory and legislated training is delivered to staff, tracking of the staff training records and up-dating the files is very manual and not always not up-to-date.

Optimizing the resources and composition of the Facility Management department will help mitigate the risk of operational inefficiencies and better align the department to meet the growing demands of the City.

#### Recommendation

We recommend that management develop a resourcing strategy to determine the ideal composition of the Facility Management department in order to effectively and efficiently achieve its corporate mandate and strategic goals.

#### Management Action Plan

Management agrees with these recommendations.

#### FACILITY MANAGEMENT AUDIT

The department will develop a strategy to address the need for additional resources realizing that more is needed to relieve pressure on existing resources and to meet the growing demand on service delivery. The estimated date of completion is Q1 2020.

#### FACILITY MANAGEMENT AUDIT

# 4. Improving the Management and Administration of Lease and License Agreements at City Owned Facilities

Several profit and non-profit organizations use City owned facilities to run their programs. These organizations contract with the City via license agreements, leases and rental contracts. Recreation Services is responsible for short term rental/permitting. Facility Management administers longer-term leases and licenses. The practice has been to present all lease or license space arrangements in City owned facilities for Council approval and enact the necessary by-laws required by the City.

Internal Audit reviewed the agreements with the various organizations and found there to be inconsistencies. Lease terms vary from as little as month to month, to terms of up to 40 years or more. Other agreements were allowed to expire and are now month to month. Lease rates also vary from organization to organization. The City has also not defined the differences between lease agreements, licensing agreements or rental/permitting agreements and when each should be used.

At the Finance, Administration and Audit (FA&A) Committee meeting of April 1, 2019, Council directed staff to report back with a list of all contracts and leases that the City of Vaughan has with profit and non-profit organizations. This report was presented to FA&A on May 6, 2019. The report outlines the objective of developing a standardized leasing process and establishing consistent guiding principles and terms<sup>4</sup>.

In July of 2019, the City issued a consulting RFP to review and update the Community Service Organization Policy and Facility Allocation Policy. This will include developing guiding principles that will assist in determining how best to allocate facilities (lease, agreement, permit, etc. including recommended terms and cost recovery) such as heritage homes and satellite buildings. A strong focus of the study will be to provide sustainable recommendations and direction to position the City to respond to the changing recreation and facility needs of its citizens.

There were no compliant bids received for this RFP. Management is currently in the process of reevaluating next steps.

The absence of clear guidelines for long-term lease or license agreements increases the risk that persons/entities will not be treated consistently, increased financial cost to the City and potential reputational risk.

#### **Recommendation**

We recommend that management, in consultation with Legal Services:

• Define the difference between lease, license and permit agreements and develop a standardized process and consistent guiding principles and terms for when each should be used.

<sup>&</sup>lt;sup>4</sup> Summary of Lease and License Agreements Operating in City Owned Facilities; https://pub-vaughan.escribemeetings.com/FileStream.ashx?DocumentId=14102

#### FACILITY MANAGEMENT AUDIT

- Develop consistent contract language for lease, license and permit agreements.
- Clarify appropriate roles, responsibilities and accountabilities with respect to who is authorized to enter into lease, license and permit agreements on behalf of the City.

#### Management Action Plan

Management agrees with these recommendations.

Facility Management has had discussions with Legal, Real Estate and Recreation departments to address issues such as the various names (leases, licenses, permits) given to agreements. These discussions will continue in the larger context of an overall review and assessment of facility leasing.

Some actions have been taken with agreements. Contracts for use of the facilities have been moved to month to month terms, fees have been reviewed and assessed. Substantial work remains including but not limited to developing a consistent standardized leasing process and establishing guiding principles and terms. Upon Council approval, current agreements will transition under the new guidelines.

The estimated date of completion is Q2 2020.

#### FACILITY MANAGEMENT AUDIT

#### 5. Enhance Oversight Over Contract Administration

Facility Management oversees approximately 60 contracts ranging from janitorial services to elevator contracts. Contract administration involves all activities related to the monitoring of suppliers, contractors and service providers' performance in the fulfillment of their contractual obligations, and to ensure appropriate actions are taken to promptly remedy any deficiencies observed in contract implementation, scope or terms and conditions.

The challenge has been the sheer number of contracts in place and the lack of contract administration tools at the City. The specific nature and extent of contract administration varies from contract to contract. For instance, typically each contract has a WSIB and insurance certificate component. Follow-up is required to ensure that insurance certificates don't expire and WSIB records are current. Processes such as these are currently manual and can be very time consuming.

The need for improved project management and contract administration has been a common theme in many of our recent audit reports. Each department that is engaged in contracting is responsible for implementing internal controls in order to safeguard that contracts are managed to ensure delivery of product/service, efficiencies and to mitigate risk. Due to the manual nature of this work, staff often allocate more time to awarding contracts rather than administering existing contracts. This can lead to problems in contractor performance, noncompliance to contract provisions, cost overruns, and delays in receiving goods and services. Automating contract management at the City would streamline administrative tasks by creating a centralized and uniform record for each contract's processes.

#### **Recommendations**

We recommend that management:

- Develop a contract management manual/framework that highlights the most immediate and critical actions that must be taken by the contract administrator while managing the contracts in place.
- Investigate the feasibility of implementation of contract lifecycle management software to automate and streamline contract administration processes across the City, including the ability to generate, report and capture contracts and legal agreements.

#### Management Action Plan

Management agrees with these recommendations.

The department will undertake a complete review of the existing contract management processes and procedures and revise accordingly.

Facility Management recently entered discussions with OCIO to explore the contract administration module available in JD Edwards. Those discussions will be revisited. The estimated date of completion is Q2 2020.

#### FACILITY MANAGEMENT AUDIT

#### 6. Continue to Review and Enhance the Standard Operating Procedures Available to Staff

A Standard Operating Procedure (SOP) is a set of written instructions that document a routine or repetitive activity followed by staff. They document the way activities are to be performed to facilitate consistent conformance to technical and quality system requirements and to support data quality. They may describe, for example, fundamental programmatic actions and technical actions such as analytical processes, and processes for maintaining, calibrating, and using equipment.

Facility Management have developed a number of SOP's to guide staff in performing their duties but acknowledged the need to continue to develop and revisit their existing SOP documents to ensure that they are appropriate, up to date and comprehensive to help ensure consistency, quality and safety.

The development and use of SOPs are an integral part of a successful quality system, as it provides individuals with the information to perform a job properly and facilitates consistent implementation in the quality and integrity of the end-result.

Facility Management has indicated that they will continue to develop and implement Standard Operating Procedures. To date over forty SOP have been completed with more underway.

Internal Audit is satisfied with the action management is currently undertaking to address this observation and have no further recommendations.

#### FACILITY MANAGEMENT AUDIT

#### 7. Enhance Monitoring and Oversight Over Work Order Administration

A maintenance work order is a communication tool. It conveys all the information about a task to be completed, who requested the work, who it's assigned to, what material is required and what is expected. Work orders are crucial to an organization's maintenance operation. They help everyone from maintenance supervisors to technical staff organize, assign, prioritize, track, and complete key tasks.

Work orders can originate from multiple sources including residents, staff and Council. For the period of January 1, 2018 - December 31, 2018 approximately 3,000 work orders were processed for Facility Management. However, it is estimated that this is about half the work orders that should have actually been generated for the department.

Work orders may not be generated for a number of reasons:

- There are no clear criteria as to when work orders should be generated.
- The work order system is not intuitive and work order fields are not consistently entered, so the information is not standardized or easily analyzed/reportable.
- The work order process is manual and not fully integrated. Work is still assigned to maintenance staff on hard copy forms. Although the staff have been provided with Toughpads<sup>5</sup>, they are not being used because the system is not integrated into a Computerized Maintenance Management System (CMMS<sup>6</sup>).

The lack of consistency in work order generation is problematic in that Facility Management cannot use this data to accurately monitor and evaluate their own operations. For example, the Maple Community Center is slated to undergo some significant renovations. In planning for these renovations, a history of repairs and maintenance that have taken place at this facility is not readily available. Therefore, Facility Management and Infrastructure Delivery are left to rely on memory or piecing together the limited available documentation to collate the work that has been done at this facility over the years.

When well executed, work orders allow you to capture information, share it, and use it to get the work done as efficiently as possible. They should be the key source of maintenance metrics (KPI's). They can quantify the daily activity of maintenance, and in doing so, paint a clear picture of how staff and assets are working. By not objectively prioritizing work orders and utilizing available resources effectively to maintain the City's physical assets, important maintenance and repair needs may not be addressed, and the condition of the City's facility assets will decline.

In 2014, Internal Audit conducted a Road Operations Audit and TSPFO staff acknowledged that opportunities existed to improve the effectiveness of the work order management

<sup>5</sup> Tablets that are ruggedized to withstand vibration, drops, spills, extreme temperature, and rough handling.

<sup>6</sup> Sometimes referred to as Enterprise Asset Management (EAM) software.

#### FACILITY MANAGEMENT AUDIT

processes. Recommendations to improve the work order system were also referenced in several audit reports since then.

Action plans to address those recommendations are still ongoing, and upon complete implementation, will help ensure completeness and accuracy of the system data and thereby increasing management's ability to determine compliance to contracted or legislated specifications. It will also assist with performance tracking, budgeting and project prioritization.

Internal Audit is satisfied with the action management is currently undertaking to address this observation and have no further recommendations.

#### FACILITY MANAGEMENT AUDIT

#### 8. Develop Facility Standards for Building Infrastructure Projects

As reported in the May 2018 Internal Audit Report - Construction Audit of Fire Station 7-4 Phase 1: "the City has not developed general design and construction standards for reoccurring building infrastructure projects such as fire stations, community centres and libraries..." This is particularly pertinent to the Facility Management department, since they will ultimately be required to maintain these assets.

Many City buildings serve similar functions and although they are not necessarily identical, the shape, form, and, interior relationships are common from one facility to the next. The objective of design standardization is to take successful designs and/or elements of a facility type and uses them for subsequent similar projects and reduces the effort of designing those facilities each time they are needed. More importantly it helps ensure consistent quality, maintenance, and functional life-cycle productivity across the inventory of City facilities.

Further, the physical environment has a significant impact on health and safety. In our walkthough of some City facilities, we noted inconsistencies in the deployment of safety standards. For example, some facilities use roof anchors for fall protection, while others do not have roof anchors installed. Some City facilities deploy fixed ladder cages, while others do not. We also noted the use of single wall chemical containment tank at a community center verses the safer double wall tanks.

Facility design standards should be implemented with the explicit goal of enhancing staff and public safety through facility design. These standards should also address consistent accessibility guidelines for all City owned facilities.

In the Internal Audit Report - Construction Audit of Fire Station 7-4 Phase 1, management acknowledged that opportunities existed to develop building infrastructure standards for City facilities.

According to management, action plans to address those recommendations are still ongoing. Funding for this project was approved as part of the 2019 budget. The Terms of Reference (TOR) are being developed and were finalized in Q3-2019. The TOR will be incorporated into the RFP for the consulting services needed to undertake this work. In coordination with Procurement Services, the RFP is scheduled to be released in Q4-2019. The project will create general design and construction standards for municipal buildings, such as fire stations, community centres and libraries.

Internal Audit is satisfied with the action management is currently undertaking to address this observation and have no further recommendations.



# **Committee of the Whole (2) Report**

DATE: Tuesday, November 12, 2019 WARD(S): ALL

# TITLE: INTERNAL AUDIT REPORT – INFORMATION TECHNOLOGY RISK ASSESSMENT

## FROM:

Kevin Shapiro, Director of Internal Audit

**ACTION:** FOR INFORMATION

## **Purpose**

To present the Internal Audit Report on the Information Technology Risk Assessment.

## Report Highlights

- The 2019 Internal Audit Risk Based Work Plan included an Information Technology Risk Assessment.
- The objective of the risk assessment was to rank risk factors based on the likelihood of occurrence and impacts and will help inform a multi-year IT audit work plan.
- IT audits can help the City determine whether identified risks have been mitigated, corporate policies and procedures are implemented as designed and systems can be relied upon.
- The IT Audit Plan will be integrated into the annual Internal Audit Risk Based Work Plans for the remainder of this Term of Council.

# **Recommendations**

1. That the Internal Audit Report on the Information Technology Risk Assessment be received.

# **Background**

The Office of the Chief Information Officer (OCIO) is responsible for managing the effective delivery of technologies and services to achieve the organization's objectives. The Office is responsible for the engineering, architecting, security, maintenance, implementation and support of city-wide technology and communications infrastructure. OCIO's vision is "Making Vaughan Better for People in our Digital Age".

According to the Institute of Internal Auditors (IIA) International Standards for the Professional Practice of Internal Audit and the City's Internal Audit Policy, Internal Audit has a responsibility to develop an audit work plan that reflects the current and emerging risks within the City.

The 2019 Internal Audit Risk Based Work Plan included an IT audit project. The project selected was an in-depth risk assessment of IT operations across the City. The objective of the risk assessment was to rank risk factors based on the likelihood of occurrence and impacts and will help inform a multi-year IT audit work plan.

In developing the potential objective and scope for this project, we considered areas such as:

- IT operating environment, structure and model.
- Business processes supported by IT and the IT components involved.
- Related regulations, rules, policies and procedures.
- Risk scenarios that could potentially impact the achievement of strategic and business objectives, and the mitigating controls.

Organizations have become increasingly dependent on computerized information systems to carry out their operations and to process, maintain and report essential information. As a result, the reliability of computer-generated data is a major concern to organizations. Information Technology audits can help the City determine whether identified risks have been mitigated, corporate policies and procedures are implemented as designed and systems can be relied upon.

The absence of a well-controlled IT environment can have several adverse consequences, including higher levels of loss or theft of sensitive information, unauthorized access to information and applications, loss of control over sensitive business information and theft of devices. Any one of these risks can affect the reputation of the City.

An IT audit can determine whether the information systems are safeguarding assets, maintaining data integrity, and operating effectively and efficiently to achieve the organization's goals and objectives. It is the role of Internal Audit, with the assistance of technology audit experts, to assist management in these activities to improve the control, monitoring, and response to business risks.

# **Previous Reports/Authority**

Not Applicable

# **Analysis and Options**

The Committee of Sponsoring Organizations (COSO) defines risk assessment as a dynamic and iterative process for identifying and analyzing risks to achieving the entity's objectives, forming a basis for determining how risks should be managed. Management considers possible changes in the external environment and within its own business model that may impede its ability to achieve its objectives. In the context of IT risk, a risk factor is an observable or measurable indicator of conditions or events that could adversely affect the City's IT operations and confidentiality, integrity and availability of data, which may hinder the City's ability to achieve its strategic and business objectives.

According to the IIA's Global Technology Audit Guide (GTAG) – Developing the IT Audit Plan and Guide to the Assessment of IT Risk (GAIT) for Business and IT Risk, development of IT risk assessment and audit plan should follow this process:

Understand	Define IT	Perform	Formalize
the Business	Universe	Risk Assessment	Audit Plan
<ul> <li>Identify the organization's strategies &amp; business objectives</li> <li>Understand the high risk profile for the organization</li> <li>Identify how the organization structures their business operations</li> <li>Understand the IT service support model</li> </ul>	<ul> <li>Dissect the business fundamentals</li> <li>Identify significant applications that support the business operations</li> <li>Identify critical infrastructure for the significant applications</li> <li>Understand the role of supporting technologies</li> <li>Identify major projects and initiatives</li> <li>Determine realistic audit subjects</li> </ul>	<ul> <li>Develop processes to identify risks</li> <li>Assess risk and rank audit subjects using IT risk factors</li> <li>Assess risk and rank subjects using business risk factors</li> </ul>	<ul> <li>Select audit subjects and bundle into distinct audit engagements</li> <li>Determine audit cycle and frequency</li> <li>Add appropriate engagements based on management requests or opportunities for consulting</li> <li>Validate the plan with business management</li> </ul>

Among the first steps in creating the risk assessment model was to understand the City's business and operating environment. Then with the assistance from the Office of the Chief Information Officer (OCIO), Internal Audit defined the City's IT audit universe, which is a listing of all the City's significant IT assets, including applications, database, operating systems, network and data, together with the IT support and development processes.

The next step in creating the risk assessment model was to identify and rank the major inherent risks associated with each of the City's significant IT assets and processes. Inherent risk can be defined as the probability of loss arising out of circumstances or existing in an environment, in the absence of any action to control.

Through reviewing documents and interviewing stakeholders, Internal Audit assessed threats and vulnerabilities that may impact the City's IT operations, assets and data. Internal Audit identified 54 risk factors/scenarios that may affect the City's ability to

achieve its strategic objectives. For each of these risk scenarios, Internal Audit assessed its likelihood of occurrence and the impacts should it occur.

Each of the risk scenarios were ranked (i.e. low, low/medium, medium/high and high), according to the assessment combining likelihood and impact, from high to low. Based on the risk assessment methodology:

- 7 risk scenarios, or 13% were identified as having a high inherent risk rating.
- 28 risk scenarios, or 52%, were identified as having a medium/high inherent risk rating.
- 11 risk scenarios, or 20%, were identified as having a medium inherent risk rating.
- 6 risk scenarios, or 11%, were identified as having a medium/low inherent risk rating.
- 2 risk scenarios, or 4%, were identified as having a low inherent risk rating.

# A high, or medium/high inherent risk rating does not imply that the risk factor is being managed ineffectively or that a process is not functioning properly

High risk areas may indicate opportunities to address activities which are mission critical and highly relevant to strategic and business objectives, have significant legal or reputation impacts, provide substantial support for other internal City operations, reflect high public need, or consume significant resources. The overall results identify the activities with the highest risk factors that may warrant and benefit from additional management action or audit services.

During the process of IT risk assessment, information from various sources were used for determining risk and work plan priorities. These include:

- Authoritative guidance from professional associations.
- City's IT strategic plans, roadmaps and documentation.
- City's IT governance documentations, policies, standards and procedures.
- IT consultant reports on the City's IT and data governance, systems, processes and applications.
- Technology risks identified in previous audits and investigations.
- Current and emerging risks in the local government sector.

- High profile issues in other municipalities.
- Information provided by and discussions with stakeholders, including plans, policies, procedures, analysis and representation.
- Significant IT projects and initiatives.

# Defining the IT audit universe and performing a risk assessment are precursor steps to selecting what to include in the IT audit plan

As the last step of the process, following assessing and rating risk scenarios, Internal Audit identified the mitigating controls for each of these risk scenarios, and develop audit plans to examine the design and operating effectiveness of these controls. During this process Internal Audit took into consideration the following factors:

- Maturity of IT operation and risk management model.
- Internal audit resources.
- Accommodating stakeholder requests.
- Integration with overall internal audit plan.

The IT Audit Plan will be integrated into the annual Internal Audit Risk Based Work Plans for the remainder of this Term of Council, and therefore, is created within the constraints of Internal Audit's operating budget and available resources. For the purposes of creating an IT Audit Work Plan, several of the 54 scenarios have been consolidated in order to create efficiencies for the purposes of conducting future audits.

As technology continues to change, so does the arrival of new and potential risks, vulnerabilities, and threats to the organization. In addition, technological changes may prompt a new set of IT goals and objectives, which in turn leads to the creation of new IT initiatives, acquisitions, or changes to meet the organization's needs. As a result, the IT audit plan priorities will be subject to periodic reviews and reassessment.

The scope of this IT risk assessment and audit plan focuses on the risks that surround, and the related controls (usually referred to as IT general controls, or ITGCs) that apply to all systems components, processes, and data present in the City and systems environment. The objectives of these controls are to ensure the appropriate development and implementation of applications, as well as the integrity of program and data files and of computer operations.

Application controls relate to the transactions and data pertaining to each computerbased application system. They are specific to each individual application. The objectives of application controls are to ensure the completeness and accuracy of records, as well as the validity of the entries made to each record, as the result of program processing. In other words, application controls are specific to a given application, whereas ITGCs are not. According to GTAG – Developing the IT Audit Plan, there is a growing consensus among internal audit functions that business applications should be audited with the business processes they support. This provides assurance over the entire suite of controls — automated and manual — for the processes under review, helps to minimize gaps and overlaps of audit efforts, and minimizes confusion over what was included in the scope of the engagement.

The table below outlines the priority IT projects that will be proposed for approval in the upcoming annual Internal Audit Risk Based Work Plans for the remainder of this Term of Council:

Audit Project	Rationale and Risks	Strategic Plan Area of Focus
Information Technology Security Audit	<ul> <li>Rationale: Securing computerized data and information is important for several reasons, but principally as a means of keeping information safe. The importance of computer security lies in how harmful it can be if data or information is lost.</li> <li>The City stores a lot of data, some of it very sensitive, including payment information, staff records, e-mails, citizen information and extensive corporate documents, both finished and those in progress.</li> <li>Risk: In addition to security breaches by outsiders, there is also an increasing risk that data and systems can be compromised by staff inside organizations. As part of their daily responsibilities, staff have access to data and information that those outside of the organization typically do not. Although not a risk unique to computerized information, the ease of availability and accessibility to computerized information may increase the likelihood of a security breach.</li> </ul>	Operational Performance and Citizen Experience
IT Governance Audit	<ul> <li>Rationale: IT governance provides a structure for aligning IT strategy with business strategy. It provides a framework of best practices and controls. By following a formal framework, the City can produce measurable results toward achieving the Term of Council Priorities and strategic objectives.</li> <li>Risk: The City requires sufficient, competent and capable IT resources in order to help the City deliver on the Term of Council Priorities and execute on the activities required to meet current and future strategic objectives. The absence of effective administration, stewardship and metrics to track initiatives can result in lost opportunities and reputational damage to the City.</li> </ul>	Good Governance and Operational Performance

Audit Project	Rationale and Risks	Strategic Plan Area of Focus
Payment Card Industry Data Security Standard Compliance Audit	<b>Rationale:</b> The Payment Card Industry Data Security Standard (PCI DSS) is a set of security standards designed to ensure that organizations that accept, process, store or transmit credit card information maintain a secure environment. The standard was created to increase controls around cardholder data to reduce credit card fraud. Since the City stores and processes payment card information in its daily operations, management needs to ensure that the City is compliant to these standards.	Operational Performance and Citizen Experience
	<b>Risk</b> : In addition to non-compliance to PCI DSS, if credit card information is not secured, there is a greater risk that the information may be compromised.	
Data Management Audit	<ul> <li>Rationale: According to the City's Data Management (DM) Strategy, our vision is a secure, data-rich environment accessible through a planned, collaborative and well-integrated enterprise approach to data management. This environment will be supported by an organizational culture that values and encourages mature, measured and managed data governance practices and high-quality data to enable the effective and efficient delivery of services through evidence-based decisions.</li> <li>Risk: The absence of effective administration, stewardship and metrics to track initiatives can result in not having the necessary hardware, databases and software solutions that will allow the City to monitor performance and predict future trends and conditions, which can impact the ability to make evidence-based decisions.</li> </ul>	Operational Performance and Citizen Experience

During the process of the IT risk assessment, Internal Audit identified risk scenarios that have not only IT implications, but also organization-wide impacts. These risk scenarios warrant separate, broader audit attention.

Such audits may include, but not be limited to:

- Emergency Planning, Business Continuity and Disaster Recovery Audit
- Privacy Compliance Audit
- AODA Compliance Audit
- Records Management Audit
- Financial Planning and Budgeting Process Audit

Such findings are consistent with Internal Audit's entity-wide risk assessment and complement the overall risk-based audit workplan.

# **Financial Impact**

Not Applicable

# **Broader Regional Impacts/Considerations**

Not Applicable

# **Conclusion**

The IT Audit Plan has been developed using the best available information and is aligned with the City's Term of Council Service Excellence Strategy Map.

The IT Audit Plan will be integrated into the annual Internal Audit Risk Based Work Plans for the remainder of this Term of Council.

**For more information,** please contact: Kevin Shapiro, Director of Internal Audit, ext. 8293

# **Attachments**

Not Applicable

# Prepared by

Kevin Shapiro, Director of Internal Audit, extension 8293 Hemingway Wu, Audit Project Manager, extension 8350

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## **Committee of the Whole (2) Report**

DATE: Tuesday, November 12, 2019 WARD(S): ALL

## TITLE: LETTER OF CREDIT POLICY

#### FROM:

Michael Coroneos, Deputy City Manager, Corporate Services and Chief Financial Officer

## **ACTION:** DECISION

## Purpose

The Letter of Credit Policy has been created to define the requirements for the use of a letter of credit or other acceptable forms of security including a standardized letter of credit format, financial institution requirements, the process for unclaimed securities and the responsibilities and approval authorities related to the collection and release of securities.

## **Report Highlights**

• The Letter of Credit Policy will govern the collection, administration, release, reduction or draw on letters of credit or cash securities collected by the City.

### **Recommendations**

1. That Council approve the Letter of Credit Policy as presented, including giving Staff the authority to release, reduce, or draw on a letter of credit or cash security as required.

## **Background**

Various departments within the Corporation require letters of credit or cash securities to secure financial and/or performance obligations through various development approval processes and agreements between the City and outside parties.

A letter of credit is a document issued by a financial institution on behalf of its customer authorizing the City to receive a value up to an amount stipulated in the letter of credit in the event that the customer defaults on a contractual obligation with the City.

Various departments are involved in the letter of credit process, with Development Finance being the primary administrator for the bulk of the City's securities. Currently there is no policy in place to govern the City's letter of credit process. The intention of this policy is to streamline the approach across the Corporation to ensure a consistent process and approval authority framework.

It was determined that this policy would exclude securities collected by Recreation Services due to the short-term and immaterial nature of the securities collected as a part of their business operations. Additionally, any electronic bonds collected by Procurement are also exclude from this policy.

## Previous Reports/Authority.

N/A

## Analysis and Options

# A standard letter of credit format will ensure consistency across all letters of credit received by the City

A standardized letter of credit format has been prepared by staff and is attached as Appendix A to this report. The format will ensure that all pertinent and required information will be included on the form to assist staff in the administration of the securities.

### **Acceptable Financial Institutions**

Letters of credit will only be accepted by Schedule 1 Canadian Chartered banks which have a credit rating of a R-1 (mid) or higher as provided by Dominion Bond Rating Service (DBRS), or an equivalent rating by the rating agency Moody's Investor Service (Moody's) or Standard and Poor's (S&P). This includes several larger Canadian Banks which are listed within the policy. Any deviations from the list of acceptable banks may only be accepted on the approval of the Director of Financial Planning and Development Finance. Cash securities in an equal amount to the letter of credit may be accepted, to the satisfaction of the Manager, Development Finance and may include a certified cheque, money order or bank draft.

#### Unclaimed Letters of credit and cash securities will be reviewed annually

On an annual basis, the Development Finance Development Clerk shall review the cash securities and identify those securities that are five or more years old. If it is determined that the letters of credit are in a position to be released, they will be released to the last known address of the Applicant. In the event that an applicant cannot be found, and the securities continue to remain unclaimed, they shall be added to an annual list of unclaimed securities.

Unclaimed cash securities that are five or more years old may be deemed forfeited to the City after a ninety-day public notice period. Once the public notice period has expired, a report will be brought to Council to authorize the transfer of forfeited cash securities into tax-funded reserves as recommended at the time of the report. A minimum of 10% of the forfeited cash will be transferred into the Tax Rate Stabilization Reserve. A record of the forfeited cash securities will be retained in the event that an Applicant comes forward to claim their security. If an Applicant has fulfilled the obligations of the original agreement the Treasurer will be authorized to release the security through a withdrawal of monies from the Tax Rate Stabilization Reserve.

#### Approval Authority for the Reduction or Release of Securities

All requests for reduction or release of securities will be directed to the appropriate department(s) responsible for the secured works. A framework has also been developed for the authority to release, reduce, or draw on a letter of credit or cash security and is structured as follows:

Type of Security	Type of Inspection	Authority
Permit	Building (Under \$15,000)	Inspector
	Building (\$15,000 and Over)	Manager
	Grading (Under \$10,000)	Supervisor
	Grading (\$10,000 and Over)	Manager
	By-law	Inspecting By-law Officer
	Parks & Forestry	Manager
Tree Protection		Urban Design Manager
Site Plan		Urban Design & Engineering Managers
Conditional Permit		Building Standards Technical Manager
Subdivision		Development Engineering Director
All Other		Department Head

## **Financial Impact**

Letters of Credit and cash securities are intended to protect the City in the event that an Applicant defaults on their contractual obligation to the City. These transactions reduce risk to the City by ensuring that financial and/or performance obligations are secured for. As a result, there are no direct financial implications to the City as a result of the collection of letters of credit or cash securities.

In the instance of unclaimed securities, they will be considered a revenue source applied to reserves based on a recommendation of Staff to Council.

### **Broader Regional Impacts/Considerations**

N/A

## **Conclusion**

With Council approval of the Letter of Credit Policy, staff will have a clear direction on how to administer letters of credit and cash securities across the organization.

For more information, please contact: Nelson Pereira, Manager Development Finance

## **Attachments**

- 1. Letter of Credit Policy
- 2. Appendix A: Standard Format for Letters of Credit
- 3. Appendix B: Lottery Licence Letter of Credit

## Prepared by

Brianne Clace, Project Manager, Development Finance

## Attachment 1

# CITY OF VAUGHAN



## **CORPORATE POLICY**

#### POLICY TITLE: LETTER OF CREDIT

#### POLICY NO.: 12.C.04

Section:	Finance & Budgets		
Effective Date:	Click or tap to enter a date.	Date of Last Review:	Click or tap to enter a date.
Approval Authority:		Policy Owner:	
Council		DCM, Corporate Services & CFO	

#### POLICY STATEMENT

The City of Vaughan (hereinafter referred to as the "City") may require securities to be submitted to secure financial and/or performance obligations through various development approval processes and agreements between the City and an outside party seeking approval from the City. This policy establishes the minimum standards for the acceptance, custody, and administration of Letters of Credit and other acceptable forms of security to protect the financial interest of the City.

A Letter of Credit is a document issued by a financial institution on behalf of its customer authorizing a third party, in this case the City, to receive a value up to the amount stipulated in the letter of credit in the event the customer defaults on their contractual obligations to the City.

All Letters of Credit and other allowable forms of security shall be forwarded to Financial Planning and Development Finance staff for review and approval/refusal.

#### PURPOSE

To define the requirements for the use of a Letter of Credit, including:

- 1. Acceptable Letter of Credit format;
- 2. Issuing financial institution requirements;
- 3. Acceptable security alternatives;
- 4. City staff responsibilities and approval authorities; and
- 5. Process and treatment of Unclaimed Securities

POLICY NO.: 12.C.04

#### SCOPE

This policy applies to all Letters of Credit and other allowable forms of security received by the City, with the exception of securities required and collected by Recreation Services and electronic bonds collected by Procurement Services.

#### LEGISLATIVE REQUIREMENTS

None.

#### DEFINITIONS

- 1. Agreement: Any type of document requiring Letters of Credit or other allowable forms of securities to secure financial and/or performance obligations, including but not limited to all types of development agreements, letters of undertaking, and notes to file.
- 2. Applicant: The party that has tendered a Letter of Credit or Cash Security to the City to secure the obligations of an Agreement with the City. The Applicant should be the same as the Counterparty of an Agreement.
- **3.** Automatic Renewal: The condition which states that the Letter of Credit will be automatically extended without formal amendment for a specified period beyond the stated expiry date. Written notification must be received by the City prior to the expiration if automatic renewal is terminated.
- **4. Beneficiary:** The party to whom the proceeds of the Letter of Credit will be paid in the event of a Draw. For the purpose of this Policy, the City is always the Beneficiary.
- 5. Cash Security: Allowable forms of securities as provided in this Policy other than a Letter of Credit.
- 6. City: The Corporation of the City of Vaughan.
- **7. Counterparty:** Other party or parties to an Agreement with the City. The counterparty should be the same as the Applicant of a Letter of Credit or Cash Security.
- **8. Department Head:** The Director of a department responsible for the secured works requiring a Letter of Credit, or his/her designate.
- **9. Director:** The Director responsible for Financial Planning and Development Finance, or his/her designate.

#### POLICY NO.: 12.C.04

- **10.Draw:** When the Beneficiary (the City) makes a written demand to an issuing bank to release all or part of a Letter of Credit due to default fully or in part by an Applicant on their contractual obligations to the Beneficiary.
- **11.Irrevocable:** That the Letter of Credit may not be revoked or amended without the mutual consent of the issuing financial institution and the Beneficiary (the City).
- **12. Letter of Credit:** A form of financial security issued by a financial institution on behalf of their client (the Applicant) that guarantees payment from the Applicant to the beneficiary (the City).
- **13. Schedule I Banks:** Domestic banks and are authorized under the *Bank Act* to accept deposits.
- **14. Schedule II Banks:** Foreign bank branches of foreign institutions that have been authorized under the *Bank Act* to do banking business in Canada.
- **15. Standby:** A form of Letter of Credit that guarantees payment or performance by one or more counterparties to the Beneficiary (the City) enabling the Beneficiary to draw upon the security up to the specified total in the event of default or non-delivery provided the presentation of payment request complies with the terms of the Letter of Credit.
- **16. Treasurer:** The Treasurer of the City of Vaughan, or his/her designate.
- **17. Unclaimed Cash Security:** Cash Securities that are no longer required by the City, but which have not been released by the City because the owner cannot be located, or which are outstanding where the owner has not come forward to request release.
- **18. Unconditional:** The Letter of Credit is payable on demand to the Beneficiary (the City) without further documentary evidence of obligation, without enquiry by the issuing financial institution as to the Beneficiary's right to make the demand, and without recognizing any claim of the Applicant.

#### POLICY

1. Standard Letter of Credit Format

A copy of the City's Standard Letter of Credit Format is included in Appendix A of this policy and is also available on the City's website. The submitted Letter of Credit must:

1.1. Be printed on letterhead from the issuing financial institution;

#### POLICY NO.: 12.C.04

- 1.2. Comply with the International Standby Practices (ISP98) or its successor as published by the International Chamber of Commerce;
- 1.3. Be issued in Canadian dollars in the amount requested by the City;
- 1.4. Be issued in favour of The Corporation of the City of Vaughan at the address as it appears on the standard format in Appendix A. No department name or person's name can be added;
- 1.5. State the date of issue;
- 1.6. State that it is unconditional and irrevocable;
- 1.7. Describe the purpose for which the Letter of Credit is being provided i.e. agreement, property, legal description, City file number or building permit number;
- 1.8. Include the clause "partial drawings are permitted";
- 1.9. State the expiration date which must be at least one year from date of issue;
- 1.10. Include an automatic renewal clause for the expiry;
- 1.11. Indicate that the City will be given 30 days' notice by registered mail if the Letter of Credit is not intended to be renewed; and,
- 1.12. Conform to the intent of the standard format provided in Appendix A. Any deviation from the standard format will be subject to review by the City and may be refused for non-compliance.

At the time of the passing of this policy, any Letters of Credit currently held by the City and not meeting the standard Letter of Credit format requirements will continue to be held and automatically renewed annually. If any of these Letters of Credit are being reduced or exchanged, the City shall review and require amendment to bring them into compliance with this Policy.

#### 2. Financial Institutions

Letters of Credit conforming to the standard format requirements provided in Appendix A shall only be accepted by the City from any of the following Schedule 1 Canadian Chartered Banks having a credit rating of a R-1 (Mid) or higher as provided by Dominion Bond Rating Service (DBRS), or an equivalent rating by the rating agencies Moody's Investor Service (Moody's) or Standard and Poor's (S&P):

#### POLICY NO.: 12.C.04

- Bank of Montreal;
- Bank of Nova Scotia;
- Canadian Imperial Bank of Commerce;
- Royal Bank of Canada;
- TD Canada Trust;
- National Bank.
- 2.1. Schedule II Banks and other Schedule I Banks to the *Bank Act* (Canada) having a credit rating of a R-1 (Mid) or higher as provided by DBRS, or an equivalent rating by the rating agencies Moody's or S&P may only be accepted on the approval of the Director of Financial Planning and Development Finance.
- 2.2. Where an eligible financial institution fails to maintain the minimum credit rating described in this policy, the City shall forward a replacement request to the Applicant and Counterparty, where different, to provide a substitute Letter of Credit from a financial institution that meets the minimum requirement as set out in this Policy. If a replacement Letter of Credit is not provided within 30 days of such demand, the City reserves the right to draw upon the original Letter of Credit and hold the non-interest-bearing Cash Security in the same manner as the Letter of Credit. The financial institution issuing the Letter of Credit will not be party to the terms of any Agreement(s) that are related to the provision of the security.

#### 3. Other Allowable Forms of Security

Cash Security in an equal amount to the Letter of Credit may be accepted, to the satisfaction of the Manager, Development Finance, in the form of:

- certified cheque
- money order or
- bank draft

to be deposited to the City's bank account and no interest shall accrue to the benefit of the Applicant.

- 3.1. When the financial and/or performance obligations have been met pursuant to this Policy and to the satisfaction of the City, the City will return the Cash Security deposit to the Applicant without any interest.
- 3.2. A Letter of Guarantee shall not be accepted in lieu of a Letter of Credit, since Letters of Guarantee are less liquid and do not provide the same advantages as Letters of Credit.

#### 4. Exchanges of Letters of Credit and Other Cash Securities

POLICY NO.: 12.C.04

- 4.1. At any time, upon written request from the Applicant and the payment of the applicable fees in accordance with the City's Fees By-Law, as amended from time to time, the City may exchange a Letter of Credit or other allowable form of security for an alternate financial security, provided the replacement conforms to this Policy, to the satisfaction of the Manager, Development Finance.
- 4.2. The Applicant shall provide the satisfactory replacement security prior to the release of the previous security. The City will review the replacement security for conformity to this Policy and release the previous security only if the replacement security has been deemed acceptable.

#### 5. Drawing Upon a Letter of Credit

In the event that an Applicant defaults on their contractual obligation to the City, the City withholds the right to draw upon the associated Letter of Credit fully or partially, at any time, after providing written demand to the financial institution from which the Letter of Credit was issued.

#### 6. Approval Authority for the Reduction or Release of Securities

- 6.1. All requests for reduction or release of securities will be directed to the appropriate department(s) responsible for the secured works for (a) confirmation that all applicable obligations pursuant to the Agreement have been met and (b) authorization that the securities may be reduced or released.
- 6.2. Authority to release, reduce, or draw on a Letter of Credit or Cash Security is governed by the following framework:

Permit Securities

- 6.2.1. Building Inspections:
  - 6.2.1.1. Under \$15,000: Inspector
  - 6.2.1.2. \$15,000 and Over: Manager
- 6.2.2. Grading Inspections:
  - 6.2.2.1. Under \$10,000: Supervisor
  - 6.2.2.2. \$10,000 and Over: Manager
- 6.2.3. By-Law Inspections: Inspecting By-Law Officer
- 6.2.4. Parks and Forestry Inspections: Manager
- 6.2.5. Tree Protection Securities: Urban Design Manager
- 6.2.6. Site Plan Securities: Urban Design and Engineering Managers

#### POLICY NO.: 12.C.04

6.2.7. Conditional Permit Securities: Building Standards Technical Manager

6.2.8. Subdivision Securities: Development Engineering Director

6.2.9. All Other Securities: Department Head

#### 7. Unclaimed Letters of Credit and Cash Securities

- 7.1. On an annual basis, the Development Finance Development Clerk shall prepare and/or update a schedule identifying all outstanding securities that are 5 or more years old.
- 7.2. This schedule shall be forwarded to the departments requesting whether all or portion of the securities should be:
  - 7.2.1. Continued to be held to secure obligations;
  - 7.2.2. Drawn against to fund deficiencies and the money treated as liquidated damages for the obligations secured under the Agreement or by-law, or,
  - 7.2.3. Release the securities in whole or in part.
- 7.3. Where securities are to be released, the City shall release the securities to the Applicant to their last known address.
- 7.4. In the event that the Applicant cannot be found, and the securities continue to be unclaimed, they shall be added to the annual list of Unclaimed Cash Securities.
- 7.5. Unclaimed Cash Securities that are five (5) or more years old may be deemed forfeited to the City after a ninety (90) day public notice period to invite all eligible applicants to request a claim of security deposits being held for works included in Agreements with the City.
- 7.6. After the public notice period has expired, a report will be brought to Council to authorize the transfer of forfeited Cash Securities into tax-funded reserves as recommended at the time of the report. A minimum of 10% of the forfeited cash securities must be transferred into the Tax Rate Stabilization Reserve.
- 7.7. A record of forfeited cash securities will be retained in the event that subsequent claims are made by the Applicant and the conditions of the original Agreement have been satisfied.
- 7.8. The Treasurer is authorized to withdraw monies from the Tax Rate Stabilization Reserve to satisfy eligible refunds.

POLICY NO.: 12.C.04

#### 8. Roles and Responsibilities

#### **Chief Financial Officer and City Treasurer**

- 8.1. Maintains administrative authority and responsibility for the Letter of Credit Policy; and,
- 8.2. Approves departmental operating procedures and processes under this Policy.

# Director, Financial Planning & Development Finance and Deputy City Treasurer

- 8.3. Responsible for the implementation of, and adherence to, this Policy; and,
- 8.4. Reviews and, if deemed appropriate, approves deviations or exceptions to this Policy, including Letters of Credit submitted from financial institutions that do not meet the minimum requirements described herein.

#### Legal Services

8.5. At the request and discretion of the Chief Financial Officer and City Treasurer, review and interpret any Agreements where securities are required to secure obligations to protect the legal interest of the City pertaining to the administration, custody, and use of Letters of Credit or other securities and provide advice on the collection, reduction or release of same.

# All staff involved in the acceptance, evaluation and administration of Letters of Credit

- 8.6. Read and abide by the requirements set out in this Policy; and,
- 8.7. Forward any Letters of Credit received or retained at the department level to the Director of Financial Planning and Development Finance and/or designate.

ADMINISTRATION				
Administered by the Office of the City Clerk.				
Review	SELECT	Next Review	Click or tan to ontor a data	
Schedule:	If other, specify here	Date:	Click or tap to enter a date.	
Related				
Policy(ies):				
Related				
By-Law(s):				

## POLICY NO.: 12.C.04

Procedural Document:	Appendix A – Standard Format for Letters of Credit, Appendix B – Lottery License Letter of Credit	
Revision History		
Date:	Description:	
Click or tap to		
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## Attachment 2

# **CITY OF VAUGHAN**



## POLICY APPENDIX

#### APPENDIX TITLE: STANDARD FORMAT FOR LETTERS OF CREDIT

#### **APPENDIX NO.:**

	CITY OF VAUGHAN – STANDARD FO	RMAT FOR LETTERS OF CREDIT
		OF CREDIT FORMAT BANK LETTERHEAD
	UNCONDITIONAL IR	REVOCABLE LETTER OF CREDIT
		Date of Issue: Letter of Credit No
TO:	The Corporation of the City of Vaughan 2141 Major Mackenzie Drive Vaughan, Ontario L6A 1T1	(Beneficiary name and address must be written as here -no additional information)
	ereby authorize you to draw on <u>(Bank's Name &amp;</u> an aggregate amount of <u>(\$CDN and amount wr</u>	<u>Address</u> ) for the account of <u>(Owner's Name/Applicant)</u> itten in full) available on demand as follows:
Pursu	uant to the request of our customer, the said (Ov	wner's Name/Applicant), we, (Bank's Name) hereby establish and
writte upon said o Provi	en in full) which may be drawn upon by you at an us by you which demand we shall honour witho customer to make such demand and without reco ded, however, that you are to deliver to <u>(Bank's</u>	Name & Address), at such time as a written demand for payment is
writte upon said o Provi made	en in full) which may be drawn upon by you at an us by you which demand we shall honour witho customer to make such demand and without reco ded, however, that you are to deliver to ( <b>Bank's</b> e upon us a statement signed by you stating that	by time and from time to time upon written demand for payment made but enquiring whether you have a right as between yourself and our ognizing any claim of our said customer.
writte upon said o Provie made follow Agree Party Lega Deve	en in full) which may be drawn upon by you at an us by you which demand we shall honour witho customer to make such demand and without reco ded, however, that you are to deliver to ( <b>Bank's</b> e upon us a statement signed by you stating that	by time and from time to time upon written demand for payment made but enquiring whether you have a right as between yourself and our ognizing any claim of our said customer. <b>Name &amp; Address)</b> , at such time as a written demand for payment is monies drawn under this Letter of Credit are drawn pursuant to the
writte upon said o Provie made follow Agree Party Lega Deve Deve	en in full) which may be drawn upon by you at an us by you which demand we shall honour witho customer to make such demand and without reco ded, however, that you are to deliver to <u>(Bank's</u> a upon us a statement signed by you stating that ving: ement or Site Plan Letter of Undertaking ("LO r(ies) to Agreement/LOU: I Description of the Subject Lands: elopment Application No.: elopment Name and Phase:	by time and from time to time upon written demand for payment made but enquiring whether you have a right as between yourself and our ognizing any claim of our said customer. <b>Name &amp; Address)</b> , at such time as a written demand for payment is monies drawn under this Letter of Credit are drawn pursuant to the
Agree Party Lega Deve Deve	an in full) which may be drawn upon by you at an us by you which demand we shall honour without customer to make such demand and without reco ded, however, that you are to deliver to (Bank's e upon us a statement signed by you stating that ving: ement or Site Plan Letter of Undertaking ("LO r(ies) to Agreement/LOU: I Description of the Subject Lands: Hopment Application No.: Hopment Name and Phase: hat the said monies will be used to fulfil the obligation	y time and from time to time upon written demand for payment made but enquiring whether you have a right as between yourself and our egnizing any claim of our said customer. Name & Address), at such time as a written demand for payment is monies drawn under this Letter of Credit are drawn pursuant to the U"): [please specify]
Agree Party Lega Deve and the The a Any v	en in full) which may be drawn upon by you at an us by you which demand we shall honour witho customer to make such demand and without reco ded, however, that you are to deliver to (Bank's e upon us a statement signed by you stating that ving: ement or Site Plan Letter of Undertaking ("LO r(ies) to Agreement/LOU: I Description of the Subject Lands: Hopment Application No.: Hopment Name and Phase: hat the said monies will be used to fulfil the obligation amount of this Letter of Credit shall be reduced from the by you.	by time and from time to time upon written demand for payment made but enquiring whether you have a right as between yourself and our gnizing any claim of our said customer. Name & Address), at such time as a written demand for payment is monies drawn under this Letter of Credit are drawn pursuant to the "U"): [please specify] ations of (Owner's Name) under the said Agreement or LOU. om time to time as advised by notice in writing given to us from time at bear an intimation that it has been drawn under Letter of Credit

We hereby covenant with drawers, drawn upon and in accordance with the terms of this credit that the same will be duly honoured if drawn and negotiated on or before \_\_\_\_\_\_, 20\_\_\_\_ or any automatically extended expiry date. \_\_\_\_\_, 20\_\_\_\_ or any automatically extended expiry date.

For (Bank's Name)

(Signature)

## Attachment 3



# CITY OF VAUGHAN

## POLICY APPENDIX

#### APPENDIX TITLE: LOTTERY LICENCE LETTER OF CREDIT

#### APPENDIX NO.: B

#### APPENDIX

#### CITY OF VAUGHAN – STANDARD FORMAT FOR LOTTERY LICENCE LETTERS OF CREDIT

#### LETTER OF CREDIT FORMAT USE BANK LETTERHEAD

#### **IRREVOCABLE LETTER OF CREDIT**

Date of Issue:\_\_\_\_\_ Letter of Credit No.\_\_\_\_\_

TO: The Corporation of the City of Vaughan 2141 Major Mackenzie Drive Vaughan, Ontario L6A 1T1 (Beneficiary name and address must be written as here -no additional information)

We hereby authorize you to draw on **<u>[insert NAME OF BANK AND ADDRESS]</u>** for the account of [insert COMPANY'S NAME/APPLICANT], up to an aggregate amount of [insert amount in words] dollars **<u>\$[insert amount in figures] CDN</u>** available on demand as follows:

Pursuant to the request of our customer, the said **[insert COMPANY'S NAME/APPLICANT]** we, **[insert NAME OF BANK]** hereby establish and give you an irrevocable Standby Letter of Credit in your favour in the total amount of **<u>\$[insert amount in figures]CDN</u>** which may be drawn upon by you at any time and from time to time upon written demand for payment made upon us by you which demand we shall honour without enquiring whether you have a right as between yourself and our said customer to make such demand and without recognizing any claim of our said customer.

Any written demand for payment under this credit must bear an intimation that it has been drawn under Letter of Credit Number [insert LC#], issued by [insert NAME OF BANK], dated [insert date of letter of credit].

#### Partial drawings are permitted.

It is a condition of this Letter of Credit that it shall be deemed to be automatically extended for one (1) year from the present or any future expiration date hereof, unless thirty (30) days prior to any such date we shall notify you in writing, by <u>Registered</u> <u>Mail</u>, that we elect not to consider this Standby Letter of Credit renewed for any such additional period. Upon receipt by you of such notice, you may draw hereunder by means of your demand accompanied by your written demand for payment.

We hereby covenant with drawers, drawn upon and in accordance with the terms of this credit that the same will be duly honoured if drawn and negotiated on or before\_\_\_\_\_, 20\_\_ or any automatically extended expiry date.

For	(Bank's Name)

(Signature)



## **Committee of the Whole Report (2)**

DATE: Tuesday, November 12, 2019 WARD(S): ALL

## TITLE: CORPORATE POLICY-REVIEW OF ADVERTISING CONTENT ON CITY PROPERTY

#### FROM:

Tim Simmonds, Interim City Manager

## **ACTION:** DECISION

### **Purpose**

To obtain approval of a new Corporate Policy, titled, "*Review of Advertising Content Displayed on City Property Policy No. 02.C.05*". This Policy is intended to guide Council, Staff and the public in an open and transparent way on reviewing advertising content on City property. Further, the Policy safeguards the City's reputation, assets and interests.

## **Report Highlights**

- The City of Vaughan sells advertising in city-owned communication mediums to help off-set budget requirements for City programs and services.
- This Policy supports the placement of third-party advertisements on City Property to assist in the provision of City services.
- This Policy and Corporate Procedure outlines a process for administering requests to review advertising content on City property in a way that ensures access, fairness and conformity with prevailing legislation, standards and bylaws. And, safeguards the interests, property and reputation of the City.

### **Recommendations**

1. That Corporate Policy No. 02.C.05, *Review of Advertising Content Displayed on City Property Policy,* be approved.

## **Background**

In March 2019, Council adopted the following staff recommendation, "THAT, staff be directed to prepare for Council approval a new City of Vaughan corporate policy and procedure regarding third-party advertising on municipal property". This Council resolution represents the origin of this report.

The City of Vaughan currently supports the sale of third-party advertising on City Property to generate non-tax revenue for City services. Examples include ads in the Recreation Guide, Community Centres and corporate magazines and publications. Council also approved the future development of digital billboards on City property for the purpose of generating non-tax revenue.

Advertising content displayed on City Property must comply with the *Canadian Code of Advertising Standards*, applicable statutes in Canada and Ontario, and City By-laws and policies.

The City of Vaughan does not have a formal policy in place to manage complaints and/or requests for review of advertising on City property that may arise from Council members, staff, the public, and other stakeholders.

## Previous Reports/Authority

Staff report titled, "Billboard Revenue Potential Update" presented to the former Finance Audit and Administration (FAA) Committee on Monday March 4, 2019 <u>Extract Item 4,</u> <u>Report No. 5 of the Finance, Administration and Audit Committee</u>

### Analysis and Options

On October 22, 2019, the Corporate Policy Review Committee, comprised of the Interim City Manager and Senior Leadership staff, reviewed this Policy and directed it to Committee of the Whole and Council for approval.

#### This Policy and related Corporate Procedure provides clear decision-making principles and a process to guide Council Members and Staff on how to review requests related to advertising content on City property

Advertising mediums currently exist to generate revenue from the sale of advertising on City property, such as print, digital and out-of-home. All of these advertising programs will be subject to the proposed Policy. Review of advertising on private property is out of Policy scope. These types of requests are referred to the owner of the advertising medium for their review.

# Other municipalities and government agencies have similar Policy and Procedures to formally review advertising content on their assets

The City of Mississauga has a policy that outlines a review process that is administered by an advertising review panel (ARP) made up of Council Members. The City of Brampton's advertising review panel is comprised of three (3) members of their Senior Management Team as selected by the City Manager. Conversely, the Toronto Transit Commission ARP is made up of TTC Staff. As can be seen, the make-up of the advertising review panel varies.

This report recommends that the advertising review panel be comprised of City staff as outlined in the Corporate Procedures. Further, all decisions of the Vaughan Advertising Review Panel will be communicated to Council on a public Standing Committee or Council agenda. In extraordinary situations, for ad content that is deemed or has created community wide sentiment or concern, the City Manager has the authority in the proposed Policy to opt-out of the advertising review panel process and refer a matter directly to a Standing Committee or Council for a decision.

## **Financial Impact**

The sale of advertising on City property generates revenue for City programs and services that off-sets the budget and relieves the tax burden. The cost of administering the Policy is operational in scope. A budget amendment is not required as a result of approving the recommendations in this report.

## **Broader Regional Impacts/Considerations**

N/A

## **Conclusion**

Adoption of the proposed Advertising Content Displayed on City Property Policy will establish decision-making principles and a process for administering ad content review requests in a manner that ensures access and fairness. While the City supports the placement of third-party ads on City Property to assist in the provision of City services, the proposed Policy helps to safeguard the City's reputation, assets and interests.

**For more information,** please contact: Dennis Cutajar, Director, Economic and Cultural Development.

## **Attachments**

Attachment 1: Policy No. 02.C.05 - Review of Advertising Content Displayed on City Property

## Prepared by

Dennis Cutajar, Director, Economic and Cultural Development, 8274

## Attachment 1



# CITY OF VAUGHAN

## **CORPORATE POLICY**

#### POLICY TITLE: REVIEW OF ADVERTISING CONTENT DISPLAYED ON CITY PROPERTY

#### POLICY NO.: 02.C.05

<b>F</b> #4	ion:				
Date:	ctive :	Click or tap to enter a date.	Date of Last Review:	Click or tap to enter a date.	
Appr	oval Au	thority:	Policy Owner:		
Coun	Council City Manager				
POLI	ICY STA	TEMENT			
Prope	erty as a	aughan (the "City") suppo method to generate non- businesses in Vaughan.			
Advertising content displayed on City Property must comply with the <i>Canadian Code</i> of <i>Advertising Standards</i> , applicable statutes in Canada and Ontario, and City By- laws and policies.					
A fair, consistent, and open approach to administering Reviews, that arise due to third-party advertising content displayed on City Property, safeguards the City's vision, mission, image, reputation and public interests.					
		n, image, reputation and	public interests.		
PUR	POSE	n, image, reputation and	public interests.		
	POSE licy that:	n, image, reputation and	public interests.		
	licy that: Suppo	n, image, reputation and orts the placement of third in the provision of City se	-party advertisement		
A Pol	licy that: Suppo assist	orts the placement of third	-party advertisements ervices;	s on City Property to	
A Pol	licy that: Suppo assist Safegu Permit laws u legisla	orts the placement of third in the provision of City se uards the City's corporate	-party advertisements ervices; e vision, image, asset party advertisements er of Rights and Free r policies of the Provi	s on City Property to s, and interests; that do not contradict any doms or	

POLICY NO.: 02.C.05

#### SCOPE

This Policy applies to all third-party advertising content displayed on City Property, including Property subject to private public partnerships.

Out of Scope: This Policy does not apply to advertising on private land, buildings and structures in the City.

This Policy does not apply to advertising purchased by the City.

#### LEGISLATIVE REQUIREMENTS

Advertising on City Property must comply with the following:

- 1. The Canadian Code of Advertising Standards;
- 2. All applicable laws including the Constitution, and also Provincial and City Bylaws, policies and procedures.

#### DEFINITIONS

For purposes of this Policy, the following definitions apply:

- 1. Advertising: The sale, lease, granting of City Property to a third-party for the purpose of promoting a product, service or cause.
- 2. Advertising Review Panel ["ARP"]: A panel consisting of three (3) Members of the City's Senior Leadership Team as determined by the City Manager, except for the Deputy City Manager for Administrative Services and City Solicitor, and the City Manager.
- 3. City: The Corporation of the City of Vaughan.
- 4. City Clerk: The City Clerk, or a designate.
- 5. City Property: City-owned assets and rental spaces. These include, but are not limited to, events, publications, indoor and outdoor facilities and open spaces, vacant land, separate components of a facility, signage, and other assets owned by the City, including assets subject to private public partnership agreements.
- 6. Council Member: The Mayor and Members of City Council.
- 7. Department Head: A senior management employee accountable and responsible for the operations of a City department, including Directors and Chiefs.

#### POLICY NO.: 02.C.05

- 8. Reviews: The process of examining a subject matter, whether retroactively or proactively.
- 9. Review Requests: A written request to the City Clerk to have a Review of advertising content on City Property from the following parties:
  - 9.1. A Council Member who submits one (1) self-identified Review Request, or
  - 9.2. Any ten (10) members of the public, along with their name, address and contact information, who want a Review of the same advertisement, or
  - 9.3. A third-party advertiser, and/or their agent(s), who requests a Review of advertising content prior to, or post publishing.

#### POLICY

- 1. General
- 1.1. The placement of any advertising by a third-party on City Property does not represent or imply any partnership with the City, nor the City's endorsement of any product, service, person(s), company, organization, beliefs, views, or any contents contained in the advertisement and does not constitute information or communication by or on behalf of the City.
- 1.2. All third-party advertising on City Property is managed by contract between the City and advertising entity(ies) and/or their agent(s), administered by the Department Head responsible for the subject City Property. The content of such contracts is prepared to the satisfaction of the Department Head, and in a form satisfactory to the Legal Services Department.

#### 2. Review Request Process

- 2.1. All Review Requests shall be submitted directly to the City Clerk, in accordance with the form and requirements of the City Clerk.
- 2.2. Upon receipt of a completed Review Request, the City Clerk will immediately:
  - 2.2.1. Register it
  - 2.2.2. Summarize it
  - 2.2.3. Circulate it to the Legal Services Department for a legal opinion
  - 2.2.4. Notify the Director of Corporate & Strategic Communications
- 2.3. Upon receiving the legal opinion, the City Clerk will circulate the registered Review Request to the ARP for their Review.

POLICY NO.: 02.C.05

2.4.	The	ARP has the authority:		
	2.4.1	. To assess registered Rev opinions;	iew Requests, sumr	maries, and legal
	2.4.2	. To decide to accept or ref City Property without Cou		•
	2.4.3	. To refer registered Reque determined to be non-rou impact or legal implication Manager, shall accompan	tine (examples such n). A staff report, au	as a community-wide thorised by the City
2.5.	Each member of the ARP independently submits their decision to the City Clerk in writing for tally by the City Clerk. The majority count determines the final decision of the ARP.			
2.6.	decis and t ARP Com	Notwithstanding 2(iii) of this Policy, the City Clerk communicates ARP decisions to the Review Request party, any applicable Department Heads, and to other effected entities. Except for Request Reviews under 4(iii), all ARP decisions are communicated to Members of Council, as a written Communication Item on an agenda of a future Standing Committee or Council meeting.		
2.7. 2.8.	applicable Department Head responsible for the subject Property fulfils the direction. For example, if the ARP or Council refuses advertising content on City Property, the Department Head ensures the ad is removed, or not displayed on City Property.			
ADMINIS	ADMINISTRATION			
Administered by the Office of the City Clerk.				
Review Schedule		3 Years If other, specify here	Next Review Date:	January 1, 2024
Related Policy(ie:		CIIR-001 - Corporate Pa	artnerships	
Related By-Law(s	ated 140-2018 Signage			

## POLICY NO.: 02.C.05

Procedural Document:	PRC.12- Review of Advertising Content Displayed on City Property	
Revision History		
Date:	Description:	
17-Jul-19	Original Policy Drafting	
Click or tap to		
enter a date.		
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## **Committee of the Whole (2) Report**

DATE: Tuesday, November 12, 2019 WARD(S): ALL

## TITLE: PROPOSAL BY THE MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING TO TRANSFORM AND MODERNIZE THE DELIVERY OF BUILDING CODE SERVICES

#### FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

## **ACTION:** FOR INFORMATION

### <u>Purpose</u>

To inform Council that the Ministry of Municipal Affairs and Housing is proposing to make changes to the delivery of building code services that may impact building permit and inspections service delivery to Industry.

## **Report Highlights**

- The Ministry of Municipal Affairs and Housing is proposing to transform and modernize the delivery of building code services.
- The Ministry of Municipal Affairs and Housing is seeking feedback from the public on their proposal. Staff are preparing a response on behalf of the City, which will be provided to the Ministry by November 25, 2019.

## **Recommendations**

1. That this report be received for information.

## **Background**

Ontario's construction regulatory regime is governed by provincial statute, the Building Code Act (BCA), a provincial regulation, the Ontario Building Code (OBC), and municipal by-laws. According to the Building Code Act, Council is legislated to appoint

a Chief Building Official to establish operational polices for the enforcement of the BCA and OBC.

In March 2000, the Minister of Municipal Affairs and Housing (MMAH) established the Building Regulatory Reform Advisory Group (BRRAG). BRRAG was given the mandate to prepare a report and make recommendations setting out a direction for reforming Ontario's building regulatory system. In 2002, a major amendment (Bill 124) was made to the provincial regulatory regime as a result of the BRRAG report.

The Ministry is now considering further amendments to the provincial building regulatory regime. On September 24, 2019 the MMAH released a discussion paper, "Transforming and Modernizing the Delivery of Ontario's Building Code Services". In his letter, the Minister of MMAH states (Attachment #1):

"Our government has heard from stakeholders about the need for better, modern, and timely services to support the building sector's ability to understand and apply building code requirements. To do this the ministry is proposing to establish a new administrative authority to deliver a suite of enhanced and new user-driven services."

According to the discussion paper, the proposed administrative authority will be a private, non-profit corporation, that will deliver regulatory programs on a cost-recovery basis. In order to achieve this, the administrative authority would charge fees for directly delivered services and collect a small levy on top of municipal building permit fees. The referenced levy is 0.016% of the construction cost estimate noted on a standard building permit application.

Six (6) key objectives of the transformation and modernization of building code services are noted in the discussion paper and are outlined in the Analysis and Options Section.

According to the discussion paper, the proposed administrative authority would be tasked to provide modern, user-centric services to the building sector and streamline customer service to all people across the Province. The proposed enhanced and new services introduced in the discussion paper are further categorized into four themes and are outlined in the Analysis and Options section.

## Previous Reports/Authority

N/A

## Analysis and Options

In the consultation stage, the Ministry is seeking public feedback on their proposal to modernize the delivery of Ontario's building code services and transfer service delivery

to an administrative authority. According to the discussion paper, the transformation and modernization of building code services would:

- Strengthen public safety,
- Streamline customer service and approval processes,
- Deliver sector-driven services,
- Provide timely and modern tools and products,
- Promote consistency across the province, and
- Enhance integrity in the system.

The Ministry's discussion paper is organized into four themes that identify concerns that have been raised by stakeholders regarding existing building code services, asks questions about how the services might be improved or enhanced, and proposes potential changes. In addition, the discussion paper outlines areas where there might be a need for new services to be delivered. The four themes are:

- 1. Theme 1 Getting people working in the building sector
- 2. Theme 2 Promoting sustainability and transparency in the building code profession
- 3. Theme 3 Building code administration and enforcement
- 4. Theme 4 Improving building sector supports

Based on implementation timelines of past Ministry of Municipal Affairs and Housing initiatives (BRRAG and Bill124), it is expected this initiative is 2 to 4 years away from implementation.

The Building Standards Department is working in collaboration with the Large Municipalities Chief Building Officials Group (LMCBO) on comments to the 40 questions asked in the discussion paper. It is expected that the 44 Chief Building Officials of the LMCBO will be finalizing comments at the upcoming LMCBO fall workshop that runs from November 12<sup>th</sup> to the 15<sup>th</sup>. The Building Standards Department will consider LMCBO's comments prior to finalizing the City's comments to the consultation.

The Building Standards Department will continue to monitor the development of this initiative and position itself to adapt to the resulting legislation. The Chief Building Official will inform Council of any further developments.

## **Financial Impact**

If the government moves forward with these changes, building permit fees may need to be reviewed to meet new legislative requirements.

## **Broader Regional Impacts/Considerations**

N/A

## **Conclusion**

As the initiative is still in the consultation phase, and new legislation has not been drafted, the effect of changes to the provincial building regulatory regime cannot be determined at this point.

The proposed changes to the delivery of building code services may impact current operational and financial models of the Building Standards Department and the construction industry.

The Building Standards Department will continue to monitor the development of this initiative and will position itself to adapt to the resulting legislation. The department will also provide the Ministry with feedback on the proposal to help inform next steps.

## **Attachments**

1. September 24, 2019 letter from the Minister of Municipal Affairs and Housing

## Prepared by

Ben Pucci, Director of Building Standards and Chief Building Official, ext. 8872

Ministry of Municipal Affairs and Housing

Office of the Minister

777 Bay Street, 17<sup>th</sup> Floor Toronto ON M5G 2E5 Tel.: 416 585-7000 Ministère des Affaires municipales et du Logement

Bureau du ministre

777, rue Bay, 17<sup>e</sup> étage

Toronto ON M5G 2E5

Tél.: 416 585-7000



19-4232

September 24, 2019

#### **RE: Building Code Services Transformation**

Dear Head of Council,

I am writing today to announce that my ministry is launching a consultation on potential changes to the delivery of building code services. On September 24, 2019, I released a discussion paper: <u>Transforming and Modernizing the Delivery of Ontario's Building</u> <u>Code Services</u>.

Our government has heard from stakeholders about the need for better, modern, and timely services to support the building sector's ability to understand and apply building code requirements. To do this, the ministry is proposing to establish a new administrative authority to deliver a suite of enhanced and new user-driven services. Modernized service delivery will ensure that the sector has the supports it needs to continue growing Ontario's economy, while protecting public health and safety.

Your feedback is important and will help inform enhancements to current building code services and the development of new services, which would:

- strengthen public safety
- streamline customer service and approval processes
- deliver sector-driven services
- provide timely and modern tools and products
- promote consistency across the province
- enhance integrity in the system.

.../2

We will also be hosting regional information sessions that will include an informational session for the sector earlier in the afternoon (1:00 - 3:00 p.m.) and a public open house in the evening (5:30 - 7:00 p.m.). Sessions will be held on the following dates:

- 1. City of Belleville: Friday, October 4, 2019 Belleville Lions Club, 119 Station St., Belleville
- 2. City of North Bay: Monday, October 7, 2019 North Bay Memorial Gardens, 100 Chippewa St. W., North Bay
- 3. Municipality of Chatham-Kent: Wednesday, October 9, 2019 Chatham-Kent Cultural Centre, 75 William Street, Chatham-Kent
- 4. City of Vaughan: Wednesday, October 16, 2019 Vellore Hall, 9541 Weston Road, Woodbridge

For more information about this consultation and for additional ways to participate, please visit <u>www.ontario.ca/buildingtransformation</u> where you will find:

- A link to the discussion paper
- Information about how to provide feedback
- A short optional survey

The consultation will close on November 25, 2019.

I look forward to your feedback on the transformation of building code service delivery. Please note that Chief Building Officials will also receive notification of this transformation initiative and associated opportunities for engagement.

If you have any questions about the consultation, please contact ministry staff at <u>buildingtransformation@ontario.ca</u>.

Sincerely,

Steve Clark Minister

c: Municipal Clerks



## **Committee of the Whole (2) Report**

DATE: Tuesday, November 12, 2019 WARD(S): 1

## TITLE: STEGMAN'S MILL ROAD, TESTON ROAD AND KLEINBURG SUMMIT WAY - HEAVY TRUCK PROHIBITIONS

#### FROM:

Zoran Postic, Deputy City Manager, Public Works

## ACTION: DECISION

#### Purpose

This report seeks Council approval to implement a heavy truck prohibition on Stegman's Mill Road, Teston Road and on Kleinburg Summit Way to improve traffic operations and facilitate pedestrian and vehicle traffic.

#### **Report Highlights**

- Heavy truck movements into the Kleinburg Village area are prohibited on both Islington Avenue and on Nashville Road.
- Stegman's Mill Road, Teston Road and Kleinburg Summit Way lead into the Kleinburg Village area, but are currently not supported by heavy truck prohibition bylaws.
- Given the historical village setting, walking and biking activities, existing heavy truck prohibition on Islington Avenue and Nashville Road, road curvature and grade changes on Stegman's Mill Road, it is recommended that a heavy truck prohibition be implemented, and by-laws be enacted for the subject roads.

## **Recommendations**

1. That Council approve the implementation of heavy truck prohibitions on Stegman's Mill Road, Teston Road and Kleinburg Summit Way;

- 2. That a By-law be enacted to amend By-law 284-94, the Consolidated Traffic Bylaw, to add a heavy truck prohibition on Stegman's Mill Road from Teston Road to Islington Avenue;
- 3. That a By-law be enacted to amend By-law 284-94, the Consolidated Traffic Bylaw, to add a heavy truck prohibition on Teston Road from Stegman's Mill Road to Kipling Avenue;
- 4. That a By-law be enacted to amend By-law 284-94, the Consolidated Traffic Bylaw, to add a heavy truck prohibition on Kleinburg Summit Way from Kirby Road to Teston Road; and
- 5. That the City Clerk forward a copy of this report to York Regional Police, York Region, and Ontario Trucking Association.

## **Background**

# Heavy truck movements are prohibited on both Islington Avenue and Nashville Road.

The Kleinburg Village area is a unique neighbourhood providing shopping and eating establishments as well as the McMichael Canadian Art Collection, Kleinburg Library and Kleinburg Public School. Walking and biking activities in and around the village area are popular.

There are existing heavy truck prohibitions on both Islington Avenue from Major Mackenzie Drive to Highway 27 and Nashville Road from Highway 27 to Islington Avenue. Both routes are appropriately equipped with signs and supporting bylaws.

Stegman's Mill Road, Teston Road and Kleinburg Summit Way are routes that lead into the village area. While there is a heavy truck prohibition sign installed on Teston Road restricting passage (west of Kipling Avenue), a supporting bylaw is not in place. Enforcement of the heavy truck prohibition sign on Teston Road and Stegman's Mill Road cannot take place without a supporting bylaw.

## Previous Reports/Authority

The Consolidated Traffic By-laws 284-94: <u>http://www.vaughan.ca/cityhall/by\_laws/Bylaws/284-94.pdf</u>

## **Analysis and Options**

Heavy truck prohibitions are recommended on Stegman's Mill Road, Teston Road and Kleinburg Summit Way to ensure a consistent and coherent truck restriction network, improving traffic operations and the pedestrian experience. Stegman's Mill Road, Teston Road and Kleinburg Summit Way lead into the Kleinburg village area. With the existing heavy truck prohibitions on Islington Avenue between Major Mackenzie Drive to Highway 27 and Nashville Road from Highway 27 to Islington Avenue. Heavy trucks traveling on Stegman's Mills road heading to Islington Avenue will have no alternative but to encounter the truck prohibition on Islington Avenue and Nashville Road.

Stegman's Mill Road has several significant curves and grade changes impacting truck operations. In addition, the intersection of Stegman's Mill Road and Islington Avenue is constrained. Staff have observed heavy trucks having difficulty completing turns at the intersection, requiring multiple turning corrections, and other vehicles at the intersection to reverse to provide additional clearance for turns to be completed.

Staff conducted a review of traffic volumes and vehicle classifications on Stegman's Mill Road in September 2019. The review found heavy trucks account for less than 1% of total traffic using this street.

The Kleinburg village area encourages a walking and biking experience. These vulnerable road users should have measures in place to protect them from heavy truck traffic. A heavy truck prohibition is recommended for the subject roads to ensure a consistent and coherent truck restriction network and improving traffic operations and pedestrian experience.

Alternative routes are available on Kipling Avenue (Teston Road to Kirby Road) and Teston Road (Kipling Avenue to Pine Valley Road). Kipling Avenue and Teston Road are identified as collector roads in the City's Official Plan transportation network.

Under the provincial guidelines for use of regulatory signs, the No Heavy Truck Sign must be used at the entrance of streets, where the municipality wishes to prohibit truck movements. Local collections and deliveries (garbage collection, snow removal, etc.) are exempt from the heavy truck prohibitions.

## **Financial Impact**

The capital cost associated with the installation of the heavy truck prohibition signs is estimated to be \$400 and has been included in the approved 2019 Operating Budget. The on-going cost to maintain the signs will be supported by future year Operating Budgets.

## **Broader Regional Impacts/Considerations**

York Regional Police will be responsible for enforcing compliance with heavy truck prohibitions. As such, a copy of this report will be forwarded to them upon approval of the recommendations by Council.

York Region will also be advised of the report recommendations, which may affect Regional road operations and signage in the area.

### **Conclusion**

It is recommended that a heavy truck prohibition be implemented on Stegman's Mill Road, Teston Road and Kleinburg Summit Way to ensure a consistent and coherent truck restriction network, improving traffic operations and the pedestrian experience.

For more information, please contact:

Donald Eta, Director of Transportation and Fleet Management Services,

Margie Chung, Manager of Traffic Engineering

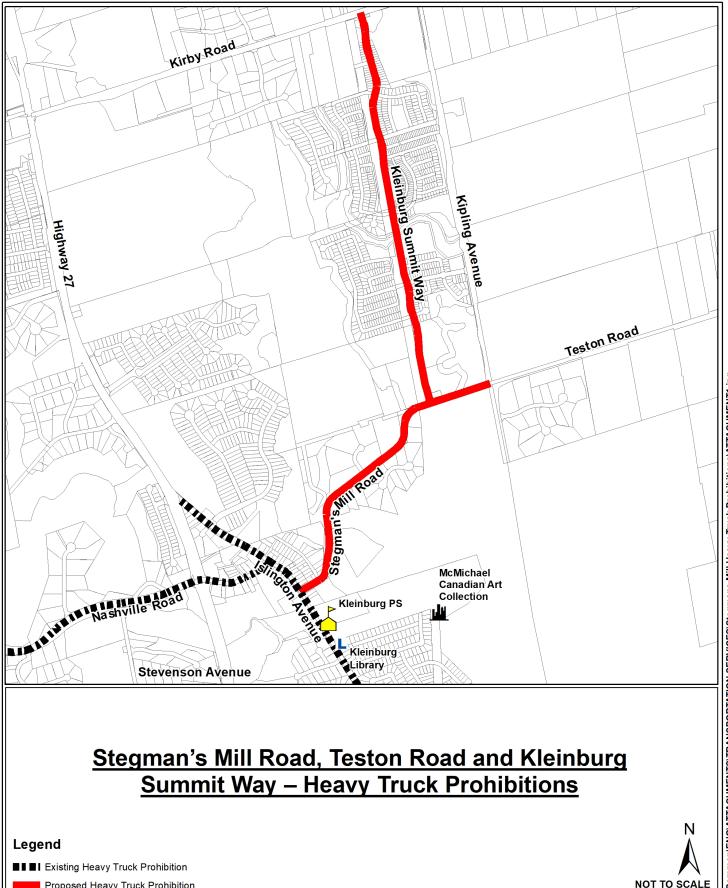
## **Attachments**

1. Location Map of Stegman's Mill Road, Teston Road and Kleinburg Summit Way proposed heavy truck prohibitions

#### Prepared by

Mark Ranstoller, Senior Traffic Technologist, Ext 6117

# **ATTACHMENT No. 1**



Proposed Heavy Truck Prohibition



## **Committee of the Whole (2) Report**

DATE: Tuesday, November 12, 2019 WARD(S): ALL

## TITLE: USE OF CORPORATE RESOURCES FOR ELECTION PURPOSES POLICY

#### FROM:

Wendy Law, Deputy City Manager, Administrative Services and City Solicitor

## ACTION: DECISION

#### Purpose

To seek approval for a new consolidated policy governing the limitations on the use of municipality's resources for election purposes as required by the *Municipal Elections Act, 1996*.

## **Report Highlights**

- This policy was prepared with feedback from candidates, staff, election officials and best practices from the policies of over 20 Ontario municipalities.
- Relevant provisions from existing City policies are consolidated and clarified into a single reference for future elections.
- Framework will allow candidates to pay for permits to book community centres and parks for campaign activities, while respecting the public's right to uninterrupted use of those public facilities.

## **Recommendations**

- That the Use of Corporate Resources for Election Purposes Policy (Attachment 1) be approved.
- 2. That the Permitting of City Facilities by Members of Council and Registered Candidates Policy CL-008 be repealed.
- 3. That Section 10 of the Council Member Expense Policy CL-012 be repealed.

## **Background**

Section 88.18 of the *Municipal Elections Act, 1996* requires municipalities to establish rules and procedures with respect to the use of municipal resources during the election campaign period. Further, the Ontario *Election Finances Act* and *Canada Elections Act* further imposes limitations on municipalities as it pertains to support or contributions to political parties, associations and candidates.

The City of Vaughan's current policy framework governing the use of corporate resources for election purposes is fragmented and inconsistent, creating issues in the implementation and enforcement of a coherent policy. The attached policy seeks to prepare one singular policy, which is now the standard amongst Ontario municipalities, allowing for clarity in a comprehensive policy framework.

## **Previous Reports/Authority**

N/A.

## Analysis and Options

The proposed Use of Corporate Resources for Election Purposes Policy sets out the restrictions for candidates as it pertains to engaging with City of Vaughan employees, facilities, media and communications, technology and other assets. The new policy balances the need to prevent candidates and current elected municipal officials from using corporate resources in support of an election campaign, while also allowing all candidates a degree of access to City facilities and properties in order to engage with the public and conduct their campaign.

The new policy recognizes that City owned, or operated properties are community hubs and offer a central location for candidates to connect with voters and promote themselves, often in areas where no suitable private facility is available for the same purpose. The policy imposes reasonable limitations and requires candidates to secure the appropriate permits and pay the appropriate fees as with any other user of a City of Vaughan facility or property.

Incumbent members are also subject to reasonable restrictions during campaign periods to ensure that they can continue to fulfill their responsibilities as elected officials while maintaining a fair and balanced environment for new candidates to campaign. The new policy clarifies acceptable uses of facilities for organized political parties and incumbent elected officials at all levels of government, removing any lack of clarity in the existing policy framework for political discourse and public representation. Adoption of the proposed policy will also require the repeal of the Permitting of City Facilities by Members of Council and Registered Candidates Policy CL-008 and Section 10 of the Council Member Expense Policy CL-012 which are superseded by new provisions contained in the Use of Corporate Resources For Election Purposes Policy addressing matters such as permitting and use of city facilities and use of public funds by Members of Council during an election.

## **Financial Impact**

There is no financial impact associated with the adoption of this policy.

## **Broader Regional Impacts/Considerations**

This policy also imposes limitations for candidates for provincial and federal office campaigning or conducting political activities in the City of Vaughan.

## **Conclusion**

The proposed Use of Corporate Resources for Election Purposes Policy consolidates existing policy direction while updating the policy framework for clarity and consistency. The new policy was prepared using best practices from over 20 Ontario municipalities, feedback from candidates, city staff and election officials. The policy framework proposed for Council's consideration will provide clearer language, greater opportunity for candidates to engage voters, and respect the need for the Corporation to remain neutral and non-biased during an election.

**For more information,** please contact: Evan Read, Manager, Elections and Special Projects, Extension 8241

## **Attachments**

1. 03.C.03 Use of Corporate Resources for Election Purposes Policy, Office of the City Clerk, November 12, 2019

## Prepared by

Evan Read, Manager, Elections and Special Projects, Extension 8241 Todd Coles, City Clerk and Returning Officer, Extension 8281



## CITY OF VAUGHAN

## **CORPORATE POLICY**

#### POLICY TITLE: USE OF CORPORATE RESOURCES FOR ELECTION PURPOSES

POLICY NO.: 03.C.03

Section:	Administration & Legal		
Effective Date:	December 1, 2019	Date of Last Review:	Click or tap to enter a date.
Approval Authority:		Policy Owner:	
Council		City Clerk	

#### **POLICY STATEMENT**

This policy establishes provisions respecting the use of City of Vaughan facilities, resources, infrastructure and personnel for election purposes to maintain the independent and non-partisan functions of municipal government. This policy also meets the legislative requirements of the Municipal Elections Act, 1996, to adopt and maintain a policy respecting the use of corporate resources as it relates to municipal elections.

This policy is not intended to limit the ability of the Mayor and Members of Council from discharging their duties as elected officials, or to limit the role of the Mayor as the head of council and chief executive officer of the City of Vaughan.

#### PURPOSE

The purpose of this policy is to establish rules and procedures on the use of City of Vaughan resources by candidates, political parties or third-party advertisers in respect to municipal (including school board), provincial and federal elections or by-elections, or in respect to ballot questions. This policy also reinforces statutory limitations on municipalities in respect to financial or material support to candidates or political parties in relation to elections in Canada as set out in the Municipal Elections Act, 1996, Election Finances Act, R.S.O. 1990, the Canada Elections Act, S.C. 2000, c. 9, as amended, and the Referendum Act, S.C. 1992, c. 30, as amended.

#### SCOPE

This policy applies to the Mayor and Members of Council, municipal, provincial and federal candidates, individuals or entities representing third party advertisers, and

#### POLICY NO.: 03.C.03

employees of the City (including volunteers and individuals acting on behalf of the Corporation of the City of Vaughan).

#### LEGISLATIVE REQUIREMENTS

This policy is established in accordance with statutory requirements set out in the Municipal Elections Act, 1996, Section 88.18:

#### Use of municipal, board resources

**88.18** Before May 1 in the year of a regular election, municipalities and local boards shall establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period. 2016, c. 15, s. 56.

The Municipal Elections Act, 1996 also prohibits a municipality from contributing to candidates in accordance with Subsection 88.8(4):

#### Who cannot contribute

(4) For greater certainty, and without limiting the generality of subsection (3), the following persons and entities shall not make a contribution:

1. A federal political party registered under the *Canada Elections Act* (Canada) or any federal constituency association or registered candidate at a federal election endorsed by that party.

2. A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.

3. A corporation that carries on business in Ontario.

4. A trade union that holds bargaining rights for employees in Ontario.

5. The Crown in right of Canada or Ontario, a municipality or a local board. 2016, c. 15, s. 51.

Further, the Election Finances Act, R.S.O. 1990 specifies that only individuals may contribute to a candidate or political party in the Province of Ontario in accordance with Section 16(1):

#### Contributions Who may contribute

#### POLICY NO.: 03.C.03

**16** (1) Contributions to parties, constituency associations, nomination contestants, candidates and leadership contestants registered under this Act may be made only by persons individually. 2016, c. 22, s. 10 (1).

The Canada Elections Act, S.C. 2000, c. 9, as amended, also restricts contributions to candidates and political parties to individuals as set out in Section 363(1):

#### Prohibition — ineligible contributors

**363 (1)** No person or entity other than an individual who is a Canadian citizen or is a permanent resident as defined in subsection 2(1) of the Immigration and Refugee Protection Act shall make a contribution to a registered party, a registered association, a nomination contestant, a candidate or a leadership contestant.

#### DEFINITIONS

- 1. Campaign Period: The official campaign period of a municipal, provincial or federal election or by-election.
  - 1.1. For a municipal election, beginning May 1 in the year of an election, and ending on voting day.
  - 1.2. For a provincial election, beginning on the date the writ is issued and ending on voting day.
  - 1.3. For a federal election, beginning on the date the writ is issued and ending on voting day.
  - 1.4. For a ballot question, the date on which Council passes the necessary by-law and ending on voting day.
  - 1.5. For a by-election, beginning the date the by-election is called and ending on voting day.
- 2. Candidate: A person who has filed the relevant nomination (and not withdrawn that nomination) for an office on the council of a lower-tier or upper-tier municipality, local board, provincial or federal office at an election or by-election and includes those candidates who have been acclaimed.
- 3. City Clerk: The City Clerk and Returning Officer of the City of Vaughan or their delegate.
- 4. City Facilities: Buildings, properties, parks, rooms or other parts therein, owned or operated by the City of Vaughan
- 5. City Resources: Any City Facilities, infrastructure, technology or other item or asset owned, rented or leased by the Corporation of the City of Vaughan.

#### POLICY NO.: 03.C.03

- 6. City Staff: An employee of the Corporation of the City of Vaughan including nonunion management and members of a bargaining unit; and volunteers while they are acting in an official capacity with the City.
- Election: An election, by-election or ballot question governed by the Municipal Elections Act, 1996; the Elections Act, R.S.O. 1990; the Canada Elections Act, S.C. 2000, c. 9, as amended, or the Referendum Act, S.C. 1992, c. 30, as amended.
- 8. Member: A member of Vaughan Council, including the Mayor, Local and Regional Councillors and Ward Councillors.
- 9. Political Party: A political party registered for provincial or federal elections as set out in the Elections Finances Act, R.S.O. 1990, and the Canada Elections Act, S.C. 2000, c. 9, as amended, respectively.
- 10. Restricted Period: The period beginning on August 1 in the year of a municipal election and ending on voting day. In the case of a municipal by-election, this period shall begin 60 days prior to voting day, and end on voting day.
- 11. Third Party Advertiser: A person or entity (or a representative thereof) who is not a candidate and has registered or certified themselves with the appropriate electoral authority in order to support or oppose a candidate or candidates, or to support or oppose a ballot question at the municipal (including school board), provincial or federal level.

#### POLICY

#### 1. General

- 1.1. City Staff are prohibited from campaigning or working in support of a Candidate's campaign during their normal working hours.
  - 1.1.1. City Staff who wish to campaign or work in support of a Candidate during normal working hours may do so only by taking a leave of absence without pay, using lieu time, a floater day, or vacation leave.
- 1.2. During a Campaign Period, Candidates may not post photographs of themselves with City Staff while they are in uniform. Photos posted to a social media account prior to the person becoming a candidate are the exception to this provision.
- 1.3. Uniformed employees of the City of Vaughan may not appear in uniform at campaign events or in campaign materials if they are running as a Candidate.

#### POLICY NO.: 03.C.03

- 1.4. Use of the City's logo, brand, etc. in election campaign material, websites or social media is strictly prohibited except when providing a link to the City's official website provided for election information to the public.
- 1.5. Images and videos created and prepared by City Staff or using City Resources may not be used in any campaign material.
- 1.6. Candidates may not record or capture images or videos for campaign purposes on or at City Facilities, except those spaces which have been permitted and paid for in accordance with this policy.
- 1.7. No official communications (including social media, website, newsletters, publications, etc.) produced or prepared by the City, City Staff or a Member shall at any time promote, support or oppose a person's candidacy or a campaign using City resources or paid for with City funds.
  - 1.7.1. Exceptions shall be made for City owned or produced material or websites prepared for the purposes of public education during an Election or which are provided in accordance with legislated requirements.
- 1.8. Members may not print or distribute material paid for with City funds that illustrate or reference that they or another person are or intend to be, a Candidate for office at an Election.
- 1.9. Members shall not circulate or deliver any unsolicited material outside of their existing ward where that material has been paid for with City funds, except where Canada Post delivery walks cross ward boundaries.
- 1.10. Public ceremonies and events such as grand openings or ribbon-cutting ceremonies organized by the City which do not occur regularly or annually shall be prohibited during the Restricted Period.
  - 1.10.1. Exceptions to this provision shall apply for ceremonies and events organized by another order of government or governmental institution.

#### 2. Use and Access to City Facilities

2.1. No Candidate, political party or third party advertiser shall be permitted to conduct campaign activities or distribute or post campaign materials or advertisements on or at City Facilities except where otherwise permitted under this policy.

#### POLICY NO.: 03.C.03

- 2.1.1 This provision does not apply to public right of way sidewalks and thoroughfares, except where prohibited in accordance with York Region and City of Vaughan sign by-laws.
- 2.2. Candidates and political parties may rent spaces at community centres or parks for campaign or political purposes following the standard processes for the permitting of City Facilities and at the regular rate established for the rental of that space.
- 2.3. Vaughan City Hall may not be rented for election or political purposes at any time.
- 2.4. Where space has been rented at City Facilities, advertisements and campaign literature may be circulated or posted during the period of time the room is permitted for use by the Candidate or political party but shall be taken down and removed from the space at the end of the rental.
- 2.5. Permitting of City Facilities for all-candidates meetings or debates is permissible, provided that the rental fee is paid and all Candidates for an office are invited to attend and participate.
- 2.6. City Facilities may be permitted for non-partisan election education events as long as no activities are undertaken which support or oppose Candidates or ballot questions during that event. The Manager of Elections and Special Projects shall be responsible for assessing the nature of the event and providing approval for staff to permit the facility for that purpose.
- 2.7. No permit shall be issued for an election related event (including campaign events, debates and election education sessions) while that City Facility is acting as a designated voting place.

#### 3. Campaign Activities at City Events

- 3.1. Candidates, representatives or members of a political party and registered third parties or persons representing them may attend events organized or hosted by the City of Vaughan at City Facilities or on private property. At no time may they conduct campaign activities, distribute campaign materials or post campaign advertisements while in attendance.
- 3.2. Public officials attending City events in their official capacity may deliver remarks or bring greetings as appropriate. Candidates for office should not be invited to deliver remarks during a City event in their capacity as a Candidate at an Election.

#### POLICY NO.: 03.C.03

#### 4. Restrictions for Members at an Election

- 4.1. Members are prohibited from using City funds for the following activities during the Restricted Period:
  - 4.1.1. To order personalized stationary containing the name and/or likeness of the Member.
  - 4.1.2. To order or move office furniture and furnishings, except in the case of operational necessity where to do otherwise would prevent the Member from carrying out the duties of their office.
  - 4.1.3. Advertising by or on behalf of a Member; including but not limited to radio, newspaper and social media advertisements.
  - 4.1.4. Printing and distribution of newsletters by or on behalf of a Member.
  - 4.1.5. Organizing and hosting an event such as a barbeque, movie night or concert using City Resources.
  - 4.1.6. Purchasing tickets to attend an event or making a contribution towards an event.
  - 4.1.7. Purchasing gifts and promotions such as flowers and awards.
- 4.2. The Office Budget for Members for the period beginning on January 1 and ending on November 15 in the year of a municipal election shall be restricted to 88% of the approved Office Budget with the provision that after voting day:
  - 4.2.1. New Members be allocated a budget equal to 12% of the approved Office Budget for the period beginning November 15 and ending December 31 in the year of a municipal election.
  - 4.2.2. Members re-elected for another term be allocated the balance of funds remaining as of voting day.
- 4.3. Contact information for residents such as newsletter or email distribution or circulation lists may not be used for election purposes or provided to a campaign for the purposes of supporting or opposing a Candidate or ballot question. Further, that contact information provided through social media which is owned and/or operated by the City or City Staff, shall similarly not be used for election purposes or provided to a campaign.

#### POLICY NO.: 03.C.03

- 4.4. Members may not use the services of any City Staff to assist in communication activities related to the preparation or distribution of campaign materials or events.
- 4.5. Distribution of electronic newsletters by Members shall be permitted during a municipal election, subject to the following:
  - 4.5.1. The content of such newsletters shall pertain to City business only, using corporate content as provided by the Strategic and Corporate Communications Department.
  - 4.5.2. Distribution of newsletters detailed in section 4.5 shall not be permitted between October 1 and Voting Day in the year of a municipal election.
- 4.6. Websites and social media operated by the City on behalf of a Member may not be used to support or promote a Member's election campaign.
- 4.7. During the Restricted Period.
  - 4.7.1. Advertising prepared by the City shall not reference a Member individually by name but refer only to the Mayor and Members of Council as a group.
  - 4.7.2. Media products including but not limited to news releases, media advisories and official statements prepared by the City shall reference Members by their office only, e.g. Ward # Councillor.
  - 4.7.3. Exception shall be made for intergovernmental activities and partnerships with other levels of government.
  - 4.7.4. Links to Member's social media accounts from City owned assets shall be removed.
- 4.8. In the case of a municipal by-election, provisions respecting the Restricted Period shall apply only to those Members who have filed a nomination for the office being elected at the by-election.

#### 5. Policy Administration

5.1. The City Clerk is authorized and directed to take such action as necessary to give effect to this policy.

#### POLICY NO.: 03.C.03

- 5.2. The City Clerk is authorized to make such administrative updates as are necessary to maintain compliance and consistency with legislation, while respecting and preserving the intent of the policy.
- 5.3. Nothing contained in this policy shall limit or constrain a Member from exercising their statutory functions, or from limiting the Mayor from exercising his duties as the head of council and the chief executive officer of the City.
- 5.4. The City Clerk shall be responsible for interpreting this provision.

ADMINISTRATION					
Administered by the Office of the City Clerk.					
Review	3 Years	Next Review	Click on ton to onton a data		
Schedule:	If other, specify here	Date:	Click or tap to enter a date.		
Related	Code of Ethical Conduct for Members of Council				
Policy(ies):	13.A.02 – Employee Code of Conduct				
Related	140-2018 Sign By-Law				
By-Law(s):	079-2019 Amendment to Sign By-Law 140-2018				
Procedural					
Document:					
Revision History					
Date:	Description:				
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## **Committee of the Whole (2) Report**

DATE: Tuesday, November 12, 2019 WARD(S): ALL

## TITLE: PROCLAMATION AND FLAG RAISING/HALF-MASTING REQUEST NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

#### FROM:

Wendy Law, Deputy City Manager, Administrative Services and City Solicitor

### **ACTION:** DECISION

#### Purpose

To seek Council approval to proclaim the date of December 6, 2019 as National Day of Remembrance and Action on Violence Against Women, that a purple flag be flown at City Hall for the duration of that day, and that the proclamation be posted on the City's website and the Corporate Communications department be directed to promote this proclamation through the corporate channels.

## **Report Highlights**

- Respond to the proclamation and flag raising request received from Yellow Brick House on October 16, 2019.
- The City of Vaughan already commemorates the date of December 6, 2019, however there is not an official proclamation.
- The symbolic purple flag will be raised and then half-masted for the duration of the day, along with all other flags at City Hall.

#### **Recommendations**

1. That December 6, 2019 be proclaimed as National Day of Remembrance and Action on Violence Against Women;

- 2. That a purple flag be flown and half-masted at City Hall for the duration of December 6, 2019; and,
- 3. That the proclamation be posted on the City's website and the Corporate Communications department be directed to promote this proclamation through the corporate channels.

## **Background**

# Half-Masting of Flags for the National Day of Remembrance and Action on Violence Against Women

The National Day of Remembrance and Action on Violence Against Women is commemorated at the City of Vaughan by half-masting flags at City Hall and all associated City facilities, including Fire Stations, which is within the guidelines of the current Flag Raising/Half-Masting Policy (Policy AD-014). This Policy follows the protocol established by the government of Canada. This date remembers and honours the 14 women who lost their lives and those that were injured as a result of the gender-based violence that took place on December 6, 1989 at l'Ecole Polytechnique de Montreal.

### Proclamation and Flag Raising/Half-Masting Request by Yellow Brick House

Yellow Brick House provides services and prevention programs to meet the needs of individuals, families and communities impacted by violence. The core services provided include emergency shelters, 24-hour crisis/support line, community counselling and support services, and public education.

The organization is requesting an official proclamation for the date of December 6, 2019, as well as a symbolic purple flag to be flown at City Hall. As per the Flag Raising/Half-Masting Policy, the purple flag will be lowered to half-mast along with all other flags at City Hall. The organization both understands and is agreeable to the half-masting.

## **Previous Reports/Authority**

Not applicable.

## Analysis and Options

The proclamation and flag raising request meets the requirements of the City's Proclamation Policy and Flag Raising/Half-Masting Policy, as follows:

"That upon request, the City of Vaughan issue Proclamations for events, campaigns, or other similar matters: If the event, campaign or declaration is directly related to matters over which the City has jurisdictions or the City directly sponsors the event, campaign or other matter"; and,

"Flags of non-partisan, non-profit, charitable organizations shall be flown at the City of Vaughan Civic Centre upon a written request to the City Clerk submitted one month in advance on the understanding that the individual flag will not be flown for a period longer then one week".

## **Financial Impact**

Not applicable.

## **Broader Regional Impacts/Considerations**

Not applicable.

## **Conclusion**

Staff recommend that December 6, 2019 be proclaimed as National Day of Remembrance and Action on Violence Against Women, that a purple flag be flown and half-masted at City Hall for the duration of December 6, 2019, and that the proclamation be posted on the City's website and the Corporate Communications department be directed to promote this proclamation through the corporate channels.

For more information, please contact: Todd Coles, City Clerk, ext. 8281

## Attachment

1. Correspondence from the Executive Director, Yellow Brick House, received on October 16, 2019

## Prepared by

Julia Bartolomeo, Supervisor, City Clerk's Administrative Services, ext. 8280

Attachment 1



RECEIVED OCT 1 6 2019 CLERK'S DEPT.

Vaughan City Hall 2141 Major Mackenzie Drive, Level 100 Vaughan, Ontario L6A 1T1

October 15, 2019

Dear Todd Coles,

Yellow Brick House would like to request that the City of Vaughan recognize and proclaim December 6, 2019 as the National Day of Remembrance and Action on Violence against Women.

The National Day of Remembrance and Action on Violence against Women remembers and honours the 14 women who lost their lives and those that were injured as a result of gender-based violence on December 6, 1989, at l'Ecole Polytechnique de Montreal.

To recognizing this important day, Yellow Brick House would also like to request that the City of Vaughan raise a purple flag. The colour purple symbolizes the courage it takes for a woman to leave her abuser.

Since opening our doors 41 years ago, Yellow Brick House continues to provide life-saving services and prevention programs to meet the diverse needs of individuals, families, and communities impacted by violence. Yellow Brick House provides four core services to over 5,300 women and children that step through our doors or reach out to us for support on an annual basis. These four services include emergency shelters, 24 hour crisis and support line, community counselling and support services, and public education.

For more information about Yellow Brick House or the National Day of Remembrance and Action on Violence against Women, please contact us at 905-709-0900 or info@yellowbrickhouse.org.

We look forward to the City of Vaughan proclaiming the National Day of Remembrance and Action on Violence against Women and raising a purple flag on December 6.

Sincerely,

Lorris Herenda Executive Director

52 West Beaver Creek Rd., Unit 4, Richmond Hill, ON L4B 1L9 Crisis & Support Line: **1-800-263-3247** Administration: **905-709-0900** • Toll Free: **1-800-263-2231** Charitable Registration Number: **11910 5187 RR0001** www.yellowbrickhouse.org



## **Committee of the Whole (2) Report**

DATE: Tuesday, November 12, 2019 WARD(S): ALL

## TITLE: RESIGNATION OF A MEMBER – ACCESSIBILITY ADVISORY COMMITTEE

#### FROM:

Wendy Law, Deputy City Manager, Administrative Services and City Solicitor

## ACTION: DECISION

#### Purpose

To inform Council of the resignation of Ms. Albina Zavaglia from the Accessibility Advisory Committee, and to seek Council's direction with respect to filling the vacancy.

#### **Report Highlights**

- A member has resigned from the Accessibility Advisory Committee
- Council's direction is required to fill the vacancy

#### **Recommendations**

- 1. That the resignation of Ms. Albina Zavaglia be received; and
- 2. That Council provide direction with respect to filling the vacancy.

#### Background

The Office of the Chief Human Resources Officer received an email dated October 10, 2019 from Ms. Albina Zavaglia [Attachment 1] indicating her intention to resign from her Council appointed position on the Accessibility Advisory Committee. At its meeting on October 15, 2019, the Accessibility Advisory Committee was advised of Ms. Zavaglia's resignation and the Committee adopted the following recommendation:

- 1. That the resignation of Ms. Albina Zavaglia be received; and
- 2. That Council consider filling the vacancy caused by the resignation.

## **Previous Reports/Authority**

Not applicable

### **Analysis and Options**

The Terms of Reference for the Accessibility Advisory Committee provides for 10 members (1 member of Council and 9 citizen members). After the resignation, there are 9 members (1 member of Council and 8 citizen members) remaining on the Committee.

Considering it is only the first year of the four-year term of Council, it is advisable to fill the vacancy due to the resignation. Staff are suggesting the following Options:

#### Option 1

Council may wish to appoint a member from the applicants who were not selected at the beginning of the term. The Office of the City Clerk can contact all or selected former applicants regarding their interest to serve on the Accessibility Advisory Committee and report back at the Council Meeting on November 19. A list of nine (9) former applicants and their applications from January 2019 are attached in the Confidential Attachment 2 for Council's consideration.

#### Option 2

Council may direct the Office of the City Clerk to initiate the regular recruitment process to fill the vacancy of Ms. Zavaglia. Staff will report back with all applications once the recruitment process is completed.

#### **Financial Impact**

No new funds are required as the operational expenses are covered within the Office of the City Clerk's budget.

#### **Broader Regional Impacts/Considerations**

There are no Regional implications associated with this report.

#### Conclusion

The City Clerk is requesting that Council receive the resignation of Ms. Albina Zavaglia and provide direction with respect to filling the vacancy as a result of the resignation.

For more information, please contact: Todd Coles, City Clerk, extension 8281.

## **Attachments**

- 1. Email from Ms. Albina Zavaglia, dated October 10, 2019.
- 2. Confidential Attachment former applications from January 2019 (Mayor and Members of Council only).

### Prepared by

John Britto, Council / Committee Administrator, extension 8637.

ATTACHMENT 1

From: Albina Zavaglia < Section 2019 11:20 PM Sent: Thursday, October 10, 2019 11:20 PM To: Rupnarain, Warren <<u>Warren.Rupnarain@vaughan.ca</u>> Cc: Britto, John <<u>John.Britto@vaughan.ca</u>> Subject: Resignation – Accessibility Advisory Committee

Hi Warren,

I am currently quite busy with personal ventures outside work. I really enjoyed my time with the committee, being able to meet all of you and learning. I loved the interaction among all of us, united in our goal to improve accessibility in Vaughan and the freedom to share ideas freely.

I wish you and the committee the very best in your efforts to improve accessibility for all in Vaughan. I stand in support and will continue to strive to improve accessibility for all disabilities with all that I have learned from my time with the committee.

Sincerely,

Albina



## **Committee of the Whole (2) Report**

DATE: Tuesday, November 12, 2019 WARD(S): 1

### TITLE: GTA WEST TRANSPORTATION CORRIDOR ROUTE PLANNING AND ENVIRONMENTAL ASSESSMENT (EA) STUDY RESUMPTION

#### FROM:

Nick Spensieri, Deputy City Manager, Infrastructure Development Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

### ACTION: DECISION

#### Purpose

This report is intended to supplement the presentation from the Ministry of Transportation Ontario (MTO) Project Team on the GTA West Corridor Transportation Route Planning and Environmental Assessment Study, which provides background information on the study, an update on the recent study resumption, and highlights of the Technically Preferred Alternative.

In addition, the purpose of this report is to secure Council's approval of the recommendations included in this report.

#### Report Highlights

- The GTA West Corridor Transportation Route Planning and Environmental Assessment (EA) Study has resumed from its cancellation in 2018;
- The second round of Public Information Centers (PICs) for this study began on September 19, 2019;
- The PICs included the Technically Preferred and the reduced Focused Analysis Area, showing lands that will be made available for development, subject to confirmation of the Preferred Alternative;
- Staff have made recommendations for approval regarding the Technically Preferred Alternative, mostly speaking to connectivity, impacts to the significant environmental features, and impacts to the City's land use and economic competitiveness;
- The GTA West Project team will be presenting to Regional Council on November 14, 2019;
- The GTA West EA Study scheduled for completion in 2022, has strong support for its resumption and completion.

## **Recommendations**

- 1. That the presentation from the Ministry of Transportation with respect to the GTA West Corridor Route Planning and Environmental Assessment Study be received;
- 2. That the Ministry of Transportation be requested to work with the City of Vaughan in the confirmation of the preferred alternative, interchanges and ultimate alignment, and to address the issues identified in this report, while prioritizing the following key objectives:
  - 1) Minimize impacts to the developable residential and employment land base, agricultural viability and economic competitiveness
  - 2) Comprehensive mitigation of potential impacts on environmental and cultural heritage features
  - 3) Connectivity of the local transportation network to the highway network
  - 4) Connectivity of the local transportation network across the GTA West corridor
- 3. That the Ministry of Transportation be requested to provide a written response to the City of Vaughan's comments prior to confirming the Preferred Alternative; and
- 4. That a copy of this report be forwarded to the Province, the Ministry of Transportation, the City of Brampton, Town of Caledon, Township of King, Region of Peel and Region of York.

## **Background**

#### The GTA West Transportation Corridor is Required

The GTA West Corridor which spans from Highway 400 in the east to the Highway 401 / 407 ETR interchange in the west, is identified in the Growth Plan for the Greater Golden Horseshoe (GGH) area as part of the required transportation improvements to support the planning vision for managing growth and development. The updated 2019 Growth Plan forecasts the area to grow to 13.5million people and 6.3million jobs by 2041.

Under the Growth Plan policy framework, the GTA West Transportation Corridor Planning and Environmental Assessment (EA) Study is designed to explore all modes of transportation options for facilitating more efficient movement of people and goods and protecting the required land. Even with improving the existing transportation network, widening existing highways, and the transit expansion projects identified in the Metrolinx Regional Transportation Plan, additional road capacity is still required.

The GTA West Transportation Corridor will help address current transportation issues, provide opportunities, and result in benefits for adjacent communities. Without the Corridor, Region of York and the City's transportation infrastructure will experience further reduction in level of service. The absence of the Corridor will also impact the Province's

mandated ongoing employment and population growth planning to 2041.

### GTA West EA Study Process commenced in 2007

The GTA West EA consists of two stages. In 2007, MTO initiated Stage 1. Stage 1 considered all transportation modes and their ability to address the future transportation demands by 2031. The outcome of Stage 1 was a multi-modal Transportation Development Strategy (TDS). The TDS was completed in November 2012. This stage made recommendations for optimizing the existing transportation network, improvements to non-roadway transportation modes such as transit and rail, widening of existing highways, and a new transportation corridor.

The MTO initiated Stage 2 of the GTA West EA in early 2014. Building on recommendations from Stage 1, three route alternatives for the new transportation corridor were generated within the Route Planning Study Area as part of Stage 2.

In addition to examining alternative routes for the new transportation corridor and a transitway, the Project Team examined alternatives for interchanges, bridges, crossing road treatments, truck priority features, and other key elements of the corridor. The new corridor would include a 400-series 4-to-6-lane highway with freeway-to-freeway connections at Highway 401/407ETR, Highway 410, Highway 427, and Highway 400. The right-of-way would range between 110m (highway) without the transitway and 170m including a separate adjacent transitway.

#### MTO has undertaken a rigorous consultation plan throughout the Project

Creative approaches were used to maximize the outreach and engagement of stakeholders. Several advisory groups were formed to support the study, many of which were involved during Stage 1 of the study, and continued to be involved during Stage 2:

- The Community Advisory Group (CAG)
- The Greenbelt Transportation Advisory Group (GTAG)
- The Municipal Advisory Group (MAG)
- The Regulatory Agency Advisory Group (RAAG)
- The Municipal Executive Advisory Group (MEAG)

A Municipal Advisory Group (MAG) was formed in Stage 1 to consult and seek technical input from municipalities and agencies at key stages of the GTA West EA. The Group continued to be involved during Stage 2. City staff will continue to participate as a member of the Municipal Advisory Group throughout this study. It is anticipated that the next MAG meeting will be held in Fall 2019.

The first round of Public Information Centers (PICs) in connection with Stage 2 were held in November and December 2014. The Project Team presented the study background and process, existing conditions within the study area, sought feedback on the long and short list of route alternatives, potential interchange locations, crossing road treatments and goods movement priority features. The Focused Analysis Area (FAA) was presented as a zone surrounding the short list of route alternatives for protection of those lands. The short list of alternatives are illustrated in Attachment No.1.

Following stakeholders' feedback on PIC#1, the Project Team planned to review and respond to comments, then further evaluate the short list of route alternatives. Subsequently, focused working group meetings were held with local municipalities to discuss interchange and crossing road locations including freeway to freeway interchanges at Highway 427 and Highway 400.

The Technically Preferred Alternative was planned to be presented at PIC#2 in Fall/Winter 2015. The Study was scheduled to be finalized in May 2018.

#### The GTA West EA Study was suspended on February 9, 2018

On December 16, 2015, the Minister of Transportation issued a media bulletin announcing the suspension of the GTA West EA pending project review, with an update to be provided in Spring 2016.

In 2016, to facilitate the review of the GTA West EA, an advisory panel was appointed by the Minister. The panel's mandate was to conduct a strategic assessment of the studies, make recommendations on the next steps, and give advice on a path forward for the GTA West EA process. The Advisory Panel report was released on February 9, 2018 and the Minister announced that the province would not proceed with the GTA West EA study.

#### The GTA West EA Study resumed on June 19, 2019

On June 19, 2019, the Provincial Government announced that the EA for the GTA West Corridor will be resumed from its point of suspension in 2015.

The second round of PICs for the GTA West EA study began on September 19, 2019 at Château Le Jardin Conference Centre in Woodbridge. The purpose of the PIC was to present the study process, the Technically Preferred Alternative, a refined 2019 Focused Analysis Area (FAA) and to provide an opportunity to participate in a Community Value Plans Group for the Study. City staff were in attendance. Attachment No. 2 shows the Technically Preferred Alternative Route and the rationale for the preferred interchange locations and Attachment No. 3 shows the 2019 and 2014 FAAs showing lands that may become available for development, subject to the confirmation of the Preferred Alternative.

The study has a planned completion in late 2022, including Preliminary Design, a third PIC in late 2021 and final submission of the Environmental Assessment Report.

Additional information and PIC panels have been made available at this link: <u>https://www.gta-west.com/consultation/public-information-centres-and-community-workshops/</u>

Two other PICs with the same information took place on September 26, 2019 in Georgetown and October 3, 2019 in Caledon. The GTA West Project Team requested comments by October 31, 2019.

# The Northwest GTA Transmission Corridor Identification Study will be undertaken as a separate study from the GTA West EA Study

In February 2018, MTO and the Independent Electricity System Operator (IESO), with support from the Ministry of Energy, initiated The Northwest GTA Corridor Identification Study to identify and protect lands for a multipurpose linear infrastructure corridor.

With the resumption of the GTA West EA Study, The Northwest GTA Corridor Identification Study is not proceeding; however, in June 2019, the Ministry of Energy, Northern Development and Mines (ENDM) and the IESO initiated The Northwest GTA 'Transmission' Corridor Identification Study, which is a new study separate from the GTA West EA. The Northwest GTA Transmission Corridor Identification Study was initiated to identify a transmission corridor (almost adjacent to the GTA West EA corridor, see Attachment No. 4) to be protected for future transmission infrastructure to support growing demand for electricity in the western GTA.

# Previous Reports/Authority

Extract from Council Meeting Minutes of March 24, 2015 <u>https://www.vaughan.ca/council/minutes\_agendas/Agendaltems/Priorities0310\_15\_1.pd</u> <u>f</u> Extract from Council Meeting Minutes of April 21, 2015

Extract from Council Meeting Minutes of April 21, 2015 <u>https://www.vaughan.ca/council/minutes\_agendas/Agendaltems/CW0414\_15\_38.pdf</u> Extract from Council Meeting Minutes of April 19, 2016

https://www.vaughan.ca/council/minutes\_agendas/Agendaltems/CW0405\_16\_23.pdf

#### Analysis and Options

A comprehensive analysis of technical and environmental elements was undertaken by the GTA West Project Team in consultation with the public, stakeholders, municipalities, Indigenous communities, and government agencies to identify the Technically Preferred Alternative for the new transportation corridor.

City staff have reviewed the information provided at PIC#2 (especially for the sections of the corridor that fall within Vaughan - Sections 7, 8 and 9) and also reviewed recommendations that were previously made (before the 2015 suspension) for the short-list of route alternatives. The following discusses the previous recommendations and provides additional recommendations for approval:

#### Minimize Impacts on the Developable Residential and Employment Land Base, Agricultural Viability and Economic Competitiveness

The GTA West EA Study should consider the implications for strategically significant employment lands for Goods Movement functions, while protecting existing and future community areas to fulfill regional population and employment growth targets and sustain economic competitiveness.

The City of Vaughan is the largest employment center within York Region. With 39% of the Region's total surveyed employment in 2018, Vaughan is home to 12,000 businesses employing more than 222,000 people. Future projections anticipate that Vaughan's employment will grow to 321,500 by 2041. Similarly, population is expected to grow to almost half a million people by 2041, from the current 330,000 population. Vaughan's strategic location, robust local economy, and desirability as a community, lends itself to strong growth-related pressures impacting demand for employment land, residential opportunities, and goods and people movement to get to and from daily activities.

Based on the findings of the Economic Development and Employment Sectors Study (2019), and York Region's Planning for Employment Background Report, non-office employment growth is projected to substantially occur in the West Vaughan Employment Areas, as one of the largest freight and logistics clusters in the GTA. Future demand for employment areas is anticipated to remain strong and be driven by land-extensive logistics and warehouse facilities as the role of e-commerce in the Canadian economy continues to expand. Protecting for future employment opportunities and leveraging the multimodal goods movement system which are in close proximity, almost one-half of Vaughan's vacant land supply (i.e. 504 hectares out of 1,041 hectares) lies within two (2) kilometers (see Table 1) of the GTA West Corridor. Shovel-ready sites within the Highway 427 areas account for 75% of Vaughan's employment land supply.

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Employment Area	Vacant Land (Net Hectares)
Highway 400 North – Northeast (Block 35E)	122
Highway 400 North – Northwest (Block 35W)	81
Highway 400 North – Teston East (Block 34E)	109
Highway 400 North – Teston West (Block 34W)	17
West Vaughan – Elder Mills (Block 60)	116
West Vaughan – Nashville (Block 66W)	59

Table 1: Employment Areas Within Two (2) km of the GTA West Corridor

Source: York Region, 2017 Vacant Employment Land Inventory

The proposed GTA West Corridor also lies in close proximity to emerging community areas that serve as the homes and neighborhoods for a growing population and employment base. Areas such as Kleinburg/Nashville and Block 41 that serve as the residential communities for workers living and working across the broader GTA region; require protection from conflicts with future highway operations.

Careful consideration needs to be given to how the proposed highway contributes to positive outcomes, such as: economic growth, employment opportunities and sustainability as embodied in the Term of Council Service Excellence Strategic Plan objectives:

- City Building
- Transportation and Mobility;
- Environmental Stewardship; and
- Economic Prosperity, Investment and Social Capital.

In order to achieve the City's strategic vision, an alignment (including access opportunities and preservation of the land base) that maximizes industrial-commercial land-uses, related jobs and tax assessment, must be a top strategic priority of the City of Vaughan.

#### Ensure alignment of the GTA West, emerging official plan policies and land use

The northwest quadrant of the City, west of Highway 400, is characterized by a complex combination of land use regulations, topography, existing and planned development and existing and planned infrastructure, which make long-term community planning challenging. York Region is currently undertaking its Municipal Comprehensive Review (MCR), which allocates new population and employment growth to Vaughan to the year 2041. Based on the outcome of the MCR and resulting amendment to the York Region Official Plan, some of the land adjacent to the routing alternatives may be required to

accommodate such growth. The overlay of the GTA West Corridor onto this geography will introduce a new consideration, which will need to be managed.

The Technically Preferred Alternative passes through the Huntington Road Community (east side of Huntington Road and north of Nashville Road), an area approved for residential development in the North Kleinburg-Nashville Secondary Plan. Should these lands be lost to residential development, the residential units provided therein will have to be accommodated elsewhere within the City to fulfill the 2031 population allocation. Similarly, the Technically Preferred Alternative for the GTA West Corridor and the Highway 427 Extension also impact parts of the West Vaughan Employment Area Secondary Plan (Block 66 W). Impacts on the developable land base in these areas must be minimized to the greatest extent possible.

# Fragmentation of employment sites, creation of land-locked parcels, and access constraints diminish the attractiveness of Vaughan's employment areas for future manufacturing, supply chain (transportation and logistics), and headquarters uses

The existing infrastructure northwest of Kleinburg also presents challenges. The Hydro Corridor and transformer station, the CP Rail Line and the existing arterial road network, with the potential overlay of a 400-series Highway and interchanges, will create a very complex network of transportation infrastructure. The impact will be exacerbated as the highway, rail network and Regional/Local networks will need to be grade separated from each other. This has the potential to cause isolated parcels of development land, with access restrictions resulting from the placement of structures. The access to and usability of the remnant parcels will need to be considered carefully. The area's proximity to the CP Rail Yard makes this a potentially strategic opportunity for employment uses, which should be acknowledged and preserved through this process.

An estimated 33.7 hectares of employment land in the Nashville (West Vaughan) Employment Area is directly impacted by the proposed highway alignment, and this figure is likely to increase with additional lands being compromised because of access issues and setbacks from both highway and hydro corridors. In bisecting Block 35 at the eastern highway terminus, the estimated impact in the Highway 400 North Employment Areas is approximately 23.5hectares.

The route also passes through the "Whitebelt" area (the agricultural area between Settlement Areas and the Greenbelt Plan Area in the Growth Plan) where any required future urban expansion may be accommodated, based on the outcome of the York Region MCR. The presence of the route in that area may limit the land use options available to the City, in that it makes it less likely that residential development may occur adjacent to what will ultimately be a 400-series highway.

The corridor also contains prime agricultural lands within the "Whitebelt" and Greenbelt Plan area. Fifteen percent of Vaughan land is in the Greenbelt which is approximately 4,109 hectares and approximately 3,069 hectares is farmland. The proposed alignment will significantly fragment these remaining agricultural lands in Vaughan. Mitigation measures to limit fragmentation is strongly needed.

The 2018 Active Together Master Plan has identified a need for a future Regional Park in the north-west quadrant of the City. As this future location may be impacted by the Technically Preferred Alternative, through the development of the GTA West alignment and associated EA consultation, the City will seek to identify potential opportunities suitable for a future regional park.

#### **Comprehensive Mitigation of Environmental and Cultural Heritage Features**

From an environmental perspective, the study area forms part of the headwaters of the Humber River, which includes reaches of cold-water streams and sensitive habitats. The Humber Valley system is comprised primarily of the Core Features that make up the City's Natural Heritage Network and protected in accordance with the City of Vaughan Official Plan 2010 (VOP 2010). There are also lands within the study area proceeding through or already designated under the Federal government 'Ecological Gifts' program.

The Toronto and Region Assessment Report and the Central Lake Ontario, Toronto Region and Credit Valley Source Protection Plan took effect on December 31, 2015, as mandated by the Clean Water Act, 2006. The study area is within or in proximity to the Kleinburg Wellhead Protection Area, Highly Vulnerable Aquifers, Recharge Management Areas (known as "Wellhead Protection Area - Quantity" (WHPA-Q)), and Significant Groundwater Recharge Areas which are regulated by the Plan.

The City of Vaughan's GIS mapping for archaeological sites and archaeological potential indicates that the Technically Preferred Alternative has significant potential to impact previously identified sites and is located through an area identified as having significant archaeological potential.

The City's Cultural Heritage staff have reviewed the study area and the Technically Preferred Alternative and determined that it has the potential to impact up to 33 properties with known or believed cultural heritage resources.

Minimizing the negative impacts on the above noted environmental and cultural heritage features, will be required through appropriate design. Comprehensive mitigation measures and habitat compensation will be essential to maintain overall habitat quality and the ecosystem services provided by the environmental features.

#### Connectivity of Local Transportation Network to the Highway Network

On March 31, 2015, a meeting was held between the City, York Region, Township of King and MTO staff to discuss interchanges and crossing road opportunities for the GTA West Corridor. At the meeting, refinements to route alternatives and location of proposed interchange locations were discussed including the following resolution that was adopted by Council at its meeting of June 28, 2011:

"That the Ministry of Transportation be requested to integrate the provisions of at least one full interchange with Highway 400 to service the 400 North Employment Area Secondary Plan (OPA 637) area together with a Regional arterial in conjunction with Stage 2 of the GTA West Corridor Environmental Assessment Study."

It was initially anticipated that this new interchange would be located at King-Vaughan Road and Highway 400. It was later recognized that while originally screened out from further consideration, the potential for an interchange at Weston Road should not be prematurely dismissed without fully exploring the impacts in realizing and servicing the 400 North Employment Secondary Plan Area. The GTA West team concurred with the City's comments and evaluated the potential for a partial interchange at Weston Road. York Region has identified an arterial road requirement in the Council endorsed Regional Transportation Master Plan that would provide for eastbound traffic travelling on the GTA West Corridor to continue eastbound to Bathurst Street. This is founded on policy statements in the 2010 Regional Official Plan. These policies were further advanced through the Mid-York East-West Transportation Corridor Study completed in 2012. Proceeding with a single EA for Mid-York east-west transportation improvements is also contingent on having a recommended configuration for the GTA West – Highway 400 Interchange.

# The number and location of highway interchanges matter. For the entirety of the GTA West's expanse through Vaughan, one partial and one full movement interchange are hardly sufficient to support the City's employment lands

One full interchange at Highway 27 and one partial interchange at Weston Road are proposed in the current configuration of the GTA West corridor. The lack of new full interchanges increases the burden on existing and/or planned interchanges, as well as

arterial roads. In order to improve the connectivity of the Highway to the City of Vaughan, there should be consideration for at least one additional full or partial-service interchange within the City of Vaughan.

City of Vaughan's Official Plan Schedule 9: Future Road Network identifies an interchange at Highway 400 and King-Vaughan Road. Planned interchanges at Highway 400 and King-Vaughan and Kirby Road will likely be precluded by the Technically Preferred Alternative. It is unclear how effectively the City's employment lands can be supported without convenient access to the highway. This could result in a situation, where the burden of the infrastructure is borne by the City; however, the major benefits accrue elsewhere due to lack of convenient access.

The Toronto Board of Trade estimates loss of productivity from road congestion costs the Toronto Region \$6 billion annually and is estimated to rise to \$15 billion by 2031. Addressing the needs of large trip generators such as the CP Intermodal Terminal, Home Depot and other national logistics companies with accessible and connected highway infrastructure reduces traffic infiltration to otherwise congested areas; promotes business and operational efficiencies; and enables staff recruitment and retention

The Technically Preferred Alternative does not include a direct connection from the Highway 427 Northbound Off Ramp with Huntington. The lack of connection is highly noticeable for employment areas that form part of the largest transportation and logistics clusters in the GTA, which includes the largest intermodal facility in CP's national network, the Home Depot's Rapid Deployment Centre, DHL/Ikea, etc. – all 24/7 operations that service the southern Ontario, Quebec and Maritimes markets with consumer and household goods, food and materials. The inclusion of this connection is recommended to provide better connectivity and minimize unnecessary cut-through traffic in neighbouring residential block(s). Note, the City is currently working with the Block 60 East and West landowners group to include and evaluate this connection, at the minimum, as part of the various traffic analysis options.

Considerations should be made for a mid-block connectivity with the interchanges at Weston Road and Highway 400 (as recommended by the North Vaughan and New Communities Transportation Master Plan 2019) which would improve accessibility for Block 35 traffic, especially with additional traffic that may be "bottlenecking" along King-Vaughan Road and Kirby Road while getting to Highway 400 and future GTA West.

Carpool lots are recommended along the GTA West corridor where appropriate, especially at key junctions such as at Highway 427 and Highway 400.

#### Connectivity of Local Transportation Network Across the GTA West Corridor

Item 10 Page 11 of 15 Highways pose a significant barrier for those trying to connect to areas on either side of the highway when appropriate crossing and infrastructure is not provided especially for those walking or cycling. As such the following comments are being provided for consideration:

- Regular crossings for Active Transportation should be provided regardless of whether or not a roadway crossing for automobiles is provided to allow for active transportation connections between neighborhoods and surrounding municipalities.
- For every interchange and roadway crossing of the GTA West project, separated cycling and pedestrian infrastructure on both sides of the bridge should be integrated regardless of if facilities exist on approaching roadways in support of the City's Pedestrian and Bicycle Master Plan.
- Underpass trail crossings within creek and valley corridors should be integrated into the design and implementation of the GTA West project as per the City's Pedestrian and Bicycle Master Plan in support of City -wide multi-use recreational trail network and Vaughan Super Trail initiative, the TRCA Trails Strategy and to allow for trail connections into surrounding municipalities such as Brampton, Caledon and King Township. Crossings shall meet the City's design parameters for minimum clearance, widths, material, grades and construction methods.

The Highway 427 and GTA West system interchange will disconnect Highway 50, Countryside Drive, Nashville Road and Cold Creek Road including the intersections of Highway 50 and Countryside Drive/Nashville Road and Nashville Road /Cold Creek Road in the west end of Vaughan. The impact of these road severances on the connectivity to the surrounding neighborhoods should be reviewed with potential mitigations identified.

It is recognized that there are broader transportation benefits accruing to the GTA as a result of the GTA West Corridor. However, there may be impacts on the long-term evolution of the City's urban structure and environmental quality. At this point in the process, the Ministry should be apprised of the City's concerns in regard to these matters. As the study proceeds, these and other potential impacts will need to be further investigated and mitigation measures identified. Given the number of major transportation infrastructure investments recently identified by the Provincial government, such as the Bradford Bypass, and the significant impacts identified within this report, the MTO may want to consider an alignment North of the current study area and along an existing arterial road.

# **Financial Impact**

There are no immediate economic impacts associated with this report.

# **Broader Regional Impacts/Considerations**

The proposed GTA West Corridor is expected to contribute to economic and social sustainability by addressing long-term inter-regional transportation deficiencies and opportunities. The proposed transportation corridor would develop an integrated, multi-modal transportation system that enables the efficient movement of people and goods, and provides better transportation linkages between Urban Growth Centers in the GTA West Route Planning Study Area. The GTA West Corridor has been considered in both the Region and City's Transportation Master Plans and takes into consideration other transportation plans such as Metrolinx Regional Transportation Plan (RTP), Region of York Viva, GO 2020 and Brampton Züm.

Staff from the Regions of York and Peel, the Township of King, the City of Brampton, and the Town of Caledon are actively participating in the GTA West Corridor EA and have been attending the Municipal Advisory Group meetings. Other organizations are also able to participate in the study through the Community Advisory Group (CAG), Greenbelt Transportation Advisory Group (GTAG) and the Regulatory Agency Advisory Group (RAAG).

The Project Team last presented the Stage 2 progress update of the GTA West Corridor Transportation Route Planning and Environmental Assessment Study to the Regional Committee of the Whole on March 5, 2015. It is anticipated that another presentation scheduled for November 14, 2019 will provide information on the study resumption and selection of the Technically Preferred Route Alternative to Regional Council.

# **Conclusion**

The 400-series highways in Ontario are vital economic corridors, pivotal to the movement of people and goods to domestic and international markets and therefore our local, provincial and national economies. As they traverse through urban areas, the 400-series highways play a double role as a central part of the urban road network, connecting people to jobs, businesses to suppliers and markets, and contributing to the flows of commerce between places. Goods Movement contributes \$231 billion in GDP to the provincial economy, representing more than one-fifth of overall GDP. The development and construction of highway networks serves as a catalyst for economic development enhancing local competitiveness and opportunities.

The City of Vaughan recognizes the need for and importance of the GTA West as a bypass to the traffic congestion of Highway 401 in the Toronto Region, deemed the Item 10

busiest stretch of freeway anywhere in North America by the US Department of Transportation. Moreover, the GTA West leverages the investments that have been made in multimodal transportation infrastructure including the Highway 427 extension and transitway currently under construction, the CP Intermodal Terminal, Pearson International Airport and the widening of Highway 400, to open up new employment areas and service communities in Vaughan and the broader region.

MTO's GTA West EA has resumed and Stage 2 of the project is well underway. The second round of PICs for the GTA West EA study began on September 19, 2019 at Château Le Jardin Conference Centre in Woodbridge. The purpose of the PIC was to present the study process, the Technically Preferred Alternative, and a refined 2019 Focused Analysis Area showing a reduction in width from the 2014 FAA. The study has a planned completion in late 2022, including Preliminary Design, a third PIC in late 2021 and final submission of the Environmental Assessment Report.

Staff have identified the following major issues that should be addressed through the study process:

- 1) Minimize impacts to the developable residential and employment land base, agricultural viability and economic competitiveness
- 2) Comprehensive mitigation of environmental and cultural heritage features
- 3) Connectivity of local transportation network to the highway network
- 4) Connectivity of local transportation network across the GTA West corridor

The GTA West Project Team requested comments by October 31, 2019. The recommendations outlined in this report will form the official response from the City upon approval from City Council.

The GTA West Project Team plan to complete a number of council presentations over the next while (including York Regional Council on November 14, 2019) and hold meetings with stakeholders, including the Advisory Groups. They will then review and confirm the Preferred Alternative based on feedback received.

Staff will continue to participate as a member of the Municipal Advisory Group throughout the study and will provide updates to Council at key milestones in the process.

With regards to the Northwest GTA Transmission Corridor Identification Study, City staff plan to review and provide comments on this study once more information is made available. An update will be provided to Council at a future Committee Meeting.

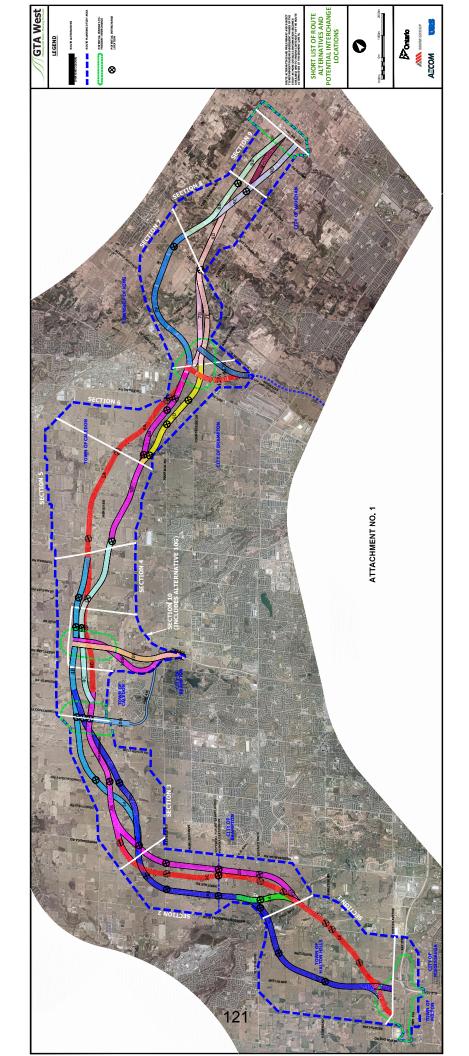
For more information, please contact Vince Musacchio at extension 8311.

# **Attachments**

- 1. Short List of Route Alternatives
- 2. Technically Preferred Alternative and Preferred Interchange Locations, MTO/AECOM/WSP, September 19, 2019
- 3. 2019 Focused Analysis Area, MTO/AECOM/WSP, September 19, 2019
- Proposed Transmission Narrowed Area of Interest Compared to MTO's 2019 FAA, Ministry of Energy Northern Development and Mines (ENDM) and the Independent Electricity System Operator (IESO), September 2019

#### Prepared by

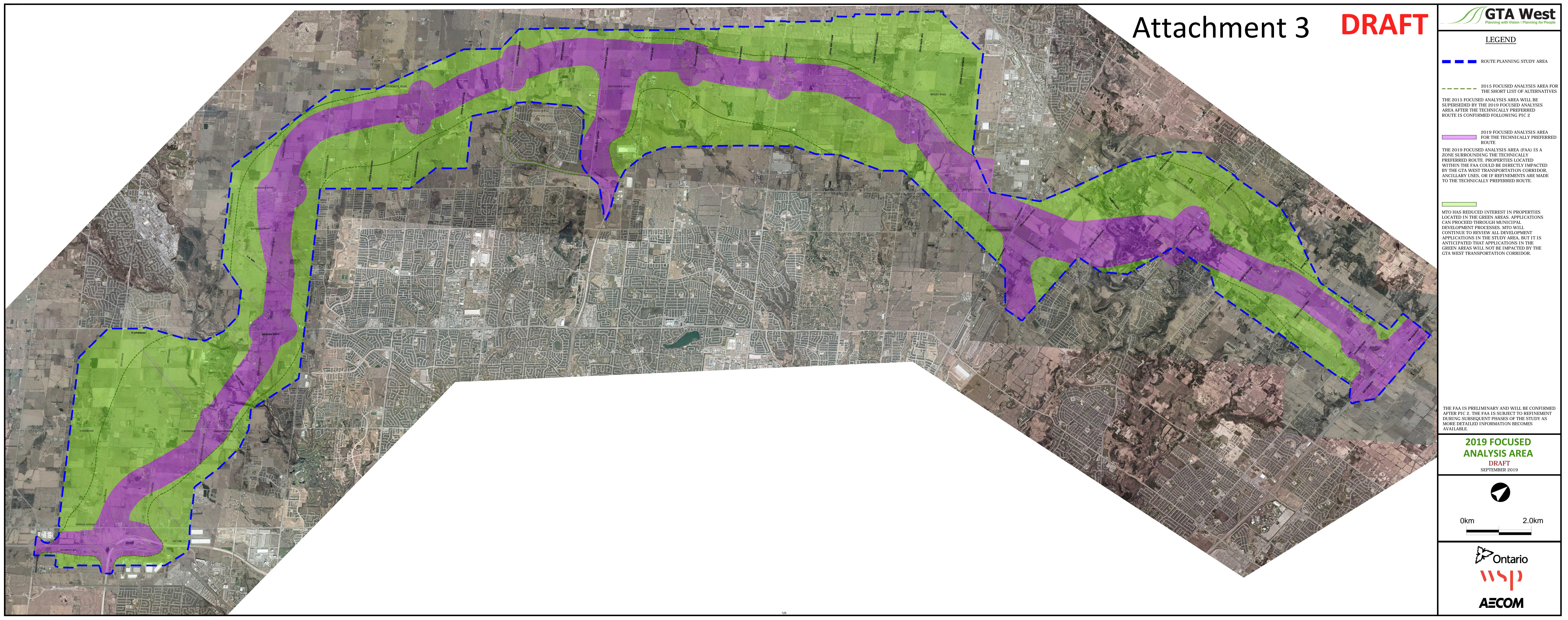
Hilda Esedebe, Transportation Project Manager, ext. 8484 Selma Hubjer, Manager of Transportation Planning, ext. 8674 Shirley Kam, Manager of Special Projects and Economic Development, ext. 8874 Fausto Filipetto. Manager of Long-Range Planning, ext.8699 Attachment 1

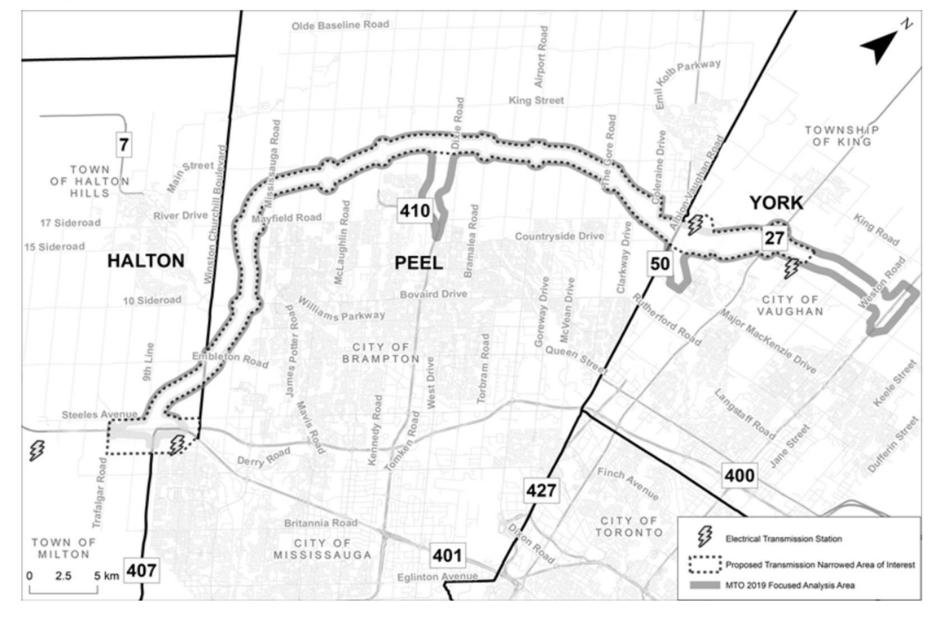


# **Preferred Interchange Locations**









# Proposed Transmission Narrowed Area of Interest Compared to MTO's 2019 Focused Analysis Area



# Committee of the Whole (2) Report

DATE: Tuesday, November 12, 2019 WARD(S): ALL

#### TITLE: AMENDMENTS TO THE PARKING BY-LAW – PROHIBITED STREETS

#### FROM:

Mary Reali, Deputy City Manager, Community Services

#### **ACTION:** DECISION

#### Purpose

To update the Parking By-law Schedule that lists prohibited streets.

#### **Report Highlights**

• The proposed amendments ensure that parking regulations are in line with existing City standards.

#### **Recommendations**

1. THAT Parking By-law 064-2019, as amended, Schedule 1 - No Parking, be amended to include the following streets:

Highway	Side	From and To	Prohibited Time of
			Day
Bruce Street	East	From the south limit of	Anytime except
		Highway 7 to the north limit	where allowed by
		of Helen Street	permit
Helen Street	Both	From the south limit of	Anytime except
		Highness Court to 255	where allowed by
		metres south of the south	permit
		limit of Highness Court	

# **Background**

A key objective of the Council approved By-law Strategy is that regulations be reflective of existing community needs. The Parking By-law was recently consolidated and updated with respect to technical amendments, bringing together the original 1996 bylaw together with the over 200 amendments made since then.

In the updated by-law, Transportation Services, Parks and Forestry Operations noted the omission of prohibitions on Bruce Street and Helen Street, which have been outlined in the table above in the Recommendations section.

# Previous Reports/Authority

Item No. 26 of Report No. 27 of the Committee of the Whole: <u>Parking By-law</u> <u>Consolidation and Regulatory Technical Amendments</u> (adopted by City Council on September 27, 2018)

# **Analysis and Options**

No	Current State	Recommendation	Reasoning
1	In the updated Parking	Restore prohibitions	To maintain long-standing
	by-law, staff omitted two	that were in the earlier	parking prohibitions in this
	previously prohibited	version of the Parking	neighbourhood, rather than
	streets, Bruce Street and	By-law.	make changes without proper
	Helen Street, in error.		consideration of the impacts.

# Financial Impact

There is no financial impact as a result of the recommendations of this report.

#### **Broader Regional Impacts/Considerations**

No impacts are anticipated.

# **Conclusion**

The proposed changes will contribute to the Term of Council strategic priorities for Good Governance, supporting openness, accessibility, and transparency in parking regulation.

**For more information,** please contact: Gus Michaels, Director and Chief Licensing Officer

#### Prepared by

Carol Ramchuram, Regulatory Policy Analyst, ext. 8783



# **Committee of the Whole Report**

DATE: Tuesday, November 12, 2019 WARD(S): ALL

#### TITLE: ANIMAL SERVICES CONTRACT – CITY OF RICHMOND HILL

#### FROM:

Mary Reali, Deputy City Manager, Community Services

#### ACTION: DECISION

#### <u>Purpose</u>

To seek Council's approval for By-law & Compliance, Licensing & Permit Services (BCLPS), Animal Services, to be authorized to enter into a service agreement with the City of Richmond Hill to provide animal services for a term of two years, with the option to extend for two additional two-year terms, at a cost to Richmond Hill of \$450,000 for the first year, with three percent fee increases year over year for the remainder of the agreement term.

#### **Report Highlights**

- The City of Richmond Hill is seeking to enter into a service agreement with the City of Vaughan to provide animal services, commencing in December 2019.
- Revenue generated through this proposed service agreement will cover all incremental costs associated with the services provided to Richmond Hill.
- Previous and existing similar service agreements have been mutually beneficial to both Vaughan and other municipalities, such as the Township of King, the Town of Whitchurch-Stouffville, and the Town of Bradford.

#### **Recommendations**

1. That the City of Vaughan, By-law & Compliance, Licensing & Permit Services Department, Animal Services Unit be authorized to enter into an agreement with the City of Richmond Hill to provide animal services for a period of two years, with the option to extend for two additional two-year periods, beginning in December 2019, at the cost of \$450,000 for the first year, with three percent fee increases year over year for the remainder of the term;

- 2. That staff be authorized to hire the appropriate staff as identified within this report;
- 3. That the Deputy City Manager/Chief Financial Officer and Treasurer be authorized to amend the annual operating budgets to reflect the financial impacts identified within this report;
- 4. That the Mayor and City Clerk be authorized to sign the necessary agreements, satisfactory to the City Solicitor, to enter into an animal services agreement with the City of Richmond Hill.

# **Background**

#### Animal services provided in Vaughan and the Township of King

Care and control of animals is a unique area of public service that contributes to current and future sustainability of the quality of life within the City. Currently Vaughan Animal Services, a unit within the BCLPS, delivers animal services, including but not limited to, public education, outreach, awareness, by-law enforcement and shelter services within the City of Vaughan and provides contracted services to the Township of King.

Service agreements provide a much-needed service to smaller communities, while providing the City of Vaughan an opportunity for revenue generation to offset costs associated with delivery of animal services as a whole, including costs associated with the operation of the animal shelter.

#### Richmond Hill's needs for animal services

The City of Richmond Hill has been recently notified by their current service provider that they will be opting out of their longstanding contract and is seeking to enter into an agreement with the City of Vaughan, commencing in 2019, to provide animal services for their municipality. Richmond Hill does not have a current in-house solution for animal control, nor do they have their own municipal facility. For this reason, they require an external service provider and approached the City of Vaughan to provide services.

#### Providing animal services to Richmond Hill

BCLPS engaged staff from Financial Planning & Development Finance to develop costs for providing animal services to Richmond Hill, developing a proposed agreement in which the revenue generated will offset all costs, enable the City to provide a muchneeded service to Richmond Hill and benefit the City of Vaughan through the resulting economies of scale. In order to proceed with the recommendations specified above and for Vaughan Animal Services to provide animal services to Richmond Hill commencing in December 2019, Council's approval is required to authorize the Mayor and City Clerk to sign the necessary agreements and documents related with the above noted recommendations.

# Previous Reports/Authority

ANIMAL SERVICES CONTRACT – TOWNSHIP OF KING. Item 19, Report No. 21, of the Committee of the Whole, adopted on May 17, 2016.

# Analysis and Options

In order to provide animal services to the City of Richmond Hill, City of Vaughan staff proposed a two-year agreement with the option to extend for two additional two-year periods, at the cost to Richmond Hill of \$450,000 for the first year, with three percent fee increases year over year for the remainder of the term. The service agreement value as noted above are incremental costs attributed to the increased work demands and inclusive of the additional staffing, sheltering and animal care required to deliver the service accordingly. Increased staffing includes:

- 1 Supervisor/Registered Veterinary Technician
- 1 Full-time Animal Control Officer
- 2 Part-time Animal Control Officers

The proposed agreement will also encompass contingency funding, such as to address staff absences or leaves and the corresponding staff coverage needed to address these unplanned absences.

# **Financial Impact**

The value of the proposed service agreement is \$450,000 for the first year, with three percent fee increases year over year for the remainder of the term. The revenue generated through this service agreement will fully offset all associated incremental costs resulting from the services provided to the City of Richmond Hill. In addition, the resulting economies of scale will also benefit the City of Vaughan's general operations.

# **Broader Regional Impacts/Considerations**

This initiative will contribute to the increased delivery of consistent, high-quality animal services across the Regional Municipality of York.

# **Conclusion**

Provision of animal services by the City of Vaughan to the City of Richmond Hill

contributes to the 2018-2022 Term of Council Strategic Priority of creating Active, Safe and Diverse Communities throughout the Regional Municipality of York.

For more information, please contact:

Gus Michaels, Director of By-law & Compliance, Licensing & Permit Services, ext 8735.

# **Attachments**

N/A

# Prepared by

Susan Kelly, Manager, Animal Services, By-law & Compliance, Licensing & Permit Services, ext. 8952

Carol Ramchuram, Regulatory Policy Analyst, Policy & Planning Services, By-law & Compliance, Licensing & Permit Services, ext. 8783