

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

This is an Electronic Meeting. The Council Chamber will not be open to the public. Public comments can be submitted by email to clerks@vaughan.ca. For deputations, please register by contacting Access Vaughan at 905-832-2281 or clerks@vaughan.ca

Wednesday, May 20, 2020

2:00 p.m.

Council Chamber

2nd Floor, Vaughan City Hall

2141 Major Mackenzie Drive

Vaughan, Ontario

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ALL APPENDICES ARE AVAILABLE FROM THE CITY CLERK'S OFFICE
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Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

TITLE: INTERNAL AUDIT REPORT – CONSULTING SERVICES AUDIT

FROM:

Kevin Shapiro, Director of Internal Audit

ACTION: FOR INFORMATION

Purpose

To communicate the findings from the Audit of Consulting Services.

Report Highlights

- From time to time, the City may require consulting services for a defined service or project.
- Consulting services are to be engaged in accordance with the City's Corporate Procurement Policy.
- In general, the audit did not find any evidence of non-compliance to corporate policies. However, improvements are recommended to ensure that risks related to the procurement and use of consultants are effectively and efficiently mitigated.
- Management has developed action plans which will mitigate the identified risks and address the recommendations outlined in the report.

Recommendations

1. That the Internal Audit Report on the audit of Consulting Services 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 procurement and use of consultants.

The audit approach included a review of seven operating and seven capital consulting engagements, covering eleven different vendors. For these fourteen projects, we reviewed the procurement process, project management, and contract administration. We also conducted interviews with staff, reviewed invoices and analyzed general ledger coding of consulting costs.

Although some projects originated in 2016, the scope of this audit covered capital and operating consulting engagements for the period of January 2017 to December 2018.

As a result of recent audits, Legal Services and Environmental Services were not included in the scope of this audit.

Previous Reports/Authority

Not applicable.

Analysis and Options

External consulting services support many of the City's capital projects and operating needs. They provide expertise, equipment and infrastructure that are not available internally. Consultants may also satisfy legislative requirements for independent assessments.

Consulting services may be procured using a number of methods, including a Request for Proposal (RFP) process, single and sole sourcing, and emergency procurement. The Corporate Procurement Policy outlines the appropriate procurement method based on the project requirements and scope.

Financial Impact

There are no direct economic impacts associated with this report.

Broader Regional Impacts/Considerations

Not applicable.

Conclusion

From time to time, the City may require consulting services for a defined service or project. Consulting services are to be engaged in accordance with the City's Corporate Procurement Policy. It is expected that the City receive the best value for money while demonstrating the public procurement principles of fairness, openness, transparency and accountability. Competitive procurement processes should be used wherever possible

while ensuring that non-competitive procurement is used only in narrowly defined circumstances.

In general, the audit did not find any evidence of non-compliance to corporate policies. However, improvements are recommended to ensure that risks related to the procurement and use of consultants are effectively and efficiently mitigated. The following opportunities were identified:

- Improving the administration and oversight over the purchase order system.
- Developing a city-wide business case framework.
- Establishing a city-wide contract management and administration framework.
- Ensuring vendor performance evaluations are performed.

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

Attachments

1. Internal Audit Report – Consulting Services Audit

Prepared by

Kevin Shapiro, Director of Internal Audit, extension 8293
Rebecca Burchert, Audit Project Manager, extension 8124



INTERNAL AUDIT REPORT

Consulting Services Audit

April 2020

INTERNAL AUDIT REPORT

CONSULTING SERVICES AUDIT

CONCLUSION AND SUMMARY

From time to time, the City may require consulting services for a defined service or project. Consulting services are to be engaged in accordance with the City's Corporate Procurement Policy. It is expected that the City receive the best value for money while demonstrating the public procurement principles of fairness, openness, transparency and accountability. Competitive procurement processes should be used wherever possible while ensuring that non-competitive procurement is used only in narrowly defined circumstances.

In general, the audit did not find any evidence of non-compliance to corporate policies. However, improvements are recommended to ensure that risks related to the procurement and use of consultants are effectively and efficiently mitigated. The following opportunities were identified:

- Improving the administration and oversight over the purchase order system.
- Developing a city-wide business case framework.
- Establishing a city-wide contract management and administration framework.
- Ensuring vendor performance evaluations are performed.

A purchase order (PO) is a legally binding agreement between the City and a vendor. It details the goods/services the City agrees to purchase at a certain price point, the delivery date and terms of payment. The City's JDE purchase order system facilitates the creation and execution of PO's from requisition through payment. Although JDE allows a user to enter the PO expiry date under the "Promised Delivery Date" field in the system, this date is not being entered. The audit identified over 3,000 open POs, dating back to 1999, for a variety of different goods and services, totaling approximately \$105 million. After discussions with management, it was confirmed that there is no process in place to ensure POs are closed in the JDE system at the conclusion of a project and no management oversight to analyze and monitor the status of open PO's. Ensuring the timely closure of PO's at the conclusion of the contract will mitigate the risk of these funds being used for different projects/activities.

A business case provides justification for undertaking a project. It evaluates the benefit, cost and risk of alternative options and provides a rationale for the preferred solution. The audit identified that a variety of methods were used to justify hiring a consultant. While the Corporate Procurement Policy states that it is the responsibility of management to prepare specifications for procurement, there is no formal business case framework at the City to help develop those specifications and requirements. Assessing the capacity and capability of internal resources and identifying potential opportunities to transfer skill sets to staff, either through the use of consultants or through training, learning and development opportunities, are not always evaluated. The development of a formal business case framework will help inform decision making by helping to better define project scope, alternatives and costs, while outlining project delivery in the most efficient and effective manner.

Contract management and administration involves the planning, development, execution and oversight over contracts. It also includes ensuring that vendors have the necessary equipment,

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CONSULTING SERVICES AUDIT

personnel and expertise to deliver the expected results. There is currently no framework in place to ensure consistency in the management and administration of contracts. The need for improved project management and contract administration has been a common theme in many of our recent audit reports. Developing a contract management and administration framework will help ensure consistency in the development and execution of contracts while helping to ensure that project objectives are met on time and within the intended budget.

The purpose of a Vendor Performance Evaluation framework is to determine if vendors are meeting the City's expectations. Although the City's Vendor Performance Evaluation procedure began as a pilot in 2018, with a full rollout in 2019, none of the project leads that we interviewed as part of this audit were aware of the requirement. Further, Procurement Services has not developed a mechanism to ensure the evaluations are performed. Completing the vendor evaluations can help demonstrate value for money, identify high performers in future competitive processes, and ensure continuous improvement in the procurement and contract administration functions.

Internal Audit will follow up on the status of outstanding management action plans related to this audit and will report the status to the appropriate Committee.

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CONSULTING SERVICES AUDIT

BACKGROUND

External consulting services support many of the City's capital projects and operating needs. They provide expertise, equipment and infrastructure that are not available internally. Consultants may also satisfy legislative requirements for independent assessments.

Consulting services may be procured using a number of methods, including a Request for Proposal (RFP) process, single and sole sourcing, and emergency procurement. The Corporate Procurement Policy outlines the appropriate procurement method based on the project requirements and scope.

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 procurement and use of consultants.

The audit approach included a review of seven operating and seven capital consulting engagements, covering eleven different vendors. For these fourteen projects, we reviewed the procurement process, project management, and contract administration. We also conducted interviews with staff, reviewed invoices and analyzed general ledger coding of consulting costs.

Although some projects originated in 2016, the scope of this audit covered capital and operating consulting engagements for the period of January 2017 to December 2018.

As a result of recent audits, Legal Services and Environmental Services were not included in the scope of this audit.

Auditor and Author: Rebecca Burchert, CFE

Director: Kevin Shapiro CIA, CFE, CRMA

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CONSULTING SERVICES AUDIT

DETAILED REPORT

1. *Improve Administration and Oversight Over the Purchase Order System*

A purchase order (PO) is a legally binding agreement between the City and a vendor. It details the goods/services the City agrees to purchase at a certain price point, the delivery date and terms of payment.

A purchase order is initially requested by the client department by receiving proper approval and requisitioning it through the JDE system. Procurement Services will review, create and distribute the purchase order. The client department is responsible for administering the purchase order, which includes receiving the consultant's invoice, verifying the delivery of goods/services and tracking the diminishing balance of the purchase order. A majority of the consulting engagements we reviewed as part of this audit had a PO set up for the agreement in the JDE system.

Although JDE allows a user to enter the PO expiry date under the "Promised Delivery Date" field in the system, this date is not being entered. Internal Audit reviewed all open purchase orders in the JDE system and found that there were over 3,000 open POs totaling approximately \$105 million, dating back to 1999. 1,264 (42%) of the 3,000 had been opened prior to 2016, accounting for approximately \$25 million of the \$100 million. Approximately \$760,000, had never been drawn upon.

In June 2018, Procurement Services issued a procedure indicating that a Purchase Order/Blanket Purchase Order will be closed at the end of the contract term. But the procedure did not assign responsibility as to who is responsible for closing the PO. A 2019 revision to the Purchase Order Procedure (PP25) indicated client departments shall be responsible to close the purchase order, but there are no instructions available to provide guidance as to how the PO is to be closed.

After discussions with management, it was confirmed that there is no process in place to ensure POs are closed in the JDE system at the conclusion of the project and no management oversight to analyze and monitor the status of open POs.

The lack of oversight and control over the closing of PO's increases the risk that open purchase orders with balances may be used to fund different projects/activities.

Recommendations

We recommend that management:

- Ensures that entering a PO expiry date becomes a mandatory requirement when a purchase order is opened.
- Develop a program to monitor and ensure the timely closure of purchase orders.

Management Action Plan

Management agrees with these recommendations.

Procurement Services has had success reducing the number of open POs in the JDE system. As of March 2020, Procurement Services closed 89% of the POs that Internal Audit identified as open for the period of 1999-2010. Progress has also been made through collaboration with clients, and addressing POs opened between 2011 and 2015.

Procurement Services will communicate to the client departments that they must provide a PO expiry date in the JDE system. Procurement Services will ensure the client department populates the PO expiry date in the PO requisition and closes the PO at the end of the contract term.

As part of Procurement Services role as second line of defense, reports indicating POs past their expiry dates will be run on a quarterly basis. Procurement Services will issue a memo to all impacted department heads detailing their open POs which are past their expiry dates. Procurement Services will require a decision from the client department to extend the PO expiry date or have the PO closed and have a new PO created.

The implementation of the program with PO expiry dates and the development of exception reporting will start in Q2, 2020.

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2. *Develop a City-wide Business Case Framework*

A business case provides justification for undertaking a project. It evaluates the benefit, cost and risk of alternative options and provides a rationale for the preferred solution. Typically, a business case includes background information, the expected benefits and outcomes, considered methods to achieve these benefits, timelines, potential risks and estimated costs.

For projects that require consulting services, business cases should include a cost/benefit analysis to support that internal resources were considered. If consultants are the only option, the business case should define the added value and measurable outcomes.

It should also define whether there are opportunities to transfer skills from the consultants to City staff to build internal capabilities, potentially reducing the need to bring in consultants for similar work in the future.

While the Corporate Procurement Policy states that it is the responsibility of management to prepare specifications for procurement, there is no formal business case framework at the City to help develop those specifications and requirements. Assessing the capacity and capability of internal resources and identifying potential opportunities to transfer skill sets to staff, either through the use of consultants or through training, learning and development opportunities, are not always evaluated.

Three of the ten projects we reviewed had a formal business case for the project. These were capital projects that required specific skills and expertise or access to equipment and infrastructure not available internally. There was documentation to support that an analysis was performed, and it was concluded that hiring a consultant was more cost effective than hiring the additional staff or purchasing special equipment.

Where there wasn't a formal business case, there was a variety of methods used to justify hiring a consultant. Project leads often indicated the reasons for hiring externally are captured in a memorandum sent to Procurement Services or addressed by answering the questions on the procurement document for Sole and Single Sourcing.

Without a proper needs-analysis that a business case can provide, it may become difficult to assess value for money. In addition, projects may also be at risk of incurring additional or unexpected costs, unanticipated change orders and not being executed in the most efficient and effective manner.

Recommendations

We recommend that management develop a formal City-wide business case framework, including the criteria that needs to be met to justify the hiring of a consultant. At minimum, this particular section of the business case framework should include tools to:

- Assess in-house capacity and capability to deliver the business case objectives.
- Assess whether the work or skill set is required long term and/or on a repetitive basis.
- Identify potential development opportunities to build capacity and capability to perform similar work in house in the future.

Management Action Plan

Management agrees with the recommendation.

The Office of Transformation and Strategy developed a new Business Case approach in conjunction with the business planning process, project prioritization and decision-making processes for key initiatives.

The Business Case process was introduced in January 2020 for the 2021 Business Planning and Budget processes. Through the assessment of the Business Cases, where a project is approved to proceed to the budget process, departments will be required to identify whether procurement requirements include consulting services.

Where consulting services are required, the business case process will be used to identify and assess in-house capabilities and capacity to deliver business case objectives; assess whether the work or skill set is required on a long term and/or repetitive basis; and identify potential development opportunities to build capacity and capability to perform similar work in-house in the future. Full implementation is expected by Q1, 2021.

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3. *Establish a City-wide Contract Management and Administration Framework*

Contract management and administration involves the planning, development, execution and oversight over contracts. This includes the development of all the specifications of the contract including deliverables, key dates and payment terms.

Project managers need to ensure that vendors are meeting their obligations as quickly and effectively as possible. This includes ensuring that vendors have the necessary equipment, personnel and expertise to deliver the expected results. Project managers also work out any required modifications in the event that the scope of the project needs to be modified during the course of a project through a change order process.

Internal Audit found that most project leads were proficient in verifying that deliverables were received, invoices were paid in a timely manner, and costs were coded to the correct account. These steps were accomplished intuitively and not by following any established procedure. There is currently no framework in place to ensure consistency in the management and administration of contracts.

The audit also identified several examples where purchase orders and change orders were authorized after invoices from the consultant had already been received. There was an example of a consultant double charging administrative costs. There was another instance where the City had received the agreed upon services, but the project lead used a purchase order, two low dollar purchase orders and several cheque requisitions to pay the consultant.

Procurement Services has contract management, purchase orders and contingency procedures on their website to support the Corporate Procurement Policy, but project managers still tend to administer their contracts according to their unique project needs. The need for improved project management and contract administration has been a common theme in many of our recent audit reports. Developing a contract management and administration framework will help ensure consistency in the development and execution of contracts while helping to ensure that project objectives are met on time and within budget.

Recommendations

We recommend management develop a formal City-wide contract management and administration framework for the planning, development, execution and oversight over contracts.

Management Action Plan

Management agrees with the recommendation.

Transformation and Strategy, in collaboration with the Senior Leadership Team, will see that a City-wide contract management and administration framework is developed by ensuring policies and procedures are established; communication plans are in place; training is conducted; monitoring/oversight function is properly assigned and; a repository for major contracts is appropriately in place. Full implementation is expected by Q2, 2021.

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In the meantime, the Enterprise Project and Change Management Office's (EPCMO) has developed new project management tools, templates and procedures. In addition, the EPCMO has worked with Procurement Services to include contract management checklists during the planning, execution, monitoring and closeout stages of projects. Full implementation is expected by Q2, 2020.

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4. *Ensure Vendor Performance Evaluations are Performed*

A vendor evaluation framework can help the City assesses vendor performance against key performance indicators, service level agreements and other important relevant metrics. The goals of a vendor performance review can include:

- Monitoring compliance of contractually agreed upon terms
- Identifying areas where the vendor is not performing to expectations
- Partnering with the vendor to resolve performance issues
- Benchmarking vendor performance against similar vendors

In 2018, as part of the Procurement Modernization project, a pilot program required City departments and staff to conduct vendor performance evaluations for the following projects:

- Services, including consultant contracts, greater than \$25,000
- Construction contracts greater than \$25,000
- Contracts of any value for which the client department and procurement services consider necessary e.g. to address vendor performance concerns, highly complex or high-profile projects

The program has since become a procedure used in conjunction with the Corporate Procurement Policy. Discussions with project leads indicate they are not aware of the vendor performance evaluation requirement. Further, Procurement Services has not developed a mechanism to ensure that the evaluations are being completed. In addition, project managers do not always assess the value of the work they received from consultants or conduct a lesson's learned debriefing with the appropriate internal stakeholders. When undertaken at the end of a project, these tools can provide valuable lessons for project teams, fosters continuous improvement and help management make more informed decisions on the future use of consultants.

Recommendations

We recommend that management:

- Enhance communications to internal stakeholders promoting the vendor performance evaluation requirements.
- Develop an oversight program to ensure stakeholders comply with the requirements of the Vendor Performance Evaluations procedure.
- Develop a framework to assess the value of the work staff receive from consultants to foster continuous improvement and inform future decision making.

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Management Action Plan

Management agrees with these recommendations.

In 2018, Procurement Services initiated its plan to enhance communication to stakeholders by hosting focus group discussions about vendor performance. This resulted in finalizing the Vendor Performance and Contract Management procedures. Further progress was made with the addition of contract management and vendor performance modules in the BidsandTender on-line program. This improved the vendor performance evaluation significantly by transitioning from merely populating documents into a more robust on-line evaluation tool, providing complete and timely performance assessments. Plans to have Procurement staff train their respective client departments on the use of electronic vendor performance will begin in Q2-2020.

The Vendor Performance and Contract modules in BidsandTenders provides the ability to generate reports. The e-Procurement Coordinators will be able to use these reports to provide continued guidance and support to the client departments and ensure they are completing the vendor performance evaluation properly and in a timely manner. After client departments are properly trained on the new module, Procurement can start monitoring the program in Q3, 2020.

Procurement Services is developing procedures on how the information gathered from the vendor evaluations will effectively be used for procurement activities. For example, the development of procedures will consider how the information will be gathered and indexed for referencing; determine what vendor engagement decisions will be made based upon the evaluations, and; how a vendor with a poor evaluation can again be considered for an engagement. Full implementation is expected by Q3-2020.

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5. *Ensure an Open, Fair and Transparent Procurement Process for Sourcing Consultants*

Consulting services are to be engaged in accordance with the City's Corporate Procurement Policy. It is expected that the City receive the best value for money while demonstrating the public procurement principles of fairness, openness, transparency and accountability. Competitive procurement processes should be used wherever possible while ensuring that non-competitive procurement is used only in narrowly defined circumstances.

The Corporate Procurement Policy includes a section on the establishment of Vendors of Record (VOR), whereby a select group of vendors are prequalified to provide services to the City. The purpose of prequalification is to ensure that the proponents invited to bid can deliver the project specific requirements. The City, through pre-determined criteria, eliminates vendors who do not demonstrate the necessary financial capacity, technical expertise, managerial ability and relevant experience for the project. Only those respondents who have been pre-qualified will be invited to submit a bid in response to a subsequent tender process related to the project.

Most of the departments examined for this audit had repeatedly used the same consultants for similar engagements. Only one department hired their consultant from an established list of qualified vendors.

Further, there was one instance where a vendor was hired for a specific project despite not qualifying as a vendor, even though there were other qualified vendors who could perform the engagement.

The justification for repeatedly hiring the same vendor was generally based on having established a long-term relationship with the vendor. But single sourcing a vendor instead of hiring the services either through a competitive procurement process or from the qualified vendor of record list could pose a reputational risk for the City, as well as having the risk of not receiving the best value for the City's money.

Recommendation

We recommend that management, in consultation with Procurement Services:

- Ensure an open, fair and transparent process is implemented for sourcing consultants, whenever possible.
- Analyze and identify further opportunities where VOR's may be established for consulting services.

Management Action Plan

Management agrees with these recommendations.

Most consulting engagements are procured using an RFP process. Other consultants may be procured using the single-source specifications of the Corporate Procurement Policy, while

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CONSULTING SERVICES AUDIT

some client departments pay for consulting services using an LDM. As a strategic advisor, Procurement Services will monitor how consultants are procured by running quarterly reports from BidsandTender system. Procurement Services will perform analysis to determine if the most appropriate method was used and with that information, provide direction to the client departments. Full implementation is expected by Q3, 2020.

Procurement Services will also use these quarterly reports to identify the repeated hiring of the same consultants. Procurement Services will be able to counsel client departments to consider Vendor of Record opportunities. Using the reports and VOR list, Procurement will be able to provide assurance that consultants that did not qualify for the VOR are not hired in place of those who did qualify. Full implementation is expected by Q3, 2020.

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6. *Standardize Procurement Templates*

Upon review of sampled RFP templates, Internal Audit found that these templates can be easily modified and reused in their altered state. The audit found examples where the templates had been modified, including sections being added, omitted and rearranged.

Further, there is no standards in place to determine when Legal Services should be consulted to review an agreement prior to management approval.

The practice of adding, amending, omitting and rearranging sections of the RFP agreement to suit the unique needs of a project may put the City at financial, legal and reputational risks.

Recommendations

We recommend that management ensure that:

- Agreements have standard 'read only' templates that are not vulnerable to modification.
- Standards are developed to determine what type of agreements are considered mandatory for legal review prior to management approval.

Management Action Plan

Management agrees with these recommendations.

Legal Services will:

- Review existing processes and documentation used to support consulting services engagements to determine end user requirements. Q3, 2020
- Identify the various categories of consulting services engagements to determine the appropriate level of contractual and legal support required for each category. Q3, 2020
- Draft the various template agreements to support the needs of the business. Q1, 2021
- Draft a legal engagement protocol to ensure that appropriate measures are in place to identify and mitigate the risks associated with consulting services engagements. Q2, 2021
- Ensure sufficient change management practices (education and training) to ensure adoption of templates and protocol. Q2, 2021

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

**TITLE: FISCAL HEALTH REPORT – FOR THE YEAR ENDING
DECEMBER 31, 2019**

FROM:

Michael Coroneos, Chief Financial Officer and City Treasurer

ACTION: FOR INFORMATION

Purpose

To report on the City's fiscal health for the year ending December 31, 2019.

Report Highlights

- The City's property tax supported operations ended 2019 in a surplus financial position of \$2.3 million.
- Transfers of \$1.3 million to the Year-End Expenditure Reserve and \$1.0 million to the Tax Stabilization Reserve were made to bring the ending financial position to balance.
- Combined, the rate supported operations ended 2019 in an unfavourable position of \$1.5 million, resulting in a lower than expected transfer to the reserves that support the renewal of water, wastewater and stormwater infrastructure.
- During 2019, approximately \$96 million was spent on 377 capital projects.
- 130 capital projects were closed in 2019 and \$13.8 million from the closed projects were returned to various originating reserves and reserve funds.

Recommendation

1. That the Fiscal Health Report for the Year Ending December 31, 2019 be received.

Background

The fiscal health report tracks actual spending performance of the City's calendarized financial plan. This report provides the year-end financial position of the City as at December 31, 2019 on the same basis as the 2019 budget, with accompanying commentary on the contributing factors that have affected the City's fiscal health.

The year-end fiscal health report compares annual actual city operating, water and wastewater and stormwater operations and capital results as of December 31, 2019, versus the approved budgets and on the same basis as the budget. This differs from the basis of accounting in the City's audited financial statements in some important ways. The full amortization of tangible capital assets and post-retirement benefits are excluded from this report while transfers to and from reserves and net debenture financing requirements are included. The City's draft audited financial statements are expected to be presented to Council in September 2020.

Previous Reports/Authority

FISCAL HEALTH REPORT – JUNE 30, 2019

Analysis and Options

Executive Summary

The City's property tax supported operations ended 2019, before year-end reserve transfers, in a surplus financial position of \$2.3 million, largely attributed to lower than anticipated overall city expenditures in utility costs, labour costs and contract services costs across various departments. Approximately \$1.3 million of the surplus was transferred to the Year-End Expenditure Reserve and the remaining \$1.0 million was transferred to the Tax Rate Stabilization Reserve to mitigate tax pressures in 2020 and beyond.

Combined, the rate supported operations ended 2019 with reserve contributions below budget. Lower sales in water and stormwater were offset by favourable variances in maintenance costs resulting in favourable reserve contributions. Wastewater results were similar, however, higher than expected treatment costs resulted in a reserve contribution that was below budget. Overall, the rate supported operation ended 2019 with combined contributions to reserves of \$19.7 million which was \$1.5 million less than expected. These reserve funds are necessary for future infrastructure replacements as these assets near the end of their useful life.

During 2019, approximately \$96 million was spent on 377 open capital projects, a decrease of 27 percent from 2018 capital spending of \$131 million. Departments closed a total of 130 capital projects in 2019 and \$13.8 million from the closed projects were returned to various originating reserves and reserve funds.

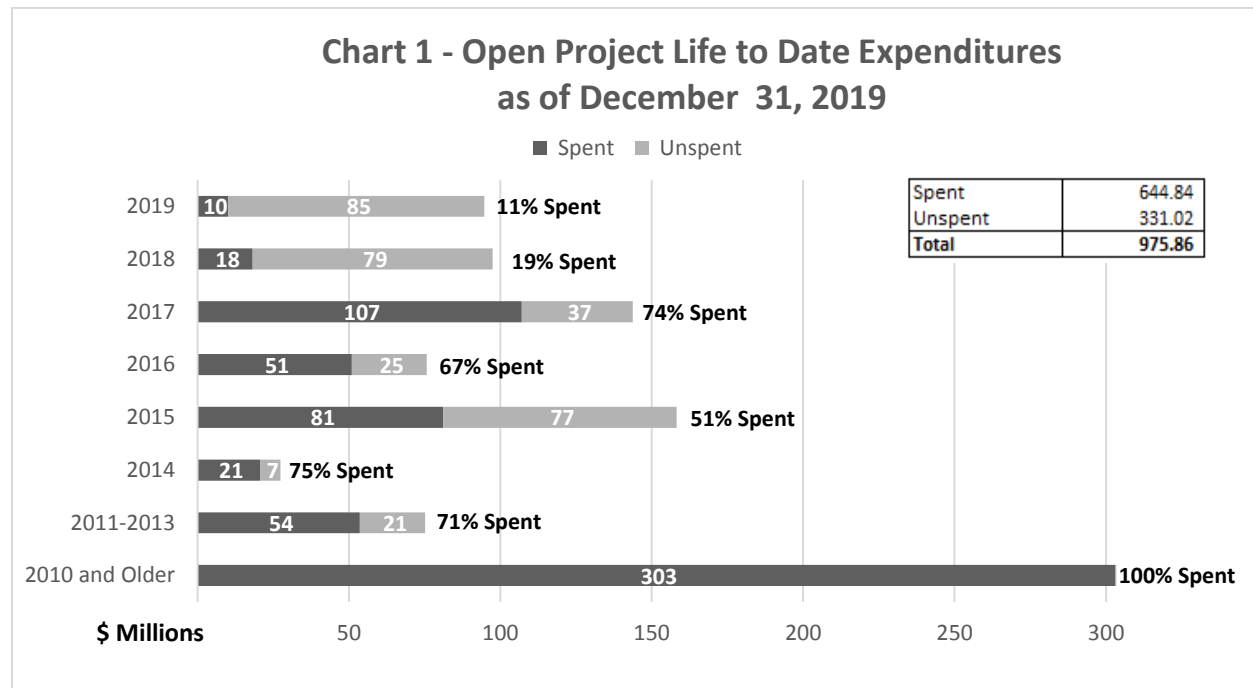
At December 31, 2019, there were 705 open capital projects with \$331 million of available budget remaining.

Attachment 1 provides the net position for all City departments.

Operating Results – Year ending December 31, 2019

	Budget	Actual	Variance
	\$million	\$million	\$million
Property Tax Based Budget			
Revenues	310.3	308.9	(1.4)
Expenditures	310.3	306.6	3.7
Year End Position	\$0.0	\$2.3	\$2.3
Reserve Transfer			
To Year- End Expenditure Reserve		(1.3)	(1.3)
To Tax Stabilization Reserve		(1.0)	(1.0)
Net		\$0.0	\$0.0
Water Rate Based Budget			
Revenues	77.7	71.5	(6.2)
Expenditures	67.6	60	7.6
Lifecycle Contribution	10.1	11.5	1.4
Wastewater Rate Based Budget			
Revenues	91.7	85	(6.7)
Expenditures	83	80.9	2.1
Lifecycle Contribution	8.7	4.1	(4.6)
Stormwater Charge Based Budget			
Revenues	10.6	10	(0.6)
Expenditures	8.2	5.9	2.3
Lifecycle Contribution	2.4	4.1	1.7

Capital Results – Year ending December 31, 2019



Note – chart above includes active projects

Discussion

OPERATING BUDGET RESULTS

Overall, City Revenues were \$1.4 million lower than the plan.

	Budget \$million	Actual \$million	Variance \$million	Variance %
Department Revenues	62.1	59.5	(2.6)	(4.2%)
Corporate Revenues	22.9	31.7	8.8	38.4%
Reserve Transfers	18.9	10.6	(8.3)	(43.9%)
Taxation	206.4	207.2	0.7	0.3%
Total Revenues	\$310.3	\$308.9	(\$1.4)	(0.5%)

Note – numbers may not add due to rounding

- Department Revenues were 4.2 percent lower than planned. This negative variance was mainly driven by lower than budgeted recoveries of labour costs from capital

Item 2

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funds. The lower recoveries were mainly as a result of vacancies and delays in several anticipated capital projects resulting in reprioritization of delivery to other capital projects where labour recovery did not apply.

- Corporate Revenues were 38.4 percent higher than planned. This is mainly attributable to higher than expected dividends received from the City's investment holding company, Vaughan Holdings Inc. In addition, the City requested and received a payout of unused employee benefits from the provider. Finally, supplementary taxes received in 2019 were higher than the normal level experienced in past years.
- Reserve transfers were 43.9 percent lower than planned. Transfers from the Building Standards Service Continuity Reserve and the Engineering Reserve were less than budgeted due to higher fees collected and department expenditures less than planned in 2019 (driven by lower labour costs mainly due to vacancies).

Overall, City expenditures were \$3.7 million lower than plan.

	Budget	Actual	Variance	Variance
	\$million	\$million	\$million	%
Labour	195.9	195.1	0.8	0.4%
Service Contracts & Materials	36.7	36.5	0.2	0.5%
Capital Related	33.7	34.5	(0.8)	(2.3%)
Other	26.4	25.1	1.2	4.6%
Utilities	12.4	11.1	1.3	10.6%
Insurance	5.1	4.2	1.0	18.6%
Total Expenditures	\$310.3	\$306.6	\$3.7	1.2%

Note – numbers may not add due to rounding

- Labour costs were 0.4 percent lower than plan. This is primarily attributable to vacancies across the organization and for positions approved in 2019 that are still in the recruitment process and that have not yet been filled.
- Utilities & Fuel were 10.6 percent lower than budget mainly due to lower than expected hydro and gas costs resulting in part from reduced consumption achieved through implementation of energy savings initiatives.
- Insurance premiums and deductibles were lower than budget by 18.6%, resulting in the transfer of approximately \$1.0 million of excess funds to the Insurance Reserve to mitigate any future insurance related expenses.
- Service contracts and materials were 0.5 percent lower than budget. Savings from contract services were experienced across departments in 2019, notably in areas such as maintenance of facilities, roads, trees, and parks. These savings were partially offset by higher than budgeted winter maintenance costs due to higher than average occurrence of plowing events.

- Other Expenditures were under budget by 4.6 percent due mainly to lower long-term debt payments as the City has assumed less debt than planned and its debentures mature over time.

Attachment 2 provides commentary at the Portfolio/Office level.

Water, Wastewater and Stormwater Results

Fourth Quarter Water Operating Results

Water Operations gross margin was \$0.9 million less than budget.

	Budget \$million	Actual \$million	Variance \$million	Variance %
Residential Billings	44.9	41.3	(3.6)	(8.0%)
Commercial Billings	29.7	27.4	(2.3)	(7.7%)
Other	0.5	0.4	(0.1)	(20.0%)
Purchases/Treatment Charges	46.7	40.0	6.7	14.3%
Non-Revenue Water	7.0	8.6	(1.6)	(22.9%)
Gross Margin	21.4	20.5	(0.9)	(4.2%)
Other Revenues	2.6	2.4	(0.2)	(7.7%)

- Residential and commercial water sales for the 4th quarter ended lower than budget by 8.0% and 7.7% respectively due to lower than expected water consumption.
- As a result of decreased sales, Regional water purchases (direct cost) were lower than budgeted. Further, York Region deviated from the posted budgeted wholesale rates for water and wastewater, increasing the treatment costs for wastewater and decreasing the costs for water resulting in lower than expected water purchase costs.
- Non-Revenue Water (NRW) was higher than budgeted, however a number of initiatives, including meter replacements, are underway to find and rectify NRW.

Water Operations expenditures before Lifecycle Contributions were \$2.5 million less than budgeted.

Budget \$million	Actual \$million	Variance \$million	Variance %
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Maintenance and Installation Cost	7.3	5.3	2.0	27.4%
General Administration	5.9	5.4	0.5	8.5%
Joint Service Costs	0.7	0.7	0.0	0.0%
Total Expenditures	13.9	11.4	2.5	18.0%
Lifecycle Contribution	10.1	11.5	1.4	13.9%

- Maintenance and Installation Costs ended lower by 27.4%. Federal and Provincial grants for meter installations, recalibrating the AMI program, and fewer unplanned repairs (e.g. watermain breaks) resulted in lower expenses.
- General Administration costs were lower by 8.5% mainly due to postponed hiring while assessing vacancies against needs, deferral of software expenses to 2020 and efficiencies found in operator training (bulk pricing and internally led training).

The City's net lifecycle contribution was \$1.4 million greater than budgeted at the end of the fourth quarter.

Fourth Quarter Wastewater Operating Results

Wastewater Operations gross margin was \$6.4 million less than budget.

	Budget	Actual	Variance	Variance
	\$million	\$million	\$million	%
Residential Billings	53.5	49.3	(4.2)	(7.9%)
Commercial Billings	36.0	33.6	(2.4)	(6.6%)
Other	0.5	0.4	(0.1)	(20.0%)
Purchases/Treatment Charges	64.6	61.2	3.4	5.3%
Non-Revenue Water	9.7	12.8	(3.1)	(32.0%)
Gross Margin	15.7	9.3	(6.4)	(40.8%)
Other Revenues	1.7	1.7	0.0	0.0%

- Residential and commercial billings for the fourth quarter are trending 7.9% and 6.6% respectively lower than budget due to lower than expected water consumption.
- Wastewater billing is based on water consumption and therefore trends similar to water consumption.
- As a result of decreased sales, treatment charges (direct cost) were lower than budgeted. Further, York Region deviated from the posted budgeted wholesale rates for water and wastewater, increasing the treatment costs for wastewater and decreasing the costs for water.
- Non-Revenue Water (NRW) was higher than budgeted. Since wastewater collection and treatment are based on water volumes, these costs are affected by NRW. A number of initiatives, including meter replacements, are underway to find and rectify NRW.

Wastewater Operations expenditures before Lifecycle Contributions were \$1.8 million less than budgeted.

	Budget	Actual	Variance	Variance
	\$million	\$million	\$million	%
Maintenance and Installation Cost	4.8	3.0	1.8	37.5%
General Administration	3.2	3.2	0.0	0.0%
Joint Service Costs	0.7	0.7	0.0	0.0%
Total Expenditures	8.7	6.9	1.8	20.7%
Lifecycle Contribution	8.7	4.1	(4.6)	(52.9%)

- Maintenance and Installation Costs ended lower by 37.5% due to postponed hiring while assessing vacancies against needs, time to set up contracts for recurring work (e.g. lateral repairs, flushing and cleaning, flow monitoring) related to Audit recommendations to avoid Low Dollar Module Purchase Orders.

City's net lifecycle contribution was \$4.6 million lower than budgeted at the end of the fourth quarter.

Fourth Quarter Stormwater Operating Results

Stormwater Operations gross margin was \$0.6 million less than budgeted.

	Budget	Actual	Variance	Variance
	\$million	\$million	\$million	%
Residential Billings	4.2	4.2	0.0	0.0%
Commercial Billings	5.8	5.2	(0.6)	(10.3%)
Other	0.0	0.0	0.0	0.0%
Purchases/Treatment Charges	0.0	0.0	0.0	0.0%
Non-Revenue Water	0.0	0.0	0.0	0.0%
Gross Margin	10.0	9.4	(0.6)	(6.0%)
Other Revenues	0.6	0.6	0.0	0.0%

- Total annual billing for stormwater charges was completed in the third quarter.
- Total billing revenues are lower than budgeted due to changes that have occurred to assumptions originally used to build the stormwater charge.

Stormwater Operations expenditures before Lifecycle Contributions were \$2.3 million less than budgeted.

	Budget	Actual	Variance	Variance
	\$million	\$million	\$million	%
Maintenance and Installation Cost	4.2	2.2	2.0	47.6%
General Administration	3.9	3.4	0.5	12.8%
Joint Service Costs	0.1	0.3	(0.2)	(200.0%)
Total Expenditures	8.2	5.9	2.3	28.0%
Lifecycle Contribution	2.4	4.1	1.7	70.8%

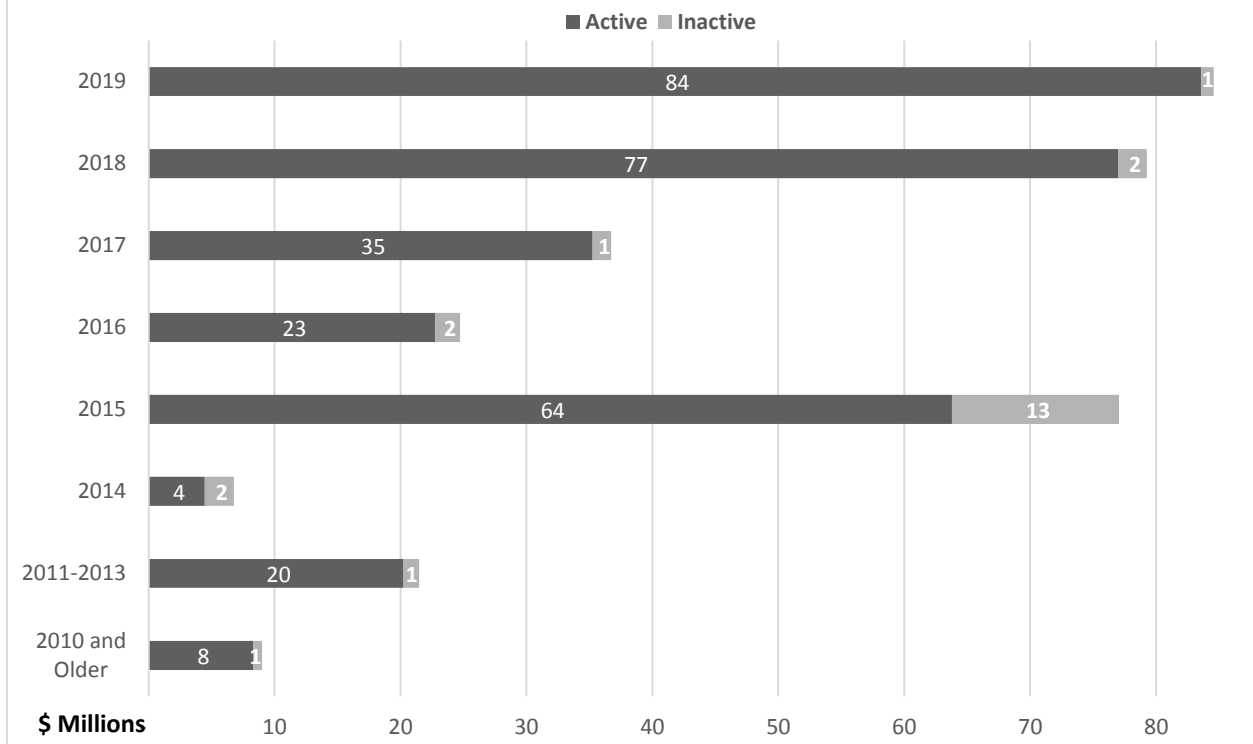
- Maintenance and Installation costs were lower by 47.6% mainly due to delay in contract award for stormwater pond maintenance and cleaning, lower than expected street sweeping activities and savings related to the CCTV inspection as the contract (awarded in 2018) was lower than budgeted.
- General Administration costs were lower by 12.8% mainly due to deferral of debenture payment, timing of spending in professional fees and postponed hiring while assessing vacancies against needs.
- Joint services fee with Alectra were higher than expected due to delay in previous year billing.

The City's net lifecycle contribution was \$1.7 million higher than budgeted at the end of the fourth quarter due to lower than expected expenditures.

Capital Budget Results

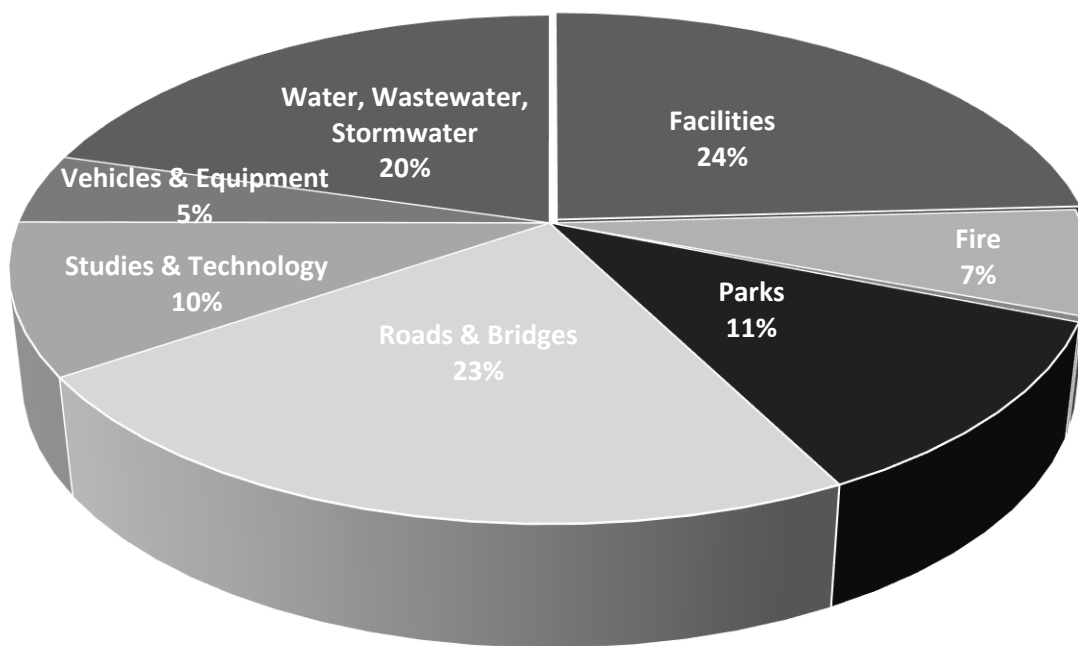
As at December 31, 2019, there were **705** open capital projects with **\$331** million of available budget remaining. The open projects were made up of **580** active projects and **125** inactive projects. The open project unspent funding breakdown by year is illustrated in Chart 2 below. Further information about the inactive projects can be found in the next section of the report.

**Chart 2 - Unspent Capital Funding by Project Status
as of December 31, 2019**



During 2019, \$96 million was spent on 377 open capital projects. By comparison, the 2018 and 2017 capital project spending were \$131 million and \$110 million respectively. Chart 3 below illustrates the breakdown of funds spent by project category during 2019.

**Chart 3 - 2019 Capital Expenditures by Major Project Category
as of December 31, 2019**



In the 2019 Budget, departments indicated that \$200 million in capital expenditures would be processed throughout 2019. At the end of 2019, approximately 48 percent of the forecasted amount was spent. Departments are continuing to enhance the robustness of their capital cash flow spend forecasts..

The following project was considered substantially completed as of December 31, 2019 with budget overage as permitted under Section 8 of the Capital Project Financial Administration and Reporting policy.

Project # & Title	Budget	Actual	Variance (\$)	Variance (%)
SE-0083-16 Service Excl Communication Plan	121,500	123,935	(2,435)	Overspent 2%

A complete list of open projects can be found [online](#).

Inactive Projects and Closed Projects

Of the 705 open capital projects, there are 125 projects that are considered inactive. Inactive projects comprise 18 percent of the total number of open projects, equating to 5 percent of the \$331 million in unspent funds. Approximately 83 percent of the inactive projects are substantially complete but are required to remain open until a future event occurs, while 16 percent of the inactive projects are on hold or have not started for a variety of reasons such as project scope and estimated costs being reevaluated, project reprioritization, and insufficient resources to advance the project. The breakdown of the classification of the 125 open inactive projects is as follows:

Classification	Number of Projects	Unspent Amount (\$million)
Completed - to be closed	73	\$2.9
Completed - Under Warranty or Maintenance	24	\$8.3
Completed - Waiting for final invoices	7	\$1.1
Not Started	9	\$9.3
Project on Hold	12	\$2.7
Grand Total	125	\$24.2

Staff continue to review the status of projects on hold and projects deferred, and accordingly will develop action plans to return funding commitments back to the funding sources, to repurpose the project scope, or to advance the project.

A complete list of Inactive Projects can be found [online](#).

Departments closed 130 projects in 2019, returning \$13.8 million to Reserves

During the fourth quarter, departments closed 8 capital projects, bringing the total capital projects closed in 2019 to 130 projects. The table below provides a breakdown of projects closed during 2019.

Portfolios	Number of Projects Closed in 2019	Amount Returned to Reserve (\$ million)
Infrastructure Development	76	\$6.5
Planning and Growth Management	12	\$2.8
Public Works	25	\$1.9
Community Services	12	\$1.4
Library Services	2	\$0.8
Corp. Services, City Treasurer & CFO	3	\$0.4
Grand Total	130	\$13.8

A complete list of Closed Projects can be found [online](#).

Capital Budget Amendments

For capital projects where a budget amendment is required, departments are required to bring a report to Committee of the Whole outlining the request for the amendment.

The following capital budget amendments were processed during the second half of 2019:

From	To	Supporting Report	Amount
Capital from Taxation, City Wide DCs – Library, City Wide DCs – Parks	RE-9537-17 VMC Library, Recreation and YMCA Centre of Community	Feb 12, 2019 FAA R3 I2	\$7,210,000

Capital Transfers Authorized by the Chief Financial Officer/City Treasurer

The Chief Financial Officer/City Treasurer has the delegated authority to approve any operating or capital realignments between departments, provided they are fiscally neutral. A summary of these changes is incorporated into the quarterly reporting process.

The following CFO authorized capital budget amendments were processed during the second half of 2019:

From	To	Amount
BY-9542-17 By-Law & Compliance Online Pay	BY-9538-16 By-Law & Compliance Group Techna System Upgrade	\$20,000
EV-2090-16 Storm Pond Cleaning (Pond 8)	EV-2127-19 Stormwater Pond Cleanout – Aviva Park Pond (Pond 80)	\$179,984
EV-2130-19 Stormwater Pond Cleanout – Keegan Pond (Pond 96)	EV-2127-19 Stormwater Pond Cleanout – Aviva Park Pond (Pond 80)	\$295,610
EV-2131-19 Stormwater Pond Cleanout – Springside Pond (Pond 126)	EV-2127-19 Stormwater Pond Cleanout – Aviva Park Pond (Pond 80)	\$442,900
EV-2132-19 Stormwater Pond Cleanout – Westridge (Pond 107)	EV-2129-19 Stormwater Pond Cleanout – Forest Pond (Pond 115)	\$791,074
FL-5215-19 PKS-Additional 2 Ton 4x4 Crew Cab Dump Truck	FL-5278-19 PKS-Additional Dual Stream Compactor Refuse Truck	\$12,222
FL-9557-19 PKS-One 1 Ton Pickup Truck for Crew Serving North Maple Regional Plan Phase 1	FL-5453-19 PKS-Additional Narrow Sidewalk Tractor with Plow/Salter/Blower/Sweeper Attachments	\$1,960

PK-6401-16 East's Corners Neighbourhood Park	PK-6575-18 Second Park Waterplay	\$45,000
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Continuity Schedule of Reserves and Reserve Funds

\$ million	Opening Balance	Revenues	Expenses	Closing Balance Before Commitments	Commitments	Closing Balance After Commitments
Obligatory Reserves						
City-Wide Development Charges	484.3	15.5	26.5	473.3	166.6	306.7
Area Specific Development Charges	8.8	0.2	(0.3)	9.2	16.7	(7.5)
Restricted Grant	30.1	19.4	12.8	36.7	34.7	2.0
Other	93.8	8.9	2.7	100.0	4.2	95.8
Obligatory Subtotal	617.0	43.9	41.8	619.2	222.2	397.0
Discretionary Reserves						
Infrastructure	216.4	37.8	30.8	223.4	48.4	174.9
Capital from Taxation	18.6	8.7	5.7	21.6	17.9	3.7
Corporate	17.4	1.0	0.3	18.1	0.0	18.1
Special Purpose	7.1	0.4	0.1	7.3	12.8	(5.5)
Sustainability	42.7	10.1	2.5	50.3	0.7	49.6
Discretionary Subtotal	302.2	57.9	39.4	320.7	79.8	240.9
Grand Totals	\$ 919.2	\$ 101.8	\$ 81.2	\$ 939.9	\$ 302.0	\$ 637.8

At the end of the 2019, the reserve balance before commitments was \$940 million. A net reserve activity of \$300 million is committed against these reserves and reserve funds; after this activity is accounted for, the total reserves and reserve funds balances as of December 31, 2019 was \$638 million, of which \$397 million was for obligatory reserves and \$241 million was in discretionary reserves.

Development Charges (DCs) collected in 2019 equates to \$4.6 million, with interest earned on reserve balances making up the difference in revenues. These collections are lower than typical due to the significant amount of DCs collected through the 2018 DC Pre-payment agreements. Collection of DCs through these agreements will result in lower than normal DC collections in the next two to three years. Uncertainty in the market as a result of Bill 108 and the new proposed Community Benefits Charge strategy has also contributed to lower DC collections as projects get delayed.

Approximately \$1.1 million was collected from residential developments and approximately \$3.5 million was collected from non-residential developments. As part of the 2018 DC By-laws review, Council authorized delegated authority to the City Treasurer and City Solicitor to execute Development Charge Pre-Payment Agreements under Section 27 of the Development Charge Act. The City collected approximately \$175 million in DCs in the third quarter of 2018, of which \$167 million were directly related to the DC prepayment agreements. The annualized average would be approximately \$55 million DCs collected in 2019 from the DC pre-payment agreements.

The City contributed approximately \$33 million into various infrastructure reserves to fund future assets' state of good repair, of which close to \$17 million was contributed from taxation and approximately \$16 million was from rate supported revenues. The City is currently on its journey to develop a comprehensive asset management plan that will be rolling out into various phases. The Corporate Asset Management Strategic Policies were approved by Council in early 2019, the next phase of the journey includes activities to improve asset management planning with accompanying strategies to establish mechanism to promote principle and evidence-based decision making. Asset management plans will inform future infrastructure planning and support asset management related budget and spending decisions.

The Detailed Reserve Continuity Schedule can be found [online](#).

Financial Ratios in alignment with Corporate Targets

Discretionary reserves provide the City with financial flexibility in order to safeguard against economic downturns and finance operations internally. To ensure the sustainability of these reserves, the City has adopted associated targets. The City also has a target ratio for debt services costs. The table below provides the status of these targets at the end of 2019.

Policy Ratio	2019	2018	Target
Discretionary Reserve	50%	50%	>50% Of Own Source Revenues
Working Capital	10%	6%	Up To 10% Of Own Source Revenues (tax only)
Debt Service	2%	2%	<10% Of Own Source Revenues

Discretionary Reserve Ratio - The greatest pressure on discretionary reserves is largely due to funding infrastructure replacement as the City's initial stock of infrastructure assets begin to reach the end of their useful lives.

Working Capital Ratio – The calculated ratio of 10% includes the year-end balance of the Tax Rate Stabilization Reserve. Contributions to Working Capital Reserve and Tax Stabilization Reserve occur when the City achieves a surplus; these reserves can be

sources of funding to address a year-end deficit position. In 2019, approximately \$1.0 million of the operating surplus from taxation was transferred to the Tax Stabilization Reserve. The consideration of consolidating the Working Capital Reserve and the Tax Rate Stabilization Reserve will be analyzed and discussed in an upcoming reserve policy review.

Debt Service Ratio - The City's policy limits debt to a maximum of 10 percent of total the City's own-source revenue, which is significantly lower than the Province's 25 per cent maximum. Total debenture outstanding principal as of December 31, 2019 was approximately \$23 million (2018 - \$29 million). In 2019 the total debt repayment costs were \$7.4 million (2018 - \$7.5 million), \$6.7 million in principal and \$0.7 million in interest. Repayment costs of \$7.4 million represents approximately 2 percent of the City's own source revenues. The Debt Service Ratio continued to improve in 2019, this was achieved in part by looking for responsible and innovative ways to fund capital projects. It is worth noting however, that while debt financing can be an additional tool to fund infrastructure in the City, fiscal prudence and due diligence are necessary to ensure the City's long-term financial sustainability and flexibility.

The City is working to complete a long-term fiscal plan that would take into consideration the City's Term of Council strategic plan, growth plans, asset management plan, development charge study, and treasury management strategy. A Reserve Policy and Debt Management Policy review would be complimenting this long-term fiscal plan which includes reviews of some key financial indicators; recommendations resulting from the analysis will be considered in the City's multi-year financial plan to ensure financial decisions are mindful of short-term and long-term financial impacts from the City's growth and desired levels of services.

Grant Activity Update

Since 2017, all grant activity is centrally tracked by the Municipal Partnership Office in Economic and Cultural Development. Keeping city-wide priorities in mind, this office identifies and communicates funding opportunities, supports applications and ultimately reports on the outcomes in partnership with the Financial Planning and Development Finance Department. The data below reflects both the actual cash flow received in 2019 from grant sources of ongoing projects followed by the total new grants awarded in 2019.

In 2019, the City received approximately \$18.7 million in grant revenues inclusive of the City's Gas Tax revenue of \$12.7 million.

The table below summarizes the grants revenues received in 2019. These figures exclude the Federal Gas Tax received in 2019.

Grant Classification	Capital Grants	Operating Grants
Canada 150 Community Infrastructure Program	11,805	
Clean Water and Wastewater Fund	4,246,164	
Green Municipal Fund	34,789	
Rail Safety Improvement Program	304,495	
Canada Summer Jobs		109,627
Celebrate Canada		56,826
IESO Embedded Energy Manager Program		18,352
Public Library Operating, Pay Equity and First Nations Salary Supplement Grant		143,234
Resource Productivity and Recovery Authority		635,730
Seniors Community Grant program		3,168
VBEC - Core Funding		127,445
VBEC - Summer Company		57,590
VBEC Starter Company Plus		146,087
Young Canada Works in Heritage Organizations program		26,429
Total by Grant Type	4,597,253	1,324,489
Total Grants Received in 2019	5,921,742	

Approximately \$0.3 million was received from Transport Canada for the rail improvement work to enhance the safety of railways in 2019.

The City received funding approval of \$21 million from the Clean Water and Wastewater Fund in 2017. This grant funding was planned to help offset costs for fifty (50) projects applied for, more notably including: VMC Edgeley Pond and Park, Centre Street Watermain Replacement, Stegman's Mill Watermain Replacement, Andrew Park/Button/Marilyn Place/ North Humber Road Watermain Replacement, Clarence Street Slope Stabilization; Distribution Watermain Conditional Assessments; Repair and Rehabilitation of Pumping Stations; Smart Water Metering; and Development of a Corrosion Control Strategy. Completion of these projects is essential to keeping our communities safe, healthy and livable. A task force was formed to facilitate a collaborative effort amongst various city departments and to address action items in a timely and appropriate manner. In 2018 the Task Force worked with Federal government and obtained a funding reallocation and scope expansion approval which provided the City with an opportunity to maximize potential grant funding. CWWF projects are progressing in accordance with the projects scheduled timelines; throughout 2019 four expense claims amounted to \$4.3 million were submitted to Infrastructure Ontario for process, which were all received in 2019.

Grants Awarded in 2019:

Public Works	Audit & Accountability Fund	Ministry of Municipal Affairs and Housing	Awarded	2019	\$174,797
Vaughan Public Libraries City Manager's Office Planning and Growth Management Community Services	Canada Summer Jobs	Government of Ontario	Awarded	2019	\$92,478
City Manager's Office	Digital Service Squad Grant (DSSG)	Province of Ontario in partnership with OBIAA (Ontario Business Improvement Area Association)	Awarded	2019	\$25,000
Public Works	Disaster Mitigation and Adaptation Fund (DMAF)	Infrastructure Canada	Awarded	2019	\$16,000,000
Vaughan Public Libraries	Exhibitions Circulation Fund	Canadian Heritage	Awarded	2019	\$2,268
Planning and Growth Management	Doctors Mclean Urban River Valley Outreach Project	Friends of the Greenbelt Foundation and Park People	Awarded	2019	\$11,092
Community Services	Celebrate Canada	Government of Canada	Awarded	2019	\$17,580
Planning and Growth Management	Green Municipal Fund	Federation of Canadian Municipalities (FCM)	Awarded	2019	\$152,100

Community Services	Fire Prevention Grant Program	FM Global	Awarded	2019	\$2,650
Community Services	GoodLife Kids Grant Program	GoodLife Kids Foundation	Awarded	2019	\$8,511
Vaughan Public Libraries	Seniors Community Grant Program	Grants Ontario	Awarded	2019	\$3,940
City Manager's Office	Small Business Enterprise Centre Funding	Ministry of Economic Development, Job Creation and Trade	Awarded	2019	\$344,025
Vaughan Public Libraries	Young Canada Works	Government of Canada	Awarded	2019	\$11,673
TOTAL					\$16,846,114

In total, \$16,846,114 in grants were awarded in 2019 and another \$161M+ are currently pending in applications.

In 2019, The Investing in Canada Infrastructure Program (ICIP) was announced through Infrastructure Canada. The program is a cost-shared infrastructure funding program between the federal government, provinces and territories, and municipalities and other recipients. This program will see up to \$30 billion in combined federal, provincial and other partner funding, under four priority areas, including Public Transport, Green Infrastructure, Community, Culture, and Recreation, and Rural and Northern Communities.

The City of Vaughan put forward four (4) projects to the Community, Culture and Recreation stream that will support community infrastructure priorities improving access to and / or quality of community, cultural, and recreation priority infrastructure projects. These projects include VMC Centre of Community, North Maple Regional Park, Doctors Mclean District Park and Thornhill Community Hub Revitalization (Garnett A. Williams CC). Combined, the applications total over \$160M in funding and decisions will be made in 2020 for project completion through to 2030.

City grant funding priorities continue to include wage subsidies for job creation including youth employment, environmental sustainability and climate adaptation, community events and program support and capital infrastructure all to reduce the tax burden and generate alternative sources of revenue for the provision of city services.

Broader Regional Impacts/Considerations

Not applicable.

Conclusion

The report is consistent with the priorities set in the Service Excellence Strategic Initiatives under Operational Performance: Financial Sustainability.

The City's property tax supported operations ended 2019 in a surplus financial position of \$2.3 million, of which \$1.3 million was transferred to the Year-End Expenditure Reserve and \$1.0 million was transferred to the Tax Rate Stabilization Capital Reserve, consistent with the Consolidated Reserve Policy.

Combined, the water, wastewater and stormwater rate supported operations ended 2019 with reserve contributions of \$19.7 million which was \$1.5 million below budget, resulting in a lower than expected transfer to the infrastructure reserves that support these activities.

During 2019, approximately \$96 million was spent on 377 capital projects. Departments closed a total of 130 capital projects in 2019 and \$13.8 million from the closed projects were returned to various originating reserves and reserve funds.

The City is working to complete a long-term fiscal planning model that would take into consideration the City's 2020-2022 Term of Council strategic plan, growth plans, asset management plan, development charge study, and its treasury management strategy. The resulting model would be used to provide advice to Council on recommended funding strategies, spending capacities, tax levy implications and the City's financial resiliency; and would help ensure that as the City continues to grow and intensify, it remains financially sustainable over the long term.

For more information, please contact:

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Dean Ferraro, Director, Financial Services, Ext. 8272

Attachments

1. City Operating – 2019 Financial Summary
2. City Operating – Portfolio/Office Summary

Prepared by

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CITY OF VAUGHAN

2019 City Operating Budget

Property Tax Based Budget Fiscal Position as of December 31, 2019

CITY OF VAUGHAN
2019 City Operating Budget
Fiscal Position as of December 31, 2019
REVENUE / EXPENDITURE SUMMARY

	2019	2019 YTD		VARIANCE	
	ANNUAL BUDGET	BUDGET	ACTUAL	FAV. / (UNFAV.) \$ %	
TAXATION	200,661,820	200,661,820	200,512,692	(149,128)	-0.1%
SUPPLEMENTAL TAXATION	3,200,000	3,200,000	3,895,864	695,864	21.7%
PAYMENT IN LIEU	2,580,000	2,580,000	2,743,608	163,608	6.3%
RESERVES AND OTHER TRANSFERS	18,947,635	18,947,635	10,630,087	(8,317,548)	-43.9%
FEES AND SERVICE CHARGES	62,074,197	62,074,197	59,486,906	(2,587,291)	-4.2%
CORPORATE	22,869,735	22,869,735	31,655,137	8,785,402	38.4%
TOTAL REVENUES	310,333,387	310,333,387	308,924,295	(1,409,092)	-0.5%
EXPENDITURES:					
DEPARTMENTAL	274,820,230	274,820,230	270,416,758	4,403,472	1.6%
RESERVE CONTRIB. & CORP. EXP.	13,283,622	13,283,622	22,438,973	(9,155,351)	-68.9%
LONG TERM DEBT	10,023,360	10,023,360	7,372,169	2,651,191	26.5%
CONTINGENCY	4,056,546	4,056,546	546,765	3,509,781	86.5%
CAPITAL FROM TAXATION	8,149,629	8,149,629	8,149,629	-	0.0%
TOTAL EXPENDITURES	310,333,387	310,333,387	308,924,295	1,409,092	0.5%
EXCESS OF REVENUES OVER EXPENDITURES	-	-	-	-	

CITY OF VAUGHAN
2019 City Operating Budget
Fiscal Position as of December 31, 2019
December 31, 2019

REVENUE BY MAJOR SOURCE

	2019 ANNUAL BUDGET	2019 YTD BUDGET	2019 YTD ACTUAL	VARIANCE FAV. / (UNFAV.) \$	VARIANCE %
TAXATION					
Tax Levy	200,661,820	200,661,820	200,512,692	(149,128)	-0.1%
Supplementals	3,200,000	3,200,000	3,895,864	695,864	21.7%
GRANT					
Library Grant	145,200	145,200	189,819	44,619	30.7%
PAYMENT IN LIEU / OTHER					
Payment In Lieu / Other	2,580,000	2,580,000	2,743,608	163,608	6.3%
RESERVES AND OTHER TRANSFERS					
Engineering Reserve	8,034,313	8,034,313	4,386,382	(3,647,931)	-45.4%
CIL Recreation Land Reserve	1,352,000	1,352,000	1,352,000	-	0.0%
Administrative Recovery from Capital	1,500,000	1,500,000	2,369,670	869,670	58.0%
Building Standards Service Continuity Reserve	5,503,371	5,503,371	373,216	(5,130,155)	-93.2%
Tax Rate Stabilization Reserve	1,922,131	1,922,131	1,437,472	(484,659)	-25.2%
Innovation Reserve	490,620	490,620	521,528	30,908	6.3%
TOTAL RESERVES	18,802,435	18,802,435	10,440,268	(8,362,167)	-44.5%
FEES/SERVICE CHARGES					
ECONOMIC & CULTURE DEVELOPMENT	521,094	521,094	70,419	(450,675)	-86.5%
OFFICE OF TRANSFORMATION & STRATEGY	410,725	410,725	283,320	(127,405)	-31.0%
Deputy City Manager Corporate Services & Chief Financial Officer	-	-	-	-	0.00%
Financial Planning & Development Finance	447,619	447,619	264,692	(182,927)	-40.9%
Financial Services	1,158,769	1,158,769	1,465,599	306,830	26.5%
Office of the Chief Human Resources Officer	-	-	69	69	0.00%
Office of the Chief Information Officer	265,443	265,443	150,184	(115,259)	-43.4%
Procurement Services	58,200	58,200	121,836	63,636	109.3%
TOTAL DEPUTY CITY MANAGER CORPORATE SERVICES & CHIEF FINANCIAL OFFICER	1,930,031	1,930,031	2,002,381	72,350	3.7%
Deputy City Manager Administrative Services & City Solicitor	-	-	-	-	0.00%
Legal Services	708,712	708,712	42,856	(665,856)	-94.0%
Office of the City Clerk	1,585,374	1,585,374	1,082,471	(502,903)	-31.7%
TOTAL ADMINISTRATIVE SERVICES & CITY SOLICITOR	2,294,086	2,294,086	1,125,328	(1,168,758)	-50.9%
Recreation Services	19,444,631	19,444,631	19,750,145	305,514	1.6%
Community Development & Events	780,000	780,000	975,797	195,797	25.1%
Fire and Rescue Service	1,035,981	1,035,981	886,630	(149,351)	-14.4%
By-Law, Compliance, Licensing and Permits	5,345,393	5,345,393	5,779,096	433,703	8.1%
TOTAL DEPUTY CITY MANAGER COMMUNITY SERVICES	26,606,005	26,606,005	27,391,667	785,662	3.0%
Deputy City Manager Infrastructure Development	-	-	-	-	0.00%
Infrastructure Delivery	1,492,318	1,492,318	1,020,447	(471,871)	-31.6%
Infrastructure Planning and Corporate Asset Management	2,192,179	2,192,179	1,480,684	(711,495)	-32.5%
Parks Delivery	371,912	371,912	376,112	4,200	1.1%
Real Estate	142,381	142,381	30,195	(112,186)	-78.8%
Facilities Management	587,207	587,207	722,029	134,822	23.0%
TOTAL DEPUTY CITY MANAGER INFRASTRUCTURE DEVELOPMENT	4,785,997	4,785,997	3,629,467	(1,156,530)	-24.2%
Deputy City Manager Planning & Growth Mgmt	-	-	40,483	40,483	0.00%
Development Planning	9,841,692	9,841,692	8,867,639	(974,053)	-9.9%
Development Engineering	530,579	530,579	588,606	58,027	10.9%
Policy Planning & Environmental Sustainability	924,016	924,016	454,889	(469,127)	-50.8%
Parks Planning	-	-	-	-	0.00%
Building Standards - Licenses/Permits	9,653,715	9,653,715	10,689,449	1,035,734	10.7%
- Plumbing Permits	810,128	810,128	775,835	(34,293)	-4.2%
- Service Charges	882,034	882,034	740,179	(141,855)	-16.1%
Vaughan Metropolitan Centre Program	121,112	121,112	3,176	(117,936)	-97.4%
TOTAL DEPUTY CITY MANAGER PLANNING & GROWTH MANAGEMENT	22,763,276	22,763,276	22,160,257	(603,019)	-2.6%
Deputy City Manager Public Works	-	-	363	363	0.0%
Environmental Services	1,534,917	1,534,917	1,560,228	25,311	1.6%
Fleet Management	-	-	-	-	0.0%
Parks, Forestry & Horticulture Operations	794,568	794,568	819,219	24,651	3.1%
TOTAL DEPUTY CITY MANAGER PUBLIC WORKS	2,329,485	2,329,485	2,379,809	50,324	2.2%
VAUGHAN PUBLIC LIBRARIES	433,500	433,500	444,258	10,758	2.5%
TOTAL FEES / SERVICE CHARGES	62,074,197	62,074,197	59,486,906	(2,587,293)	-4.2%
TOTAL CORPORATE REVENUES	22,869,735	22,869,735	31,655,137	8,785,402	38.4%
TOTAL REVENUE	310,333,387	310,333,387	308,924,295	(1,409,092)	-0.5%

CITY OF VAUGHAN
2019 City Operating Budget

December 31, 2019

DEPARTMENTAL EXPENDITURES BY MAJOR CATEGORY

	2019 ANNUAL BUDGET	2019 YTD		VARIANCE	
		BUDGET	ACTUAL	FAV. / (UNFAV.) \$	%
COUNCIL	1,765,373	1,765,373	1,612,818	152,555	8.6%
OFFICE OF THE INTEGRITY COMMISSIONER	512,630	512,630	477,900	34,730	6.8%
INTERNAL AUDIT	721,005	721,005	684,760	36,245	5.0%
CITY MANAGER	1,104,453	1,104,453	554,487	549,966	49.8%
CORPORATE & STRATEGIC COMMUNICATIONS	2,194,941	2,194,941	2,430,561	(235,620)	-10.7%
ECONOMIC & CULTURAL DEVELOPMENT	2,542,912	2,542,912	2,224,247	318,665	12.5%
OFFICE OF TRANSFORMATION & STRATEGY	2,074,287	2,074,287	1,350,302	723,985	34.9%
Office of the Chief Financial Officer/City Treasurer	534,422	534,422	557,171	(22,749)	-4.3%
Financial Services	4,671,401	4,671,401	4,573,552	97,849	2.1%
Financial Planning & Development Finance	3,746,787	3,746,787	3,695,369	51,418	1.4%
Office of the Chief Human Resources Officer	3,555,959	3,555,959	3,858,299	(302,340)	-8.5%
Office of the Chief Information Officer	13,213,940	13,213,940	12,560,178	653,762	4.9%
Procurement Services	2,600,513	2,600,513	2,348,106	252,407	9.7%
TOTAL DEPUTY CITY MANAGER CORPORATE SERVICES & CHIEF FINANCIAL OFFICER	28,323,022	28,323,022	27,592,675	730,347	2.6%
Deputy City Manager Administrative Services & City Solicitor	431,640	431,640	354,406	77,234	18%
Legal Services	3,774,893	3,774,893	3,801,474	(26,581)	-0.7%
Office of the City Clerk	11,795,039	11,795,039	11,417,426	377,613	3.2%
TOTAL ADMINISTRATIVE SERVICES & CITY SOLICITOR	16,001,572	16,001,572	15,573,306	428,266	2.7%
Office of Deputy City Manager Community Services	632,670	632,670	603,640	29,030	4.6%
Community Grants & Advisory Committees	45,590	45,590	39,540	6,050	13.3%
Access Vaughan	1,402,200	1,402,200	1,317,201	84,999	6.1%
Recreation Services	29,486,249	29,486,249	29,581,644	(95,395)	-0.3%
Community Development & Events	1,875,257	1,875,257	2,116,336	(241,079)	-12.9%
Fire and Rescue Service	51,472,420	51,472,420	52,747,391	(1,274,971)	-2.5%
Emergency Planning	228,003	228,003	200,482	27,521	12.1%
By-Law, Compliance, Licensing & Permits	8,034,926	8,034,926	7,752,571	282,355	3.5%
TOTAL DEPUTY CITY MANAGER COMMUNITY SERVICES	93,177,315	93,177,315	94,358,804	(1,181,489)	-1.3%
Deputy City Manager Infrastructure Development	589,276	589,276	576,702	12,574	2.1%
Infrastructure Delivery	3,607,779	3,607,779	3,393,148	214,631	5.9%
Infrastructure Planning and Corporate Asset Management	3,071,593	3,071,593	2,417,860	653,733	21.3%
Parks Delivery	2,375,625	2,375,625	2,525,941	(150,316)	-6.3%
Real Estate	581,512	581,512	570,304	11,208	1.9%
Facilities Management	14,246,370	14,246,370	14,573,537	(327,167)	-2.3%
TOTAL DEPUTY CITY MANAGER INFRASTRUCTURE DEVELOPMENT	24,472,155	24,472,155	24,057,492	414,663	1.7%
Office of Deputy City Manager Planning & Growth Management	877,768	877,768	788,955	88,813	10.1%
Development Planning	5,992,496	5,992,496	5,386,741	605,755	10.1%
Development Engineering	5,710,724	5,710,724	4,864,435	846,289	14.8%
Policy Planning & Environmental Sustainability	2,884,248	2,884,248	2,547,539	336,709	11.7%
Parks Planning	-	-	-	-	0.0%
Building Standards	10,674,680	10,674,680	9,134,090	1,540,590	14.4%
Vaughan Metropolitan Centre Program	466,648	466,648	739,771	(273,123)	-58.5%
TOTAL DEPUTY CITY MANAGER PLANNING & GROWTH MANAGEMENT	26,606,564	26,606,564	23,461,531	3,145,033	11.8%
Office of Deputy City Manager Public Works	601,525	601,525	777,857	(176,332)	-29.3%
Transportation & Fleet Management Services	3,284,963	3,284,963	3,603,054	(318,091)	-9.7%
Environmental Services	11,247,280	11,247,280	10,814,293	432,987	3.8%
Parks, Forestry & Horticulture Operations	40,680,313	40,680,313	41,288,647	(608,334)	-1.5%
TOTAL DEPUTY CITY MANAGER PUBLIC WORKS	55,814,081	55,814,081	56,483,852	(669,771)	-1.2%
VAUGHAN PUBLIC LIBRARIES	19,509,920	19,509,920	19,554,025	(44,105)	-0.2%
TOTAL DEPARTMENTAL EXPENDITURES	274,820,230	274,820,230	270,416,758	4,403,472	1.6%
RESERVE CONTRIBUTIONS & CORP. EXP.	13,283,622	13,283,622	22,438,973	(9,155,351)	-68.9%
LONG TERM DEBT	10,023,360	10,023,360	7,372,169	2,651,191	26.5%
CONTINGENCY	4,056,546	4,056,546	546,765	3,509,781	86.5%
CAPITAL FROM TAXATION	8,149,629	8,149,629	8,149,629	-	0%
TOTAL DEPARTMENTAL AND CORPORATE EXPENDITURES	310,333,387	310,333,387	308,924,295	1,409,092	0.5%

Portfolio: Community Services

Operating Results (\$M):

(\$M)	Budget	Actual	Variance
Revenues	26.61	27.39	0.79
Labour	84.48	85.71	(1.22)
Other Expenditures	8.70	8.69	0.01
Total Expenditures	93.18	94.40	(1.22)
Net	66.57	67.01	(0.44)

Capital Results (\$M):

Year (\$M)	Open #	Unspent \$
2019	15	2.69
2018	10	4.01
2017	7	0.56
2016	7	0.76
2015	2	0.03
2007-2014	4	0.17
Total	45	\$8.23

Community Services has an unfavourable variance at Q4 driven mainly by:

- Higher than budgeted labour expenditures due to the need to replace firefighters for long-term absences which is partially offset by positive impact to overtime costs (Fire and Rescue Service)
- Vehicle repair expenses largely as a result of aging Fire trucks that will be replaced in the future (Fire and Rescue Service)

These were partially offset by:

- Greater than expected revenue mainly attributed to volume increases in fines & penalties and license fees (By-Law & Compliance, Licensing & Permit Services)
- Greater than anticipated revenues from program registrations and sponsorship (Recreation Services)
- Lower than budgeted labour expenditures as a result of vacancies (By-Law & Compliance, Licensing & Permit Services)

Work continued in Q4 on numerous capital projects including facility and fitness centre equipment replacements at the City's Community Centres, fire equipment and truck replacements, as well as continued enhancements to Service Vaughan Citizen Services Standards.

There were 12 project closures across Community Services this year.

2019 Q4 Fiscal Health Report

Portfolio: Corporate Services

Operating Results (\$M):

(\$M)	Budget	Actual	Variance
Revenues	1.93	2.00	0.07
Labour	22.40	21.86	0.54
Other Expenditures	5.93	5.73	0.19
Total Expenditures	28.32	27.59	0.73
Net	26.39	25.59	0.80

Capital Results (\$M):

Year (\$M)	Open #	Unspent
2019	6	1.84
2018	6	1.41
2017	1	0.06
2016	8	2.29
2014	1	0.42
2011	1	0.07
Total	23	6.10

Corporate Services' has a favourable variance at Q4 driven mainly by:

- Lower than anticipated spending on Service Contracts, Professional Fees, and Computer Software due to projects pushed to 2020. (Office of the Chief Information Officer)
- Higher than budgeted taxation and property assessment revenues (Financial Services) and
- Lower than budgeted labour costs as a result of vacancies during the year.

These were partially offset by higher than budgeted expenditures in:

- Professional Fees for legal and human resources' related issues (Office of the Chief Human Resources Officer),
- Contract Labour for IT projects (Office of the Chief Information Officer),

Work continued in Q4 on several large ongoing capital projects such as

- Central Computing Infrastructure, Personal Computer (PC) Assets Renewal, Audio/Visual Infrastructure renewal (Office of the Chief Information Officer)
- Finance Modernization (DCM Corporate Services, City Treasurer & Chief Financial Officer),
- Service Excellence Leadership Program (Office of the Chief Human Resources Officer)
- Procurement Modernization (Procurement Services)
- Growth Related Financial Analysis and Long-Range Fiscal Planning (Financial Planning & Development Finance)

Portfolio: Planning and Growth Management

Operating Results (\$M):

(\$M)	Budget	Actual	Variance
Revenues	22.76	22.16	(0.60)
Labour	25.31	22.00	3.31
Other Expenditures	1.30	1.46	(0.16)
Total Expenditures	26.61	23.46	3.15
Net	(3.84)	(1.30)	2.54

Capital Results (\$M):

Year (\$M)	Open #	Unspent \$
2019	43	42.59
2018	19	8.68
2017	10	2.42
2016	11	8.61
2015	16	20.68
2014	1	0.20
2004-2013	29	12.12
Total	129	\$95.31

Planning and Growth Management has an overall positive operating variance for the year driven mainly by:

- A positive labour variance attributed mainly to vacancies and timing in recruitment in Building Standards, Development Engineering, Development Planning and Policy Planning & Environmental Sustainability. The positions are being actively recruited. The positive labour variance contributed to the lower than expected labour cost recoveries from capital funds.

- Revenues were below budget mainly due to lower than budgeted labour cost recoveries from capital funds caused by vacancies in Policy Planning & Environmental Sustainability and Development Planning.

Work progressed on open capital projects with some of the more significant expenditures in the year related to Block 61 Valley corridor crossings, Stegmans Mill sidewalk & intersection improvements and Block 55 Valley road crossings.

There was a total of 12 projects closed during the year.

2019 Q4 Fiscal Health Report

Portfolio: Public Works

Operating Results (\$M):

(\$M)	Budget	Actual	Variance
Revenues	2.33	2.38	0.05
Labour	20.76	21.35	(0.60)
Other Expenditures	35.05	35.13	(0.07)
Total Expenditures	55.81	56.48	(0.67)
Net	53.48	54.10	(0.62)

Capital Results (\$M):

Year (\$M)	Open #	Unspent
2019	41	7.94
2018	47	44.45
2017	38	3.83
2016	11	1.15
2015	13	3.95
2014	18	0.32
2009-2013	7	0.79
Total	175	62.42

Public Works has an unfavourable variance at Q4 driven mainly by:

- Higher than budgeted winter maintenance costs due to higher than average occurrence of plowing events.
- Higher labour costs due to increased overtime for winter and spring operations
- Higher than budgeted repair and maintenance costs in Transportation & Fleet Management Services (TFMS)

This is partially offset by:

- Lower than budgeted Contractor & Contractor Materials in the Parks, Forestry & Horticulture Operations (PFHO) and TFMS departments due to contracts and invoices pushed out to 2020
- Savings in contract & contractor materials in Solid Waste collection as a result of savings due to slower than expected onboarding of townhome complexes.
- Lower than budgeted utility costs in PFHO as a result of less than expected rate increases for hydro
- Less than expected rate increases for Hydro in TFMS Traffic Services

Work progressed on open capital projects with some of the more significant expenditures in the year related to:

- Curb and Sidewalk Repair and Replacement
- Repair and Rehabilitation of Pump Stations and Booster Station
- Maplewood Booster Pumping Station
- VMC Maintenance Equipment

A number of projects were completed and closed during the year in Transportation & Fleet Management Services, Environmental Services, and Parks, Forestry & Horticulture Operations. Some of the works completed during the year related to:

- Tree Replacement Program-EAB
- SCADA System Implementation
- Traffic Signs Reflectivity Inspection and Testing

Note: The unspent amount was due to delays in spending from project rescoping of the Smart Water Metering pilot program

2019 Q4 Fiscal Health Report

Portfolio: Infrastructure Development

Operating Results (\$M):

(\$M)	Budget	Actual	Variance
Revenues	4.79	3.63	(1.16)
Labour	15.53	15.31	0.22
Other Expenditures	8.94	8.75	0.19
Total Expenditures	24.47	24.06	0.41
Net	19.68	20.43	(0.75)

Capital Results (\$M):

Year (\$M)	Open #	Unspent \$
2019	66	28.24
2018	49	19.53
2017	59	60.15
2016	33	11.46
2015	34	52.39
2014	27	5.57
2003-2013	41	8.83
Total	311	\$186.17

Infrastructure Development has an unfavourable net variance at Q4 driven mainly by:

- Lower than budgeted labour cost recoveries from capital funds in Infrastructure Delivery and IPCAM due to several projects commencing later than anticipated in 2019 and staff vacancies.
- Higher than budgeted Contractor & Contractor Materials and Water expenses in Facilities Management due to increase in usage at various community centres.

These were partially offset by a favourable variance in labour mainly attributed to vacancies in approved positions. Those positions are expected to be filled in Q1 2020. In addition, Facilities Management ended FY 2019 with savings in Gas and Hydro expenses.

Work progressed on open capital projects with some of the more significant expenditures in the year related to:

- Road Rehabilitation and Watermain Replacement
- Reposition Fire Station #7-4 Kleinburg Design & Construction
- Repair and Rehabilitation of Pump Stations and Booster Station

Several projects were completed and will be closed in Infrastructure Delivery, Facilities Management and Parks Delivery. Some of the works completed are related to:

- New North Thornhill Community Centre in Block 10
- Oak Bank Pond
- Vaughan Grove Sports Park
- Vaughan Hospital Precinct Development
- New Civic Centre Resource Library
- New Fire Station # 7-3 on Martin Grove Road

2019 Q4 Fiscal Health Report

Administrative Services & City Solicitor

Operating Results (\$M):

(\$M)	Budget	Actual	Variance
Revenues	2.29	1.13	(1.17)
Labour	8.61	7.99	0.62
Other Expenditures	7.39	7.59	(0.19)
Total Expenditures	16.00	15.57	0.43
Net	13.71	14.45	(0.74)

Capital Results (\$M):

Year (\$M)	Open #	Unspent \$
2019	2	0.18
2018	1	0.02
2017	1	0.03
Total	4	\$0.23

Administrative Services & City Solicitor has an unfavourable variance at Q4 driven mainly by:

- Lower than budgeted labour cost recoveries from capital funds due to vacancies and lower than anticipated work on capital projects (Legal Services)
- Lower than anticipated revenues from Committee of Adjustment fees (Office of the City Clerk)
- Higher than budgeted spending in Professional Fees for complex legal issues and Local Planning Appeal Tribunal hearings that required external counsel expertise (Legal Services)
- An increase in internal and external city claims (Office of the City Clerk)

These are partially offset by:

- Lower negotiated Insurance Premiums and Deductibles (Office of the City Clerk)
- Greater than expected marriage license and marriage ceremony revenue (Office of the City Clerk)
- Lower than budgeted labour expenditures as a result of vacancies across the Portfolio

Work continued in Q4 on the enhancement of the City's agenda management system (Office of City Clerk).

2019 Q4 Fiscal Health Report

Department: Corporate and Strategic Communications

Operating Results (\$M):

(\$M)	Budget	Actual	Variance
Revenues			
Labour	2.06	2.29	(0.23)
Other Expenditures	0.13	0.14	(0.00)
Total Expenditures	2.19	2.43	(0.24)
Net	2.19	2.43	(0.24)

Corporate and Strategic Communications has an unfavourable variance at Q4 mainly driven by higher than budgeted labour costs due to position coverage for employee terminations and turn-over.

Work continued in Q4 2019 on various capital projects, including the Service Excellence Communications Plan.

Capital Results (\$M):

Year (\$M)	Open #	Unspent \$
2018	1	0.00
2016	1	0.00
Total	2	\$0.00

2019 Q4 Fiscal Health Report

Office: Vaughan Public Libraries

Operating Results (\$M):

(\$M)	Budget	Actual	Variance
Revenues	0.43	0.44	0.01
Labour	14.88	14.95	(0.07)
Other Expenditures	4.63	4.61	0.02
Total Expenditures	19.51	19.55	(0.04)
Net	19.08	19.11	(0.03)

Capital Results (\$M):

Year (\$M)	Open #	Unspent \$
2019	4	0.55
2018	1	1.16
2016	2	0.07
2013-2015	2	0.17
Total	9	\$1.95

Vaughan Public Libraries (VPL) has a slightly unfavourable variance at Q4 driven by:

- Higher than budgeted part-time labour to provide coverage for temporary vacancies in full-time labour

This was partially offset by:

- higher revenues from service charges
- savings in full-time labour.

Note that for the purposes of the Fiscal Health Report, the Library Grant of \$0.19M (\$0.04M over budget) received in 2019 is reported as a separate line item outside of VPL. With the inclusion of this grant revenue, VPL would have a favourable variance of \$0.01M.

Work continued in Q4 on several ongoing city-wide capital projects related to resource purchases, furniture and equipment as well as technology upgrades. Capital projects for library services at the new Vaughan Hospital and the Vaughan Metropolitan Centre were also active and ongoing.

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

**TITLE: DEVELOPMENT CHARGES INTEREST POLICY – UNDER
SECTION 26.1 AND 26.2 OF THE DEVELOPMENT CHARGES
ACT, 1997**

FROM:

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

ACTION: DECISION

Purpose

To introduce a Development Charges Interest Policy in response to changes to the *Development Charges Act, 1997*, introduced through *Bill 108, More Homes, More Choices Act, 2019*, as amended by Bill 138, the *Plan to Build Ontario Together Act*.

Report Highlights

- Propose a Development Charges Interest Policy to allow for the collection of interest on “frozen” development charges and deferred payments of development charges that were introduced by *Bill 108, More Homes, More Choice Act, 2019*.
- Propose to charge interest on “frozen” development charges and deferred payments as permitted under section 26.1 and 26.2 of the amended *Development Charges Act, 1997*, at a rate of 5%, compounded annually.
- The proposed interest rate is in alignment with the Region of York.

Recommendations

1. That Council approve the charging of interest pursuant to sections 26.1 and 26.2 of the *Development Charges Act, 1997*:
 - a. Effective as at January 1, 2020;

- b. At a rate of 5% compounded annually; and
2. That Council approve the Development Charges Interest Policy [Attachment 1], to administer the charging of interest as outlined in Recommendation 1.

Background

Bill 108, the *More Homes, More Choice Act* received Royal Assent on June 6, 2019. This Bill amends 13 different statutes that impact municipalities and land use planning processes. Bill 138, the *Plan to Build Ontario Together Act*, received Royal Assent on December 10, 2019. Bill 138 amended some of the changes to the *Development Charges Act, 1997* (“Act”) and the *Planning Act, 1990* that were made by Bill 108. Some of the changes to the Act were proclaimed to come into effect as of January 1, 2020 and impact the way municipalities are to calculate and collect development charges.

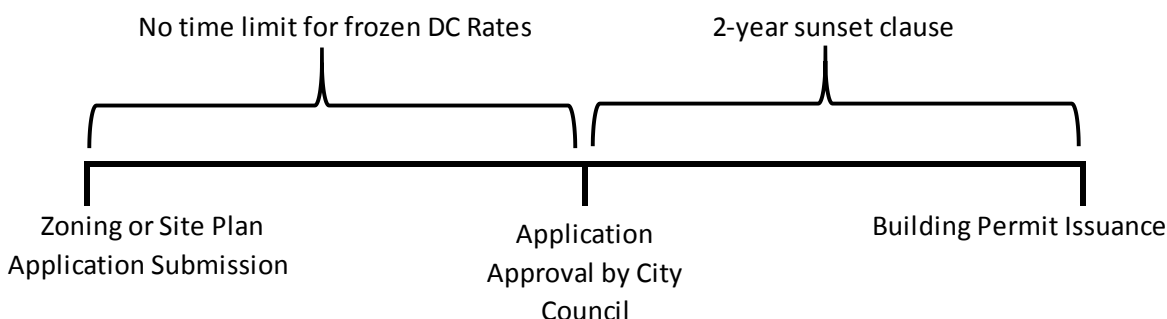
Developments subject to the provision of either a site plan or zoning by-law amendment application submitted after January 1, 2020 can get the benefit of “frozen” development charge rates and some developments can now defer the payment of the development charges and pay for same in installments

One of the changes included in Bill 108 was the requirement for municipalities to freeze development charge (“DC”) rates at site plan application or zoning application and to allow certain types of development including rental housing and institutional development to defer their DC payments and allow for payments of same in six annual installments. Non-profit housing developments are permitted to defer their DC payments and pay for same in 21 annual installments, starting at occupancy. The requirement to freeze DC rates and to begin phasing payments went into effect on January 1, 2020. Prior to this, DCs were typically calculated and payable at the rates in effect at the time of building permit issuance (i.e., for large buildings DCs are payable at issuance of conditional footing/foundation permit).

As a part of these changes to the Act, a provision was also included to allow a municipality to charge interest over the period from when the DC rates are frozen to when they are paid and, in the case of deferred payment, charge interest from when the DCs would have been payable to the date the installment is paid. To date, the Province has not prescribed a maximum interest rate, or a regulatory framework for these purposes even though Bill 108 allows it to do so under the regulations.

Developers could lock in development charge rates for many years

The regulations released by the Province in response to the changes in the Act provide for a 2-year sunset clause that starts after their application is approved by Council to the time that a building permit is issued. This, however, does not limit how long developers can freeze DC rates between the application date and Council approval of the application. Consequently, it is now possible for developers to freeze their DC rate across multiple DC by-laws. The time to achieve approval of a development application is tied to a number of factors such as: the timing of application submission; quality of the applicant's submission; speed of applicant's response to review comments; status of the related Official Plan amendment (if applicable); the complexity of the application; community response; appeals to the Local Planning Appeal Tribunal ("LPAT") by the applicant or a third party; timing of infrastructure delivery; and market conditions. As a result, there can be significant variability in the overall amount of time between application submission, Council approval and issuance of a building permit.



Overall, developments proceeding through the site plan process typically take less time to achieve building permit issuance from the date of application compared to those proceeding through the plan of subdivision process. Applications proceeding and approved through a Draft Plan of Subdivision require the applicant to satisfy conditions of Draft Plan of Subdivision approval, prior to the registration of the plan. Typically the applicant takes 6 months to 1 year to satisfy conditions of approval, prior to being in a position to register the plan and obtain a building permit.

As this ability to freeze DCs could allow an applicant to lock in DC rates over a long period of time, this will result in a reduction in the amount of DCs that the City will be able to collect as compared to the previous regime is expected. Although it is difficult to determine the actual impact to DC collections in an approximate dollar figure, it should be noted that frozen rates would not be subject to the bi-annual indexing of the DC rates, and in some cases a development may freeze DC rates from the current DC by-law, while a new DC by-law may be in place at the time the DCs become payable.

Previous Reports/Authority

Region of York Staff Report - [Potential Development Charge Bylaw Amendment and Interest Policy - Bill 108, More Homes, More Choice Act, 2019](#)

Analysis and Options

In order to mitigate the reduction and delay in collections due to the freezing and deferral of DCs permitted under sections 26.1 and 26.2 of the amended Act, and to encourage developments to pull building permit in a timely fashion, staff recommend that a policy framework be approved (as set out in Attachment 1) to support the charging of interest as permitted through legislation in a manner that is transparent and simple to administer. The policy is intended to provide clarity to stakeholders.

The City has aligned its proposed policy and interest rate with the interest policy approved by the Region of York

On February 27, 2020 the Region of York Council approved an interest policy for the charging of interest which provides for 5% interest to be compounding annually for DCs “frozen” under section 26.2 of the Act. They also recommended an interest rate of 5% for developments eligible to defer and phase their development charge payments under section 26.1 of the Act unless they were also taking advantage of development charge relief under existing Regional policies. If the development is able to receive development charge relief, the Region will charge 0% interest. This applies to institutional developments (e.g. long-term care homes, retirement homes, post-secondary institutions, Royal Canadian Legion memorial homes, club house or athletic grounds and hospices), purpose-built rentals and non-profit housing development.

The Region recommended an interest rate of 5% based on the evaluation of their average historical growth in the annual Statistics Canada Non-Residential Building Construction Price Index for Toronto plus consideration toward average historical fluctuation to the index to mitigate the risk of cost fluctuations.

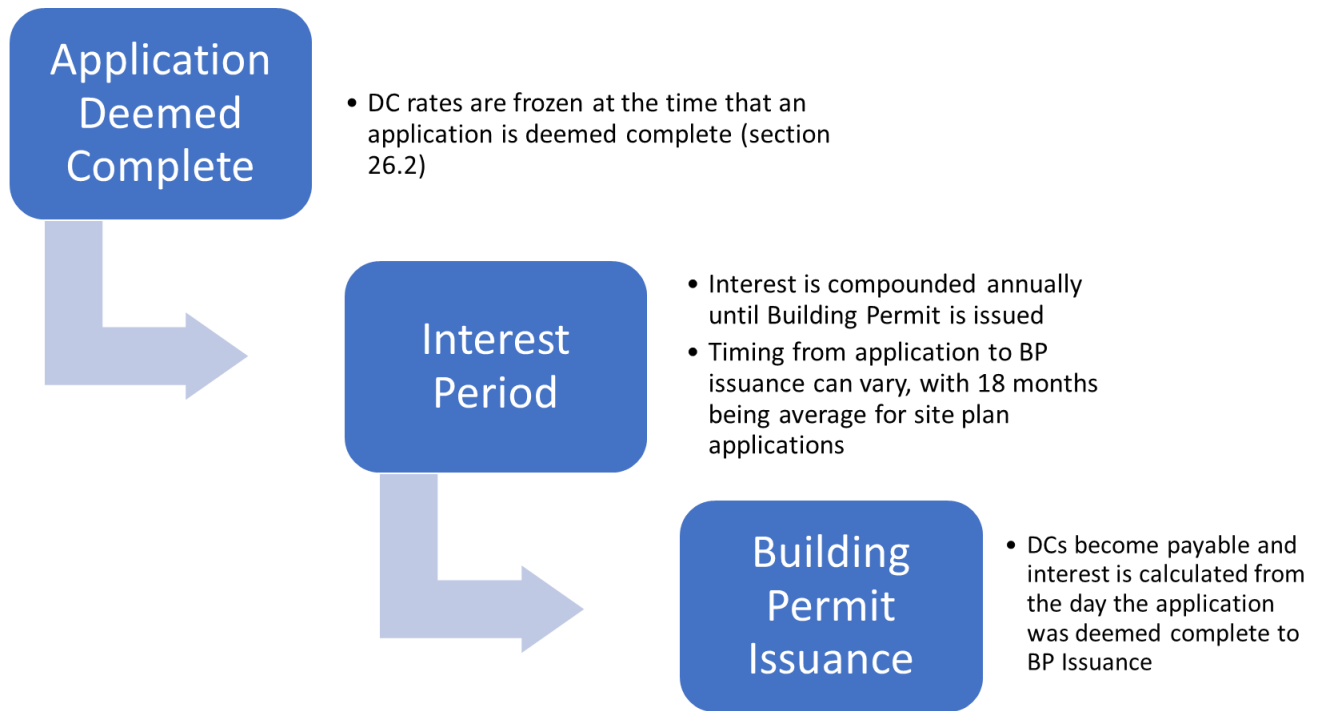
Although the City has historically experienced a slightly lower average growth in the semi-annual Statistics Canada Non-Residential Building Construction Price Index for Toronto the difference is minor; therefore, staff recommend that the same interest rate be used as approved by the Region. City staff act on behalf of the Region in the administration and collection of Regional DCs therefore using the same interest rate and approach as approved by the Region with respect to the City’s DCs will streamline administration and provide a clear approach that is simple for internal staff and developers to understand.

The City will charge interest on deferred DC payments for institutional developments

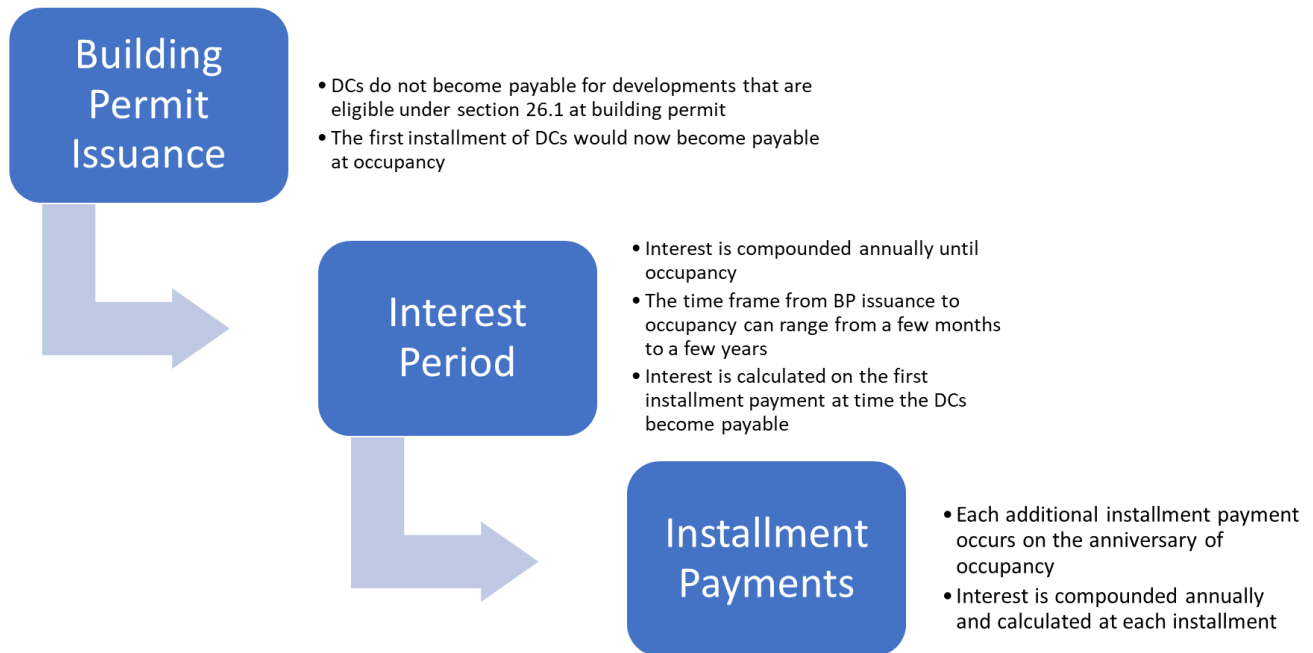
The Region has chosen to provide interest relief for developments that are able to take advantage of other DC relief programs that they have available. The Region's portion of DCs is significantly larger than that of lower-tier municipalities and therefore the decision to provide interest relief ensures that they do not create any additional burden on developments that they are trying to incentivize. City staff recommend that this approach not be taken and charge interest for all developments that are eligible for phased payment under section 26.1 of the Act. The City's portion of DCs is smaller than that imposed by the Region, so the interest component would be less significant. Additionally, on March 11, 2020 City Council approved a City-Wide Development Charges Deferral Policy which allows non-profit developments that are delivering City or Regional services to defer their DCs for up to 5-years. This policy provides for the charging of interest over the deferral period. Charging interest on section 26.1 eligible developments would maintain consistency with this policy that has already been approved.

Application of Interest for Section 26.2 and 26.1

When an application is received and considered to be deemed complete, development charge rates are frozen to the presiding rates at that time as per section 26.2 of the Development Charges Act. When a building permit is issued, and DCs become payable, interest will be calculated and compounded annually for the DCs that have become payable. Below is a graphic to illustrate the process:



If an applicant is eligible under section 26.1 of the Act to defer DCs and make payments in installments the first payment becomes due at the time that the building receives occupancy. Interest is calculated and compounded annually on the installment payment back to the date the application was deemed complete and the DC rates were frozen. Each subsequent installment is payable at the annual anniversary of building occupancy and interest is calculated and compounded annually for each subsequent installment. Below is a graphic to illustrate the process:



Financial Impact

DCs are the City's primary source of funding for growth-related capital infrastructure. The freezing of rates and the deferral of payments under 26.1 and 26.2 of the Act has the effect of disconnecting the cost of infrastructure from the rates being paid. Developers may lock into a rate for a previous background study which may not include future infrastructure costs.

Including an interest component when administering the frozen and deferred payments will allow the City to mitigate some of the cost being passed on unfairly to future development due to the delay in DC payment. It will also encourage development to proceed in a timely fashion because interest will continue to accrue until a developer acquires a building permit.

Despite the City's ability to mitigate some of the impacts from Bill 108 through the use of interest, the timing of the delivery of growth-related infrastructure may be impacted. Additionally, the freezing of DC rates could result in developments not paying for future infrastructure that they would directly benefit from.

Broader Regional Impacts/Considerations

On February 6, 2020 The Region of York presented a policy that addressed the interest related to section 26.1 and section 26.2 of the Act. As the City acts as an agent for the Region of York with regards to DC collections, the City will also be required to administer the Region's Development Charges Interest Policy. The City has mirrored

the interest policy of the Region and accordingly, the internal administration and approach to the collection of interest will be consistent across both levels of government.

Conclusion

Charging interest on frozen and deferred DCs could help to mitigate the impact of Bill 108 by improving cost recovery and encouraging developers to proceed with development in a timely manner.

Attachment

1. "Development Charges Interest Policy – Under Sections 26.1 and 26.2 of the *Development Charges Act, 1997*"

Prepared by

Brianne Clace, Project Manager, Development Finance, 8284



CITY OF VAUGHAN

CORPORATE POLICY

POLICY TITLE: DEVELOPMENT CHARGE INTEREST POLICY – UNDER SECTIONS 26.1 AND 26.2 OF THE DEVELOPMENT CHARGES ACT, 1997

POLICY NO.: 12.C.08

Section:	Finance & Budgets		
Effective Date:	January 1, 2020	Date of Last Review:	Click or tap to enter a date.
Approval Authority: Council	Policy Owner: DCM, Corporate Services & CFO		

POLICY STATEMENT

A policy governing the charging of interest on development charges deferred and/or frozen, under sections 26.1 and 26.2 of the *Development Charges Act, 1997*.

PURPOSE

To establish the rules and practices for charging interest on development charges deferred and/or frozen under sections 26.1 and 26.2 of the *Development Charges Act, 1997*.

This policy will support the City of Vaughan's ability to build growth-related infrastructure in a way that is fiscally sustainable and will help to achieve the following objectives:

- Reliable delivery of growth-related City programs and services.
- Continued delivery of complete communities in a financially sustainable way.
- Fair and equitable treatment of all stakeholders involved in delivering housing supply, including residents, businesses and developers.

SCOPE

This policy applies to the charging of interest on development charges that are eligible to be deferred and/or frozen. This includes all types of development and redevelopment in the City of Vaughan:

POLICY TITLE: DEVELOPMENT CHARGES INTEREST POLICY – UNDER SECTION 26.1 AND 26.2 OF THE DEVELOPMENT CHARGES ACT, 1997

POLICY NO.: 12.C.08

- That are eligible for deferred payments under 26.1 of the Development Charges Act, 1997
- That are eligible to benefit from frozen payments under section 26.2 of the Development Charges Act, 1997

LEGISLATIVE REQUIREMENTS

Municipalities are permitted to charge interest on development charges that are eligible to be deferred or frozen under sections 26.1 and 26.2 of the Act.

For deferred payments, subsection 26.1(7) of the Act states: “A municipality may charge interest on the installment required by subsection (3) from the date the development charge would have been payable in accordance with section 26 to the date the installment is paid, at a rate not exceeding the prescribed maximum interest rate”.

For frozen payments, subsection 26.2(3) of the Act states: “Where clause 1(a) or (b) applies, the municipality may charge interest on the development charge, at a rate not exceeding the prescribed maximum interest rate, from the date of the application referred to in the applicable clause to the date the development charge is payable”

The Ministry of Municipal Affairs and Housing has not proposed to prescribe a maximum interest rate.

DEFINITIONS

1. **Act:** *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended.
2. **Development:** The construction, erection or placing of one or more buildings or structures on land, or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof and includes redevelopment.
3. **Development Charges (DC):** A charge imposed against land in the City pursuant to any by-law passed by the council of a municipality pursuant to the Act for the imposition of a development charge against land where the development of land would increase the need for services.
4. **DCM/CFO:** Deputy City Manager of Corporate Services, Chief Financial Officer, and Treasurer.
5. **Planning Act:** *Planning Act*, R.S.O. 1990, c. P.13, as amended.

POLICY TITLE: DEVELOPMENT CHARGES INTEREST POLICY – UNDER SECTION 26.1 AND 26.2 OF THE DEVELOPMENT CHARGES ACT, 1997

POLICY NO.: 12.C.08

6. Total Accrued Amount: Equal to the total of the development charges and interest which has accrued.

POLICY

1. Legislative Framework

1.1. Deferred payments under 26.1 of the Act

The province has mandated the deferral of development charges for:

- Rental housing development that is not non-profit housing development.
- Institutional development.
- Non-profit housing development.

Development charges for rental housing and institutional development shall be paid in equal annual installments beginning on the earlier of the date of the issuance of a permit under the *Building Code Act, 1992* authorizing occupation and the date the building is first occupied, and continuing on the following five anniversaries of that date.

Development charges for non-profit housing shall be paid in equal annual installments beginning on the earlier of the date of the issuance of a permit under the *Building Code Act, 1992* authorizing occupation and the date the building is first occupied and continuing the following twenty anniversaries of that date.

1.2. Interest on installment payments under section 26.1 of the Act

Subsection 26.1(7) of the Act allows a municipality to charge interest on the installments from the date the Development Charges would have been payable, under section 26 of the Act, to the date of the installment is paid, at a rate not exceeding the prescribed maximum interest rate.

1.3. Development Charge freeze under section 26.2 of the Act

Under subsection 26.2(1) of the Act, the total amount of a Development Charge is determined under the City's Development Charge By-Laws based on:

- 1.3.1. The day an application for an approval of development in a site plan control area under subsection 41(4) of the *Planning Act* was made, or,

POLICY TITLE: DEVELOPMENT CHARGES INTEREST POLICY – UNDER SECTION 26.1 AND 26.2 OF THE DEVELOPMENT CHARGES ACT, 1997

POLICY NO.: 12.C.08

1.3.2. If an site plan application has not been applied for, the day an application for an amendment to a bylaw passed under section 34 of the *Planning Act* was made.

1.4. Interest under section 26.2 of the Act

Under subsection 26.2(3) of the Act, a municipality may charge interest on the development charge, at a rate not exceeding the prescribed maximum interest rate from the date of the application referred to in subsection 26.2.(1)(a) or 26.2.1(b) of the Act to the date the development charge becomes payable.

1.5. Maximum interest rate under section 26.1 and 26.2

The Act allows a municipality to charge interest on the development charge amounts that are deferred or on the development charges that are frozen at a rate not exceeding the prescribed maximum interest rate.

There is no prescribed maximum interest rate under subsection 26.1 and 26.2 of the Act.

2. Interest Rate Used

An interest rate of 5% shall be used.

3. Amendment or Revision of Interest Rate

In the event that the interest rate is amended or revised, the new interest rate shall apply to the Total Accrued Amount, prorated from the date of the interest rate amendment or revision to:

- The date the Total Accrued Amount is fully paid.
- A subsequent amendment or revision of the interest rate.

4. Interest Rate Publication and Notification

Upon Council approval, this policy and the interest rates being used shall be made available on the City's website.

The interest rates shall also be published as a part of the City's Development Charges pamphlet.

POLICY TITLE: DEVELOPMENT CHARGES INTEREST POLICY – UNDER SECTION 26.1 AND 26.2 OF THE DEVELOPMENT CHARGES ACT, 1997

POLICY NO.: 12.C.08

5. Compounding and Prorating

All interest shall be compounded annually and shall accrue from the date of the applicable application until the date the accrued amount is fully paid. A 365-day calendar year shall be used for the purposes of prorating.

5.1. Subsequent Application(s)

If a subsequent application(s) is made for a development:

- The date the subsequent application is made will become the new date under which the total amount of the Development Charge is determined;
- All interest that had accrued prior to the subsequent application shall be deemed to be zero (0);
- Interest will be compounded annually and begin to accrue from the date the subsequent application is made.

5.2. Interest under section 26.1

If a development was one of the eligible types of development for the deferred payments under section 26.1 of the Act, the Total Accrued Amount shall continue to accrue interest from the date of the issuance of building permit.

During the timeframe for which Development Charges are deferred, and the payment of same is being provided in annual installments, interest shall continue to accrue on the outstanding balance. This shall continue until the date the Total Accrued Amount has been fully paid.

6. Effective Date

Upon approval by Council, this policy shall retroactively take effect as at 12:00 a.m. on January 1, 2020. This policy may be repealed and/or modified by Council at any time.

7. Transition

To allow for a transition period, this policy does not apply to any development where:

POLICY TITLE: DEVELOPMENT CHARGES INTEREST POLICY – UNDER SECTION 26.1 AND 26.2 OF THE DEVELOPMENT CHARGES ACT, 1997

POLICY NO.: 12.C.08

7.1. An application under section 34 or 41(4) of the *Planning Act* is not required, but:

- Still qualifies for deferred payments under section 26.1 of the Act, and,
- Has been issued a building permit for development by the City prior to July 1, 2020.

7.2. An application under subsection 41(4) of the *Planning Act* is:

- Made after January 1, 2020, and,
- Has been issued a building permit for development by the City prior to July 1, 2020.

7.3. An application for an amendment to a bylaw passed under section 34 of the *Planning Act* is:

- Made after January 1, 2020.
- Has been issued a building permit for development by the City prior to July 1, 2020.

8. Non-Applicability

In the instance where a development is eligible for a Development Charge deferral under any existing City policy, the interest as it relates to section 26.2 of the Act would apply.

If a development is eligible under both section 26.1 of the Act and a development charges deferral under an existing City policy, the Act and the interest charges outlined in this policy would apply only if the development avails itself of the deferral offered under the applicable City deferral policy.

9. Roles and Responsibilities

9.1. DCM Corporate Services, City Treasurer and Chief Financial Officer

- Maintains administrative authority and responsibility for the Development Charges Interest Policy -Under Section 26.1 and 26.2 of the *Development Charges Act*, 1997; and,

POLICY TITLE: DEVELOPMENT CHARGES INTEREST POLICY – UNDER SECTION 26.1 AND 26.2 OF THE DEVELOPMENT CHARGES ACT, 1997

POLICY NO.: 12.C.08

- Approves department operating procedures and processes under this policy.

9.2. Director, Financial Planning and Development Finance

- Responsible for administering this policy, including but not limited to:
 - - Assisting stakeholders in determining the total amount of the Development Charge that would be determined under the bylaw and the applicable interest rate that would apply.
 - Ensure the Total Accrued Amount is being charged and collected when due.

9.3. Manager, Development Finance, Financial Planning and Development Finance

- Collect all Development Charges, including interest, when due and payable.
- Monitor all development applications and ensure that the correct amount of the Development Charge is being used and that the correct amount of interest has been received.

9.4. Director, Development Planning

- Confirm that a complete application was made for the purposes of determining the total amount of the Development Charge.

ADMINISTRATION

Administered by the Office of the City Clerk.

Review Schedule:	3 Years If other, specify here	Next Review Date:	December 1, 2022
Related Policy(ies):			
Related By-Law(s):			
Procedural Document:			

Revision History

POLICY TITLE: **DEVELOPMENT CHARGES INTEREST POLICY – UNDER
SECTION 26.1 AND 26.2 OF THE DEVELOPMENT CHARGES
ACT, 1997**

POLICY NO.: **12.C.08**

Date:	Description:
Click or tap to enter a date.	
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Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

TITLE: HORTICULTURE BEDS SPONSORSHIP PROGRAM

FROM:

Mary Reali, Acting City Manager
Zoran Postic, Deputy City Manager, Public Works

ACTION: DECISION

Purpose

To seek Council approval of the new Horticulture Beds Sponsorship Program.

Report Highlights

- In Fall 2019, The City of Vaughan received an Audit and Accountability Grant from the Province of Ontario to achieve a 4% target in front-line cost avoidance.
- Staff retained a consultant to complete a feasibility study of a sponsorship program.
- The proposed sponsorship program will help off-set the cost associated with the City's horticulture program, while providing businesses with partnership opportunities.
- The proposed sponsorship program will be launched by Summer 2020 in partnership with Parks, Forestry and Horticulture Operations and the Municipal Partnerships Office.

Recommendation

1. That the new Horticulture Beds Sponsorship Program, as substantially presented in this report, be approved.

Background

The Audit and Accountability Grant led to developing a Horticulture bed sponsorship program to help recover costs and sustain service levels

In 2019, the City of Vaughan was one of 39 participating municipalities to receive an Audit and Accountability Grant from the government of Ontario for the purposes of building towards four cents on the dollar in cost avoidance for front-line city services in large municipalities. This provided the opportunity to conduct focused reviews of programs and services with the commitment to demonstrate value for dollar. Staff retained Dillon Consulting to complete a feasibility study for a sponsorship program for horticulture beds and sports fields (Attachment 1: Dillon Consulting). As a next step, the Municipal Partnerships Office along with Parks, Forestry and Horticulture Operations, have developed a 2020 workplan for a new Horticulture Beds Sponsorship Program to add to existing sponsorship asset inventory.

Horticulture is responsible for beautification through hanging baskets, planters, and planting beds throughout the City (excluding parks and open spaces). As of Dec 2019, there are 785 hanging baskets, 557 planters, 406 planting beds and 802 shrub beds. This is a tax-based service which generates a lot of interest from citizens; there is a great deal of civic pride in the establishment and upkeep of horticulture assets throughout Vaughan neighbourhoods.

In 2016, a beautification strategy was approved through Council that identifies four classification of horticulture sites – premium, enhanced, standard, and basic – along with the associated service strategy. These classifications have been converted to a 3-level scale, Class A includes both premium and enhanced assets, Class B includes standard assets, and Class C includes basic assets. Currently there are 70 sites that are classified as Class A or Class B which is available for potential sponsorship.

As with all tax-based services, we are continually challenged to keep up with the growth of the City while delivering service excellence and being fiscally responsible. A sponsorship model is proposed for a subset of our Class A and Class B sites in an effort to deliver services more efficiently, while also providing opportunities to elevate awareness of our local businesses through advertising.

Cost-effective sponsorship opportunities provide visibility options for small businesses while continuing to beautify Vaughan

The purpose of the Horticulture Beds Sponsorship Program is to generate alternative sources of revenue for this important city service. With more than 12,000 businesses in

Vaughan, with 80% of them small businesses, the Horticulture Sponsorship Program aims to:

- Provide support to the small business community through cost-effective, highly visible partnership opportunities
- Generate additional interest in the Corporate Partnership Program in Vaughan
- Continue to beautify City neighbourhoods through partnerships with the business community with future growth potential creating beautification and community pride
- Generate alternative sources of revenue that partially off-set operational maintenance costs
- Provide an opportunity for all businesses to invest in the beautification of the community to which they provide service
- Provide a cost-effective outlet for businesses to reach their clients

Previous Reports/Authority

[Vaughan: A Beautiful Experience, Public Works, 2016](#)

Analysis and Options

This pilot program aims to raise revenue with companies sponsoring Horticulture beds to help offset planting and maintenance costs

As recommended in the feasibility report, a low-risk pilot Sponsorship Program is proposed for 2020; the sponsorship scope includes approximately **40-50 Class A or Class B Beds** currently distributed across all Wards, in high-traffic locations. Guided by the Corporate Partnership policy, staff will complete site selection work to ensure each location (see Attachment 2) is suitable for sponsorship, provides ample recognition, and can be maintained within current service levels.

Each site location will be priced based on traffic counts, size of garden bed, and visibility in the surrounding area. An estimated +/- \$50,000/year in revenue will go towards offsetting the cost of planting and maintaining these horticulture beds. Throughout the first year of the program, sales will be monitored, and locations will be adjusted, as required. The goal is to have this program launched in 2020 and sponsorship sold by years-end for signage installation in Spring 2021. Staff are cognizant that this timeline may require adjustment based on operational capacity due to the Covid-19 pandemic. Depending on demand, this program has the potential to expand to more locations deemed appropriate by staff.

Brand identity and promotional plans will be developed with Corporate and Strategic Communications to minimize costs

Upon program approval, staff will work alongside Corporate and Strategic Communications to develop a name and brand identity along with a dedicated web page and promotional plan for the program. Once the program has launched, city-controlled platforms will be utilized such as social media, e-newsletters and community events to market and promote the program with minimal overhead costs.

Financial Impact

The Municipal Partnerships Office will manage the program with a 20% administrative recovery model applied. All other revenue will be transferred to the Parks, Forestry and Horticulture Operations Department to offset the cost of the maintenance of each site. Sponsorship agreements will be in place with first right of refusal for initial sponsors to renew. There may be minimal costs associated with initial promotion of the program, but those will be covered with existing budget. The only financial impact will be revenue generated to off-set budget and reduce the tax-burden.

Broader Regional Impacts/Considerations

None.

Conclusion

The Parks, Forestry and Horticulture Operations department is seeking to off-set the cost of maintaining Horticulture Beds throughout the City and is recommending the launch of the Sponsorship Program in 2020 of 40-50 Class A or Class B Horticulture beds. The Municipal Partnership Office was engaged to package, price, sell the assets and manage the program as part of their Council approved sponsorship inventory. With this approval, both departments will launch the program by Summer 2020 with the goal to sell out the program by December 2020, with implementation in Spring 2021. This timeline is subject to the City's operational capacity related to our Covid-19 response which is consistently evolving.

For more information, please contact Cristina Prinzo, Acting Manager, Municipal Partnerships and Sponsorship, ext. 8187.

Attachments

1. Dillon Consulting: Horticulture and Sports Fields Sponsorship Model
2. Horticulture Sponsorship Location Maps

Prepared by

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City of Vaughan

Horticulture and Sports Fields Sponsorship Model

December 2019



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About This Report

Dillon Consulting Limited and Performance Concepts Consulting Inc. were retained by the City of Vaughan (City) to develop a sponsorship model for horticulture bed and sports field assets. The Report was completed under the Provincial Audit and Accountability Fund for large urban municipalities interested in conducting service delivery and administrative expenditure review with the goal of finding efficiencies while protecting important front-line services.

Acknowledgement

The consulting team would like to express our appreciation to the City of Vaughan, and staff at the peer municipalities for their cooperation and input to this review. In particular, the following municipalities and individuals must be highlighted for their participation in the external scan survey:

Town of Oakville – Chris Mark, Director of Parks and Open Space

City of Mississauga – Gavin Longmuir, Manager of Parks Operations

City of Richmond Hill – Jeff Stewart, Manager of Parks Operations

Matt Mintz, Supervisor of Parks Services and Horticulture

Robert Elliot, Supervisor of Sports Fields, Turf, and Parks Structure

City of Markham – David Plant, Manager of Parks Operations

PROJECT BACKGROUND AND OVERVIEW

The City Commissioned the Horticulture Bed and Sports Field Sponsorship Model to Identify Opportunities for Improving Operational Efficiency

The purpose of this project was to evaluate the viability of a sponsorship model for horticulture and sports fields, and then design a go-forward program for consideration by the City. The City's identified project objectives include the following:

- To document and assess current perceived needs, opportunities, and challenges around a new Sponsorship model
- To understand how peer municipalities have designed and leveraged sponsorship models to offset capital and maintenance costs of horticulture beds and sports fields
- To provide sponsorship model for horticulture beds and sports fields

Utilizing data on the current state of Vaughan's operations, an external scan of peer municipalities, and a review of existing research on municipal sponsorship, our team has designed a pilot sponsorship model for the City's horticulture bed and sports field assets. One purpose of the pilot sponsorship model, as identified in provincial funding requirements, is to improve operational efficiency by generating additional non-tax revenues for the horticulture and parks business units to offset some of the property tax funded maintenance costs for these assets.

In designing the sponsorship model, our team considered:

- Current maintenance costs the City incurs to maintain their top tier assets
- The City's existing corporate partnership activities and policies
- Comparator sponsorship policies and programs; and
- "Best practices" for municipal sponsorship program design and pricing

How the Sponsorship Model was Scoped

Investigated Vaughan's Current State (performance snapshot) using information provided by the City including financial records, current sponsorship data, policy and planning documents, and consultation with relevant City Staff/business units.

Executed scan of peer municipalities (as well as broader municipal sector research) to better understand sponsorship program design, price points and underlying horticulture and sports field maintenance models.

Conducted detailed analysis to support the design of pilot sponsorship programs model for targeted top tier horticulture bed and sports field assets. Pilot program elements to be based on current municipal market trends for sponsorship offerings and cost recovery pricing.

Figure 1: Sponsorship Model Scoping

Assets Included in the Sponsorship Model

A wide range of asset categories were initially considered for inclusion in a sponsorship model. After consultations with City staff around private sector interest/demand, the Dillon/Performance Concepts team filtered available asset categories to focus on horticultural beds, soccer fields and baseball diamonds/fields. Within these three asset categories, the City maintains differing quality tiers of that receive differing levels of seasonal maintenance effort. For the purposes of designing a viable sponsorship model, only top tier asset categories were considered: premium and enhanced horticultural beds, and premium sports fields.

The focus on the top tier assets was based on a rational expectation that only top tier assets provide a reasonable probability of sponsorship offerings uptake by private sector professionals and businesses. Top tier asset offerings represent the best match with private sector marketing and brand management objectives that underlie potential sponsorship participation.

For the purposes of this report, the term “assets” is used to refer to all or any individual horticultural beds or sports fields within the City of Vaughan’s portfolio. The term “sponsorable beds” refers to those horticultural bed assets that have been identified as the most sponsorable (further discussion regarding the rationale for this is included in the report).

The City classifies their assets based on their quality and maintenance, with each classification referred to as a “tier”. The term “top tier” is employed where the assets with the highest maintenance classifications are being referred to collectively, which includes “premium” and “enhanced” tier assets for horticulture, and “premium” assets for sports fields, noting that the term “premium” is employed only where that specific tier of assets is being referred to.

A Methodology Based on Evidence

Our team's design of a pilot sponsorship model has employed an evidence-based methodology for evaluating the location, pricing and specific offerings contained in the soccer, baseball and horticulture programs. Our recommendations are informed by the results of our consultations with City Staff, peer municipal review and research, review of existing city operations, and financial analysis.

Internal Vaughan
Performance Snapshot



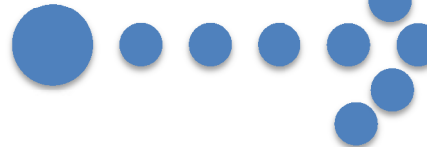
Peer Review Scan
& Best Practices
Research



Program Design, Risk
Assessments & Price
Point Modelling



Evidence



Recommendations
and Sponsorship
Program Design

Figure 2: Project Methodology

The Horticulture Bed and Sports Field Sponsorship Model Project Engaged a Group of Key Internal Stakeholders

Dillon engaged with management and staff from key City business units including:

- Municipal Partnerships Office
- Parks (Sports Fields)
- Forestry and Horticulture Operations
- Business Planning and Service Excellence
- Asset Management
- Finance
- Office of Transformation and Strategy
- Corporate and Strategic Communications
- Recreation Services

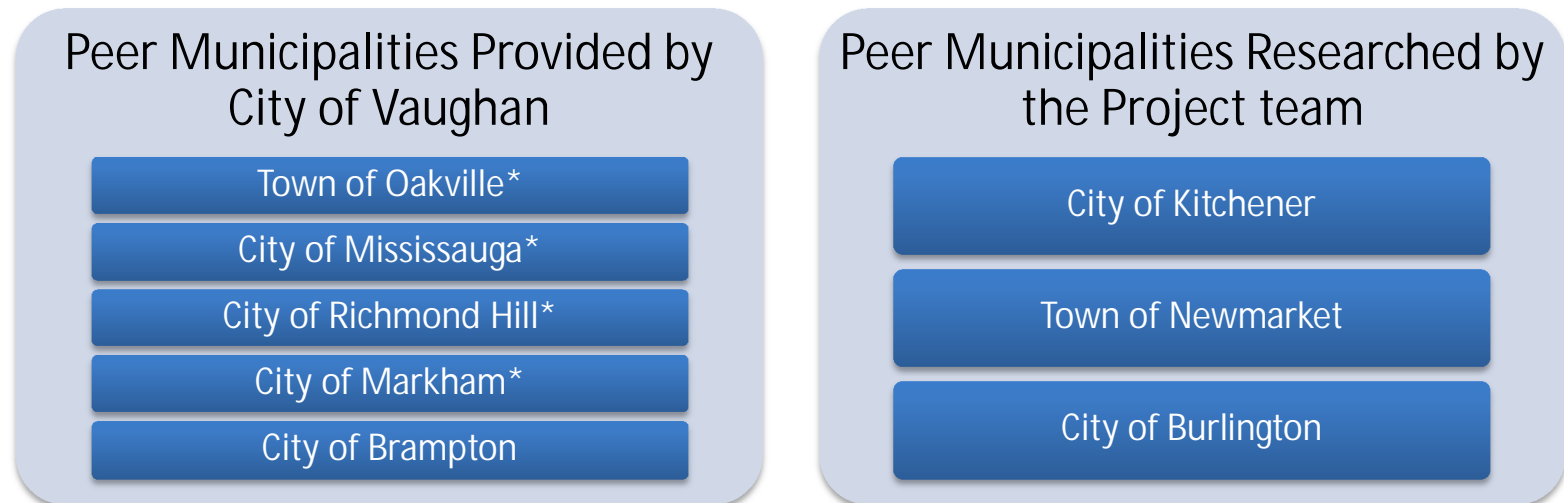
At the time of drafting the report, there was a discussion with the Municipal Partnerships Office, responsible for administration of this type of work on behalf of the City, for the development and implementation of the sponsorship agreements, to recognize foreseeable legal implications and risk.

City Staff were asked to provide information on their specific service areas, including context on the quality of each asset, maintenance requirements, planning documents and procedures, sponsorship information, and relevant policies. The relevant reports reviewed for horticulture beds and sports fields are listed within the Current State section of this report.

Multiple facilitated working sessions were held as required with City business units to obtain information on the current state of asset maintenance operations. In mid-November, draft findings and recommendations developed by our team were tested with various City Staff/stakeholders.

Peer Municipalities Were Selected Based on Similar Characteristics

The selection of peer municipalities were guided by the Dillon/Performance Concepts team's evidence assessment of "best fit" comparator municipalities. Eight "best fit" peer municipalities were identified as potential comparators.



Note: All municipalities listed were contacted to participate in the external scan. Only municipalities marked with an asterisk (*) participated in the external scan.

Figure 3: Peer Municipalities

CURRENT STATE PERFORMANCE SNAPSHOT

Horticulture Beds

The City owns and maintains horticultural beds throughout Vaughan. To understand the current levels of maintenance service and service delivery for horticultural beds in the City, the project team reviewed the following documents:

- **Beautification Strategy:** In 2016, the City developed this strategy to enhance the overall appeal of the City and provide direction for horticulture, including levels of service and expectations.
- **Horticultural asset information:** The City excerpted asset information from the GIS, providing locational, inventory and descriptive information for horticultural bed assets.
- **Budget data:** The City provided budget and actual expenditures information for horticultural beds and sports field assets from 2015-2019.

Beautification Strategy

Prior to the Beautification Strategy, the City had undertaken an ad hoc maintenance and distribution strategy for horticulture assets based on Council priorities and ad hoc funding. This led to certain programs providing an increase of horticultural assets in some areas of the City, such as the Keele Valley Landfill Reserve providing planters for the Maple region. Challenges in providing a consistently high level of service for all horticultural assets also arose. As result of this state, the City established the Beautification Strategy which focused on:

- An equitable distribution of horticultural assets across the City
- A maintenance plan that provides a high level of service for priority assets and tiered levels of service
- A horticultural asset plan that addresses plant type and various natural aspects and areas of significance
- Tools suitable for quick and accurate estimation of service level costs to improve the budgeting process

The City classifies its horticulture assets into four distinct service level categories: premium, enhanced, basic and standard. Table 1, excerpted from the Beautification Strategy, provides a summary of the locational determinants for sites and the expected level of service for each horticultural asset tier.

Table 1: Horticultural Asset Categories, from Beautification Strategy (2016)

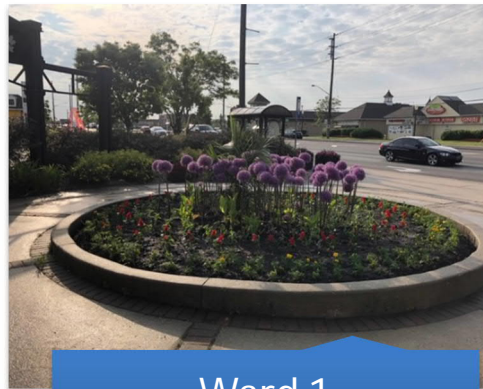
Level of Service		Candidate Sites	Horticultural Asset Types
Basic	1	<ul style="list-style-type: none"> • Low urban intensity • Minimal pedestrian connections • No significant community identity • Little opportunity for economic development or no space for upgrades 	<ul style="list-style-type: none"> • Street trees, Sod • Planters, shrubs (Legacy only) • Basic maintenance schedule
Standard	2	<ul style="list-style-type: none"> • Urban intensity • Moderate pedestrian and vehicular traffic • Ratepayer association • Limited opportunity for economic development or space for upgrades 	<ul style="list-style-type: none"> • Native trees (50 mm caliper) • 50% Perennials and grasses • 20% Shrubs • 30% Annuals • Baskets, planters (Legacy only) • Annual/Perennial beds (Legacy only) • Standard maintenance schedule
Enhanced (Limited number of streetscapes within Intensification Areas)	3	<ul style="list-style-type: none"> • Good pedestrian accessibility • Higher urban intensity • Popular commuter route • Active Heritage site • Good opportunity for economic development or space for upgrades area 	<ul style="list-style-type: none"> • Native Trees (60 mm caliper) • Planting bed • Mulch • 70% Perennials and grasses • 30% Shrubs • Annuals in planters and/or baskets • Enhanced maintenance schedule

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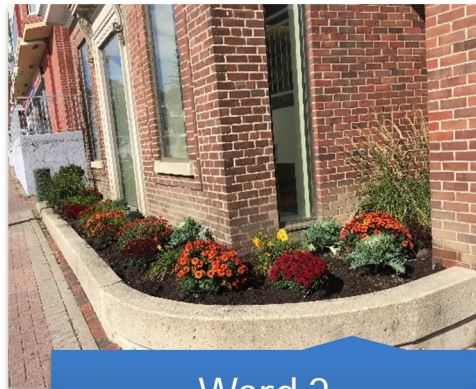
Level of Service		Candidate Sites	Horticultural Asset Types
Premium (Select number of streetscapes within Intensification Areas)	4	<ul style="list-style-type: none"> • Significant Civic/Cultural importance • High urban density • High traffic volume • Significant community identity • Key area for economic development • Space available for upgrades 	<ul style="list-style-type: none"> • Native Trees (80 mm caliper) • Planting bed • Mulch • Perennials and grasses • Shrubs • Annuals • Planter • Premium maintenance schedule

The City developed a grading system for locations to determine the anticipated level of service and horticulture assets used to populate that site. The City's grading systems uses multi-criteria scoring including civic and cultural importance; and visibility to pedestrian and vehicular traffic. Other factors considered include community identity; economic development or tourism; and proximity to other land uses that support an upgraded streetscape. Many of these factors also describe the desirability of an asset from a sponsorship perspective, including economic development or tourism, visibility to pedestrian and vehicular traffic, and proximity to other land uses. It is likely then, that an asset ranking highly in these criteria (premium or enhanced service level asset) would also be the most sponsorable asset. In consideration of this, the preference of the City was to proceed with premium and enhanced horticultural beds. Examples of premium assets from each ward can be found in Figure 4. A caveat to sponsorship at a site is the particular site's civic or cultural importance, which would be a disqualifying factor. For example, sponsorable assets at City Hall or sensitive locations may present a reputational risk.

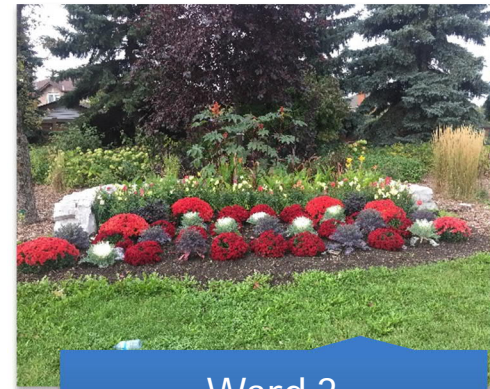
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Ward 1
Maple/Kleinburg



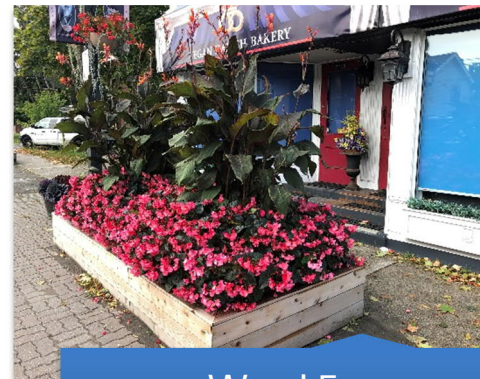
Ward 2
Woodbridge West



Ward 3
Woodbridge/Vellore



Ward 4
Concord/Thornhill North



Ward 5
Thornhill

Figure 4: Premium Horticultural Assets Located in Each Ward

The Beautification Strategy additionally recommended corporate sponsorship should be considered for horticulture assets.

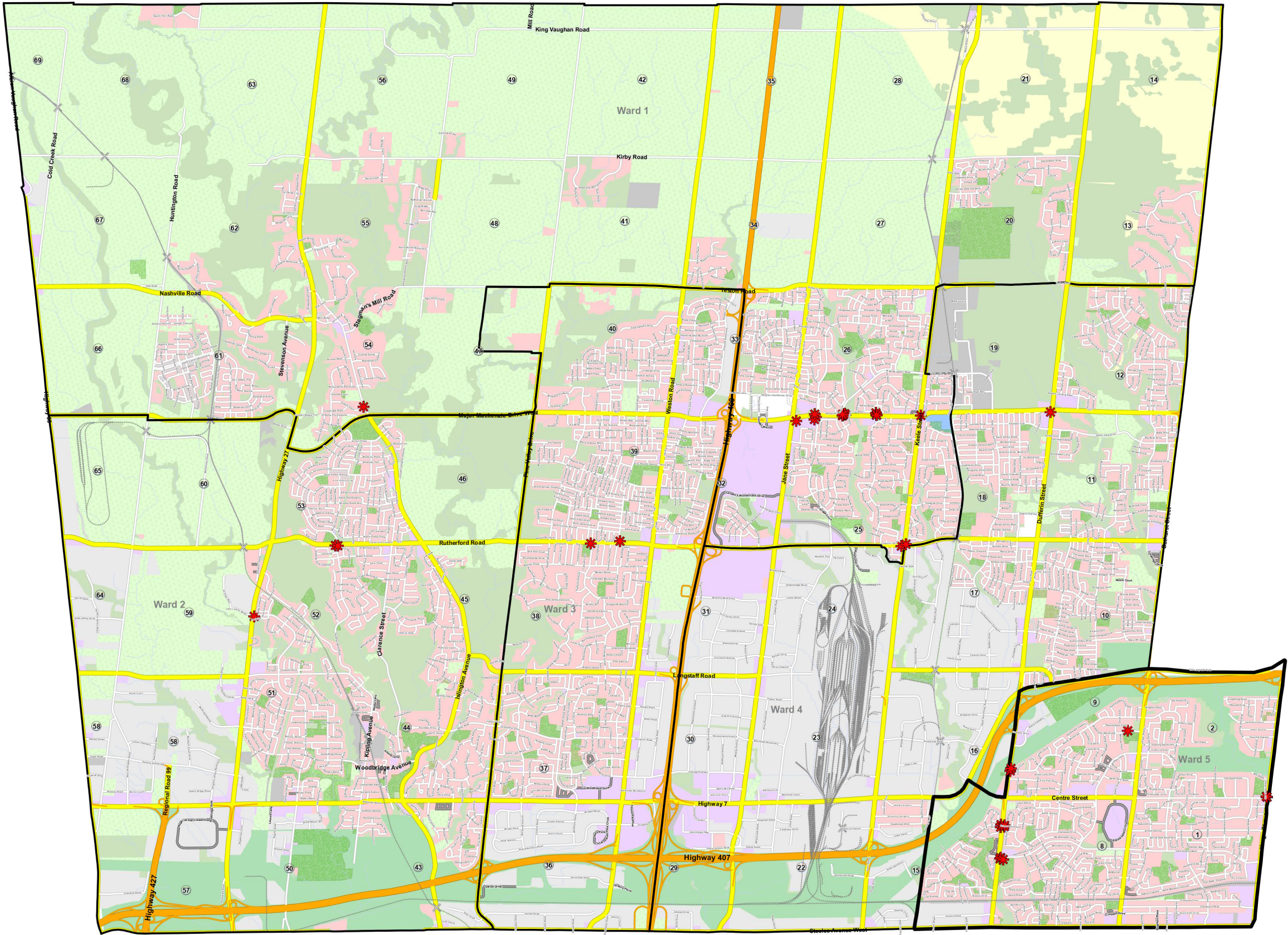
Current State of Assets

Based on data gathered from the City and limitations on project scope, the horticultural bed assets considered in the development of the sponsorship program included enhanced and premium service level.

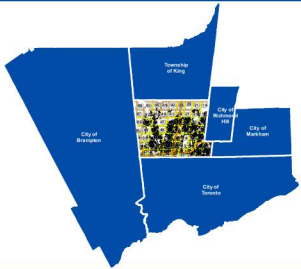
The City had previously conducted the scoring of their horticultural assets to determine the service level tier. Within these existing categorizations, the City provided recommendations of assets for consideration within this program. This included 264 enhanced level and 70 premium level horticultural beds, with an average size of 5.85 square meters (63 square feet) each. Of these assets, the City identified 34 premium level and 64 enhanced level assets that are viable sponsorship assets, and are preferred for inclusion in the sponsorship program. The locations of the preferred assets for inclusion in the program are shown in Figure 5. The differentiator between a premium and enhanced level asset is the plant material within the beds, with the premium level beds planted with more annual flowers than lower tier assets.

In addition to the horticultural beds, the City clusters other horticultural asset types to create locations with multiple features, including barrels, hanging baskets, planters, etc. For the development of this program, consideration was limited to horticultural beds only.

As previously stated, due to preliminary assessment of asset tier viability, only premium and enhanced level horticultural beds were included within this project. The City may opt to study viability of basic and standard service level assets in future.



Map Information:



Title:

Areas for Sponsorship City of Vaughan Ward Map

Legend:

- | | | | | | | |
|-----------------------|-------------|--------------|--------------|-----------------|--------------------|----------------------|
| Areas for Sponsorship | Highway | Local Road | Parks | Employment | Oak Ridges Moraine | Residential |
| Railway Crossing | Interchange | Private Road | Agricultural | Healthcare Zone | Open Space | Transit Zone |
| Railway | Region Road | Laneway | Commercial | Industrial | Parkway Belt | Vaughan Civic Centre |



Disclaimer:

Every reasonable effort has been made to ensure that the information appearing on this map is accurate and current. We believe the information to be reliable, however the City of Vaughan assumes no responsibility or liability due to errors or omissions. Please report any discrepancies to the Infrastructure Programming Division.

Scale Bar:



Created By:

Infrastructure Delivery Department
Infrastructure Programming Division
Projection: NAD83 UTM Zone 17N

Printed Date:

Dec 17, 2019

Maintenance

The City operations staff maintain their horticultural beds to standards laid out in the Beautification Strategy. The City has a defined schedule of maintenance activities for these assets, including frequency and labour requirements of each activity. The City provided the maintenance schedule for the premium and enhanced assets, as shown in Table 2, noting that premium and enhanced assets undergo the same maintenance program.

Table 2: Maintenance Activities for Premium Horticultural Beds

Maintenance Activity	Labour Rate (\$/hr)	No. of Staff	Labour Hrs (per instance)	Frequency	
				Season	Annual Instances
Amend Soil	\$35	2	0.5	Mar – May	1
Rototilling	\$35	2	0.16	Mar – May	1
Planting	\$35	2	0.5	Mar – May	1
Weeding, Cultivating, Pinching, Edging	\$35	2	0.5	Mar – Oct	11
Watering, Fertilizing, Disease Monitoring	\$35	2	0.15	Jun – Aug	42
Removal	\$35	2	0.5	Sep – Oct	1

The labour rates shown in the above table were provided by the City, and are understood to include average loaded salary (full time and seasonal staff, including benefits), however do not include equipment costs. These also do not include ancillary costs such as overhead for other supporting departments.

Based on the maintenance schedules provided for both bed tiers, the cost to maintain the premium and enhanced horticultural beds was determined on a per-bed and per-square-meter basis. The cost information is provided in Table 3.

Table 3: Annual Expected Horticulture Costs

Horticultural Bed Tier	Area (sq.m.)	No. of Assets	Annual Cost per bed	Annual Cost per sq.m.	Total Expected Annual Cost
Enhanced	5.85	264	\$ 1,166	\$ 199	\$ 307,877
Premium	5.85	70	\$ 1,690	\$ 289	\$ 118,314

The total annual cost considers all enhanced and premium tier horticultural beds, beyond those specifically identified for consideration in the sponsorship model. As shown, according to the maintenance schedule provided, the City should anticipate an expenditure of just over \$430,000 dollars annually for maintaining the level of service of these assets.

Comparison to actual expenditures for horticultural bed maintenance was not possible at this time due to availability of data. Annual comparison of the maintenance costs was not undertaken for the horticultural beds, as premium and enhanced bed maintenance are not tracked under separate business units, and are therefore cannot be compared against budgeted costs.

Sports Fields

The City of Vaughan operates a diverse sports field portfolio, which includes soccer fields, baseball diamonds, tennis courts, basketball courts, and bocce courts.

To gain an understanding regarding the assets, levels of service provided and service delivery, the project team reviewed the following documents, as provided by the City:

- Asset Management Plan – Services & Assets: The City excerpted the parks and sports fields section of the asset management plan. This document provided inventory, locational, maintenance, and descriptive information for sports field assets.
- Budget Data: The City provided budget and actual expenditures information for horticultural beds and sports fields assets from 2015-2019.
- Managing Use on Premium Soccer Fields Policy: Revised in April 2011, the document provides policy and procedure regarding premium soccer fields.

Based on internal consultation within the City, it was determined that soccer fields and baseball diamonds were the sports field assets most likely to be sponsorable. Soccer has marked popularity in the City, which is home to the Ontario Soccer Centre, FIFA standard fields, and a range of soccer facilities suitable to a variety of users. Similarly, baseball diamonds have been identified as baseball has a rate of high participation within the community.

Current State of Assets

The City operates 57 baseball diamonds and 113 soccer fields, including premium and non-premium categories of assets. The categorization and location of these assets were detailed within the asset management program undertaken at the City, which was provided to the project team.

Similar to horticulture assets, soccer fields and baseball diamonds are classified by tier and have a level of service based on the asset tier. Premium assets are considered to be the most viable sponsorship opportunities because of the quality of the field and maintenance standards. Premium fields are also expected to receive the most use by the community and thus attract a higher level of pedestrian traffic. Therefore, due to the quality of the asset, its high level of maintenance, and its level of use, premium fields are likely to be viewed as more attractive thus more sponsorable. The City currently has 19 premium grass turf soccer fields, 4 premium artificial turf soccer fields, and 12 premium baseball diamonds that have the potential for sponsorship.

The premium tier sports fields include additional asset components that elevate the level of service provided for asset usage. Table 4 summarizes the additional components at the premium baseball diamonds and soccer fields.

Table 4: Additional Asset Components for Premium Sports Fields

Asset Components	Premium Soccer Fields	Artificial Soccer Fields	Premium Baseball Diamonds
Backstop fencing	✓	✓	
Bleachers	✓	✓	✓
Drainage	✓	✓	
Full Fencing			✓

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Asset Components	Premium Soccer Fields	Artificial Soccer Fields	Premium Baseball Diamonds
Goal posts	✓	✓	
Irrigation	✓	✓	✓
Lighting	✓	✓	✓
Overhand Fencing			✓
Pitcher's Mound			✓
Players' benches	✓	✓	
Red Clay Infield			✓
Scoreboard	✓	✓	

As previously stated, due to preliminary assessment of asset tier viability, only premium level sports fields were included within this project. Data was not provided for the lower tier assets. The City may opt to study viability of enhanced, basic, and standard service level assets in future.

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Maintenance

The City operations staff maintain the premium and artificial sports fields according to a defined maintenance schedule for these assets, including frequency and labour requirements of each activity. The maintenance schedules vary across the soccer and baseball assets – the schedules are shown in the following tables.

Table 5: Maintenance Activities for Premium Soccer Fields

Maintenance Activity	Labour Rate (\$/hr)	Machine Rate	No. of Staff	Labour Hrs	Equipment Hrs	Frequency		Additional Costs
						Season	Annual	
Fertilize	\$40	\$40	1	4	4	May – Oct	5	\$900
Overseed	\$40	\$40	1	2.5	2.5	May – Oct	2	\$800
Aerate	\$40	\$60	1	2	2	May – Oct	4	\$400
Sodding	\$40	\$40	3	9	3	May – Oct	1	\$500
Lining	\$40	\$40	1	2.5	1.5	May – Oct	30	\$120
Grass Cutting	\$40	\$40	1	2.0	2.0	May – Oct	60	\$9,600
Topdress	\$40	\$40	1	6.5	6	May – Oct	2	\$2,000
Irrigation	\$40	-	1	6	-	May – Oct	60	\$240
Garbage	\$40	-	-	-	-	-	-	\$1,300

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Table 6: Maintenance Activities for Artificial Soccer Fields

Maintenance Activity	Labour Rate (\$/hr)	Machine Rate	No. of Staff	Labour Hrs	Equipment Hrs	Frequency		Additional Costs
						Season	Annual	
Inspections	\$40	-	1	1.0	-	Mar – Nov	150	\$1,400
Brushing, Racking, Sweeping	\$40	\$40	1	4.0	3.5	Mar – Nov	2	\$1,000
Aerate	\$40	\$40	1	6.5	6.0	Mar – Nov	1	-
Garbage	\$40	-	2	1.5	1.0	Mar – Nov	36	\$1,300
Grass Cutting	\$40	\$34	1	0.5	0.3	Mar – Nov	1	-

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Table 7: Maintenance Activities for Premium Baseball Diamonds

Maintenance Activity	Labour Rate (\$/hr)	Machine Rate	No. of Staff	Labour Hrs	Equipment Hrs	Frequency		Additional Costs
						Season	Annual	
Fertilize	\$40	\$40	1	4	4	May – Oct	5	\$900
Overseed	\$40	\$40	1	2.5	2.5	May – Oct	2	\$800
Aerate	\$40	\$60	1	2	2	May – Oct	4	\$400
Sodding	\$40	\$40	3	7	3	May – Oct	1	\$500
Lining	\$40	\$40	1	2.5	1.5	May – Oct	30	\$120
Grass Cutting	\$40	\$40	1	1.5	1.5	May – Oct	60	\$9,600
Topdress	\$40	\$40	1	6.5	6	May – Oct	2	\$2,000
Irrigation	\$40	\$40	1	6	1.5	May – Oct	60	\$240
Grooming/Dragging of Infields	\$40	\$60	1	1.5	1.5	May – Oct	154	\$1,200
Garbage								\$1,300

The labour rates in the tables above were provided by the City and are assumed to be the average loaded salary (full time and seasonal staff, including benefits), however do not include equipment costs. These also do not include ancillary costs such as overhead for other supporting departments.

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Using the provided maintenance schedule, the expected annual costs to maintain the full asset tier and each field individually were determined. To maintain their current level of service for the premium soccer fields and baseball diamonds, the City should anticipate an expenditure of approximately \$1.9 million annually.

The City provided a summary of their actual incurred expenses related to maintenance of these assets, for a period of 2015-2019. Table 8 provides a summary of the expected and actual annual costs.

Table 8: Planned and Actual Expenses relating to Maintenance of Premium Tier Fields

Sports Field Tier	Area (sq.m.)	No. of Assets	Annual Cost per field	Total Expected Annual Cost	2019		2018		2017	
					Actual Expenditure *	Per Field Actual Expenditure *	Actual Expenditure *	Per Field Actual Expenditure *	Actual Expenditure *	Per Field Actual Expenditure *
Baseball Diamonds – Premium	11,200	12	\$ 74,920	\$ 899,040	\$ 346,291	\$ 28,858	\$402,775	\$ 33,565	\$ 427,738	\$ 35,645
Soccer Fields – Premium	9,360	19	\$ 49,660	\$ 943,540	\$ 396,379	\$ 20,862	\$565,715	\$ 29,774	\$ 588,140	\$ 30,955
Soccer Fields – Artificial	9,360	4	\$ 15,150	\$ 60,601	\$ 8,604	\$ 2,151	---	---	---	---

* 2019 expenses are to-date (September), and do not reflect an entire year of maintenance activities.

Sponsorship Programs within Municipalities

To develop context for the development of a sponsorship program for sports fields and horticultural beds, a review was undertaken of sponsorship program in municipalities across the Greater Toronto and Hamilton area. This provided the team with background on programs, including implementation, risks, best practices, and market rates. The review did not find examples of soccer field or baseball diamond sponsorship programs in place, however found pertinent examples of horticultural bed programs currently being implemented in municipalities. Further detail regarding these programs is provided in the section below. Additional detail regarding sponsorship programs in Canadian municipalities can be found in Appendix A.

Through research, three horticultural sponsorship programs were identified in municipalities similar to Vaughan. These programs have been implemented in the Town of Oakville, City of Hamilton, and City of Burlington. The horticultural programs are described in Figure 6 (next page).

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Town of Oakville	<ul style="list-style-type: none">• "Oakville Blooms" Median and Boulevard Sponsorship Program.• Allows businesses to sponsor a floral display located in high traffic areas around the city. Each sponsored display includes two signs to display sponsor information.• Currently have 32 sponsorable display locations which cost \$71.80 per square metre of display area.• Typical bed size is 20 to 25 square metres.• Display season typically runs from June 1 to September 30.
City of Hamilton	<ul style="list-style-type: none">• Traffic Island Beautification (Hamilton in Bloom) Sponsorship Program.• Three levels of sponsorship available: Gold Bloom worth \$2500, Silver Bloom worth \$1500, and Bronze Bloom worth \$750.• Each level includes a range of "perks" including signage at sponsored traffic island, recognition on the city's website, tickets to the Hamilton in Bloom Celebration event, tickets to the Mum show, and a Certificate of Appreciation. The Gold Bloom level receives more perks than Bronze Bloom level.
City of Burlington	<ul style="list-style-type: none">• Adopt-a-Flowerbed Program• Allows individuals, community groups, corporations, or schools to sponsor a flowerbed within the city.• The City is still responsible for the maintenance activities of the flowerbeds.• A sign with the name of the sponsor is placed at each bed for recognition of their contribution.• Costs range from \$220 to \$1600 per bed per season.

Figure 6: Comparative Horticultural Sponsorship Programs

Sponsorship in Vaughan

The City has existing policies and procedures for corporate partnerships, which includes sponsorship. Additionally, Vaughan has a policy for the naming of parks, open spaces and facilities. Based on the definitions included in these policies and procedures, sponsorship would cover corporate partnership only. Considered under this definition are sponsorship, publicity, promotional consideration, merchandising opportunities and other relevant activities, however, advertising is not included in this definition and may present a future source revenue in addition to this program. The activities included within this report are subject to the Corporate Partnerships Policy.

In addition to the Corporate Partnerships Policy, the City has procedures for undertaking sponsorship. Some of those key requirements which may influence the horticulture bed and sports field sponsorship models include:

- Any corporate partnership requires a contract.
- The Municipal Partnerships Office is responsible for bringing a new inventory list forward to Council for approval. Once approved, City Staff are free to pursue opportunities consistent with relevant policies in consultation with the Municipal Partnerships Office.
- Corporate partnerships must not displace a department's approved annual operating budget.
- Corporate naming of facilities or components of facilities may only be negotiated in consultation or directly with the Municipal Partnerships Office.
- Costs associated with changes or re-branding through the sponsorship must be considered in the sponsorship decision.
- A competitive process is not required for corporate partnerships and unsolicited proposals may be considered.

The horticulture bed and sports field sponsorship are subject to all Corporate Partnership Procedures including those not listed above.

Operationally, a sponsorship program executed by the Municipal Partnerships Office in support of the Horticulture and Parks Departments aims to reduce costs and improve efficiencies by generating alternative sources of revenue through corporate partnership development.

EXTERNAL SCAN (PEER MUNICIPALITIES)

Summary of External Scan (Peer Municipalities)

An external scan was completed to collect best practices and experiences of other municipalities in the implementation of sponsorship programs for sports fields and horticultural assets. The scan sought information regarding maintenance practices, levels of service provided, and existing sponsorship programs. The process for undertaking the external scan was as follows:

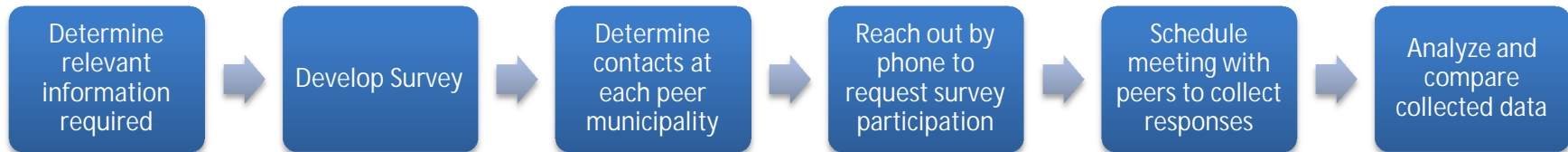


Figure 7: External Scan Process

The requested information for premium level soccer fields, baseball diamonds, and horticulture beds sponsorship program information including types of sponsorship available and program valuation, maintenance activity information, costs associated with staff and equipment for maintenance, and any best practices, lessons learned, or advice. Maintenance activity information included types of activities performed, number of instances per activity, and typical time it takes to perform each activity.

The external scan was undertaken through contact of peer comparator municipalities (selected in consideration of population economic and regional factors), and providing interested parties a survey for completion. In-person meetings were conducted where requested to discuss the data being requested and the municipality's programs. A copy of the external scan survey is included in Appendix B.

Responses were received from:

- City of Richmond Hill
- Town of Oakville
- City of Mississauga
- City of Markham

This section provides a summary of the key findings of the External Scan. The results of the External Scan are provided in Appendix B. Of note, no peer municipality respondent indicated offering a sponsorship for sports fields while only one respondent, Town of Oakville, indicated a horticulture bed sponsorship program.

Horticultural Beds

The external scan survey requested information regarding sponsorship opportunities and maintenance activities for horticultural beds, as well as providing opportunity for additional program comments.

The peer municipalities surveyed provided information regarding their premium level horticultural beds. Based on the information provided, the City maintains similar levels of service in their premium horticultural bed assets as other communities. The types of maintenance activities undertaken and frequency were similar across all respondents.

One respondent indicated that they operated a sponsorship program for horticultural beds. Other respondents did not indicate that they operate a sponsorship program for horticulture beds. The survey sought information regarding the formulation of the sponsorship program, and asked respondents to provide details regarding the location of sponsorable horticultural beds, types of bed plantings, recognition of a sponsor, pricing, and cost recovery targets.

In the external scan, the Town of Oakville indicated that they operate a horticultural beds sponsorship program, and provided maintenance information for the upkeep of those beds. The average bed size of the Oakville horticultural assets is 20-25 square meters, and their maintenance information suggests an annual per square meter maintenance cost of approximately \$621 across the assets. Comparison of the City of Vaughan bed and maintenance information with that of Oakville indicates that both the average bed size and average annual per square meter maintenance cost are lesser than that of Oakville, as shown in the Current State section of this report.

External Scan Horticultural Beds Comments

One respondent offers sponsorship opportunities for premium horticultural beds.

Maintenance activities undertaken are consistent across all municipalities surveyed.

Target cost recovery percentage for peer municipality sponsorship program is 100%.

Figure 8: Summary of Horticultural Beds Comments

Sports Fields

The external scan survey requested information regarding sponsorship opportunities for sports fields, maintenance activities, as well as providing opportunity for additional program comments.

External Scan Sports Fields Comments

No respondents offer sponsorship opportunities for premium baseball diamonds or soccer fields.

Maintenance activities undertaken are consistent across all municipalities surveyed.

Some trepidation expressed in sponsorship due to public perception.

The peer municipalities surveyed provided information regarding their premium level soccer fields and baseball diamonds. There was a range in the quantity of premium tier assets managed by each municipality, with the City of Vaughan operating fewer premium baseball diamonds than peer municipalities, and a similar quantity of soccer fields.

The maintenance information provided by each participating peer municipality indicates that a similar level of service is provided by the municipalities as to the City in both soccer fields and baseball diamonds. The types of maintenance activities undertaken and instances of each across a season are similar.

No respondents to the external scan offer any sponsorship opportunities for their soccer fields or baseball diamond assets.

A respondent of the external scan had noted public perception as a key concern highlighting both commercialization of public spaces and reputational risk through association as key concerns.

Figure 9: Summary of Sports Fields Comments

SPONSORSHIP MODEL DESIGN

General Sponsorship Program Commentary

Recognizing horticulture beds and sports fields are very different assets in terms of visibility, scale and activities, sponsorship models were developed individually for each. However, there are some similarities with the program. These similarities include:

- Programs are accessible to local businesses
- Programs developed to consider a potential 4% cost recovery target of seasonal maintenance costs
- Opportunity for programs to be rolled out to additional assets in subsequent years
- Can improve awareness of and engagement with assets across the City amongst citizens

The sponsorship program was developed to be a comprehensive package, including information necessary to formulate, analyze and implement the program. The components of the sponsorship program include: a sponsorship model tool, implementation framework, application and agreement for usage.

The sponsorship model was designed to:

- Provide a tool that can be used by the City to review costs and revenue associated with sports fields and horticultural beds sponsorship, including annual program projections for a 5-year timeframe
- Review varying scenarios of program implementation or roll-out
- Be consistent with existing City policies and strategies

The City's Where and How to Grow report, developed in 2009, details the growth projections to 2031 for the City. By 2031, the City is anticipated to grow by 170,000 people, 64,850 housing units and 113,700 jobs. As Vaughan's population grows, a higher proportion of the growth will be intensification, rather than traditional greenfield expansion. As result, new sources of revenue may be utilized to offset potential tax rate increases.

Best Practices Approach to Sponsorship Pricing and Program Design

The approach to development of a sponsorship program (both sports fields and horticultural beds) was to use City of Vaughan maintenance procedures and levels of service in combination with external survey sponsorship program results and existing City policies to formulate a sponsorship approach that was consistent with best practices and City service delivery.

The development of the program was informed by the background information sourced, including research conducted regarding sponsorship implementation, results of the external scan, and current state information provided by the City.

The approach, as illustrated in Figure 9, included understanding of the maintenance costs and data for the top tier assets within the City of Vaughan for horticultural beds and sports fields. In determination of sponsorship program pricing, existing market pricing provides a good representation of willingness to pay. Locational data was considered through valuation to inform potential price ranges, and seasonal maintenance costs were considered in determining which asset types are viable sponsorship opportunities.

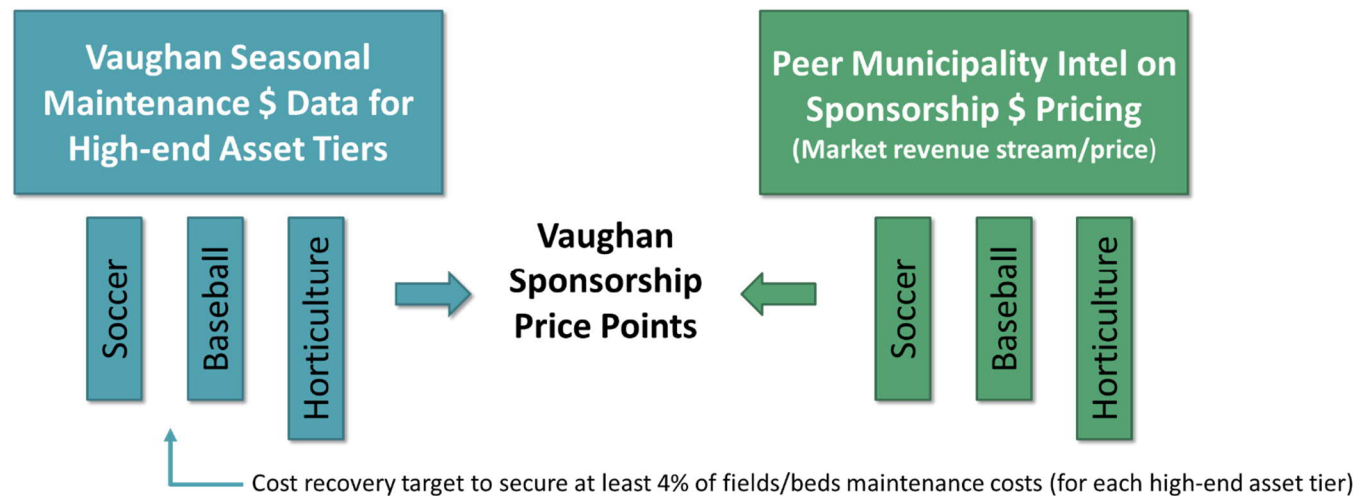


Figure 10: Approach for Sponsorship Program Development

The data obtained through the external scan (focusing on sponsorship program price points, maintenance practise/costs, historical rates of uptake) would ideally provide valuable real-world “intel” that would inform Vaughan’s pricing, cost recovery and program design specifics. Peer municipality information/experience in sponsorship program design and execution would ideally provide “must have” understanding of the market revenue stream and pricing.

The sponsorship program will be developed to include a sponsorship model (for the horticultural beds and sports fields), as well as implementation recommendations and framework.

A properly designed/executed sponsorship program should proceed according to a five-year rollout plan. The initial fields and beds would be marketed and then offered for sponsorship in Year One, with the program considering potential expansion in Years Three to Five, if initial sponsorship offerings have been filled, as shown in Figure 11. The program would be reviewed on an interim basis to review planned versus actual uptake and revenue generation.

As previously stated, at this time the sponsorship model is developed for only top tier assets (premium for sports fields, and premium and enhanced for horticultural beds). The maintenance and program implementation costs associated with the lower tier assets do not at this time make their inclusion worthwhile. It is recommended that should the City be interested in expanding this program in future, the viability of the lower tier assets be reviewed, considering potential for migration of lower tier assets into a top tier, the costs for which should be included in the assessment. The review should consider the level of service and associated value provided by an asset to a sponsor, noting that the lower tier assets may not provide the level of value that may be incurred at a top tier asset.

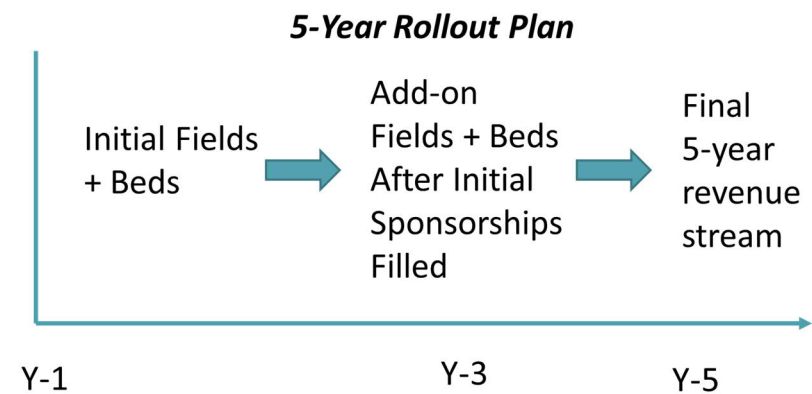


Figure 11: 5-Year Rollout Plan for Sponsorship Model

Horticulture Sponsorship

The horticultural sponsorship program utilizes the “Best Practices” design methodology described in the Sponsorship Approach section above. City of Vaughan levels of service, seasonal maintenance information, and peer municipality price point and uptake data were used to inform the development of a horticulture beds pilot program.

Overview of Horticulture Program

The sponsorship program for horticultural assets includes a sponsorship model, marketing strategy, commentary on risks, and an implementation framework.

The Project team considered tiered sponsorship for horticulture assets:

- The external scan suggested only top tier locations and maintained assets have a sponsorship market.
- Costs to improve enhanced assets to premium levels of service exceeded potential revenues for sponsorship
- Generating additional sponsorship assets from other tiers would involve shifting existing budget resources to convert these beds to a premium service level

Horticulture locations were prioritized based on two factors: the Beautification Strategy and staff consultation. As highlighted in the Current State section, the Beautification Strategy categorizes locations for service level tiers based on a point-scoring system. Recognizing information from the external scan noted location was a key driver of sponsorship success, we determined the highest scoring tier (premium) would be most applicable for sponsorship. This is because they are commonly in well trafficked areas and their existing service level was likely sufficient to be attractive as a sponsorable asset. Consultation with City staff was used to refine the list of premium assets that would be considered sponsorable. City staff identified 34 assets within the premium category and 64 assets within the enhanced category that are likely to be attractive for sponsorship.

Enhanced Tier Horticultural Beds and Sponsorship

In the development of the horticultural sponsorship program, we reviewed the inclusion of enhanced tier horticultural beds as part of the program offering. It was noted by the City that the premium and enhanced horticultural beds have the same maintenance schedule, with the difference between the tiers due to the planting materials used.

For inclusion of the enhanced beds in the sponsorship program, it is recommended that they be upgraded to a premium tier, to provide a more enticing asset for sponsorship. It was found that based on cost of upgrade relative to the market pricing for horticultural bed assets, the sponsorship fee would be insufficient to recommend proceeding with enhanced beds at this time. With growth of the sponsorship program going forward, this can be reconsidered by the City if sufficient interest necessitates it.

To expand the program to enhanced tier assets, existing budget should be allocated away from lower tier beds to provide funding for additional plant material to increase the level of service on sponsorable beds from enhanced to premium. These beds could then be used to generate revenue for the City.

Sponsorship Fees (i.e. Costs recovery per m²)

The intention of the sponsorship program is to recover material and maintenance costs incurred by the City for the establishment and maintenance of their horticultural beds. Based on directive from the Province, the City intends to achieve a minimum of 4% recovery of full costs across horticulture assets considered to be sponsorable. The intention of the horticultural sponsorship program is to generate a net revenue to achieve a cost recovery target across the premium asset tier. However, in determining the sponsorship fee, the affordability to the local sponsor and market pricing are the predominant price drivers.

The sponsorship fees for the program were reviewed in consideration of predominantly market pricing based on existing program in Ontario, though horticultural bed valuation was also undertaken and considered. In addition to achieving target cost recovery, the sponsorship fee must consider costs borne by the City for implementation of the program.

This includes any additional material or costs required, such as per-asset costs (signage, value of hospitality benefits), and program overhead costs. It is advised to quantify these costs and factor them into the sponsorship program such that the City does not incur a net loss as a result. The sponsorship model will provide consideration of these costs in assessing the program.

Market Pricing Information

Through the external scan, peer municipality sponsorship rates were collected to understand the market revenue stream and pricing for similar programs. In the conducted research and external scan, it was found that horticultural beds are typically sponsored on a per bed basis, noting the programs within local peer municipalities found in Table 9.

Table 9: Summary of Comparable Horticulture Sponsorship Programs

Program	Cost per Square Meter	Cost per Bed (range)	Cost per Bed (average)	Additional Offerings
Oakville Blooms	\$71.80	\$1,400 - \$1,800	\$1,600 assuming average of 22.5 sq.m	
Burlington Adopt-A-Flowerbed ^a	n/a	\$220- \$1,600	\$541 for available beds	
Hamilton in Bloom ^a	n/a	\$750-\$2,500	n/a	Additional perks available with each offering tier (Gold, Silver, & Bronze) including recognition on the city's website, tickets to the Hamilton in Bloom Celebration event, tickets to the Mum Show, and a Certificate of Appreciation. The Gold Bloom level receives more perks than Bronze Bloom level.

Note: a) Based on review of program literature, not external scan results. As result, specific pricing information and beds sizes were not available to the project team.
n/a = not available

Of the three tiers available within the Hamilton program, the Bronze tier provides the most similarity to the program proposed for the City of Vaughan. The Hamilton program offers more in the way of hospitality benefits within their sponsorship package, as well as recognition beyond what was found in other programs. The Bronze tier representing the minimum level of sponsorship, it is expected that a program designed with fewer benefits should be at or below the cost associated with the Hamilton program.

[Sponsorable Asset Valuation for Horticulture Beds](#)

A valuation of the horticultural beds sponsorship program was undertaken to estimate the range of potential sponsorship rates based on the viability of a particular asset.

The valuation of the program was based on impressions by members of the public. An impression is an instance of noticing a sponsor as a result of the sponsorship program. The program does not diminish the value of an impression based on recurring views. It also considers that there is variability in the efficiency of an impression, and therefore includes consideration for percentage of the audience reached through the impression. To estimate value and costing, a dollar per unit value is attributed to each impression, with the values used consistent with those used in other City sponsorship reviews where applicable. The valuation of the horticulture sponsorship program was based on traffic and pedestrian impression assumptions as follows.

The valuation was based on impressions from the vehicular and pedestrian traffic past the horticultural bed location during a season, and considered percentage of audience reached. The valuations included a series of assumptions, included in Table 10 below.

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Table 10: Components of Horticultural Bed Valuation

Component	Value	Rationale
Vehicular Traffic	Ranges	The volume of traffic was determined using the Annual Average Daily Traffic (AADT) values from a 2015 Transportation study (City of Vaughan). The AADT is a measure of the average volume of traffic on a segment of roadway. Due to the age of the study and the assumption of growth since its publication, the high value of the AADT range was selected for valuation calculations.
Pedestrian Traffic	Ranges	The volume of pedestrian traffic was estimated as a percentage of the AADT, with varying assumptions due to the surrounding land use. It is assumed that higher traffic roadways will similarly experience higher volume pedestrian traffic. Areas with higher residential land use were assumed to experience a higher volume of pedestrian traffic than those that are located in more prevalently commercial areas. The volume of pedestrian traffic ranges based on the particular conditions at each horticultural bed location. It is expected that volume of pedestrian traffic will be a minor percentage of vehicular traffic, due to the importance of the roadways as major routes through the City and to highways.
Cost per Unit	\$0.005	Value of a signage impression, as used in previous City valuation calculations.
% of Audience	5% (Composite of vehicular and pedestrian traffic)	<p>Anticipated percentage of potential audience to take note of signage.</p> <p>It is expected that this value will be relatively low for horticultural beds adjacent to roadways, influenced by a number of factors:</p> <ul style="list-style-type: none"> • Size of roadway: Width and depth of traffic queuing may interfere with ability to view a sign in a horticultural bed • Speed of traffic: Vehicular traffic passing at regulatory road speed may not have sufficient time to perceive signage. Traffic stoppages at intersection lights may provide opportunity for stopped vehicles to notice signage. In consideration of intersection light function, it is assumed that half of the expected traffic volume will not stop at the intersection, reducing their ability to note adjacent signage. • Size of sponsor sign: Dimensions of installed signage may be insufficient to be noticeable at high rates of speed or at distances as the sign is anticipated to be approximately 0.2 square meters. • Nature of passing traffic: Drivers may not be inclined to observe the peripherals of the right-of-way on stretches of roadway with high traffic volumes.

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Component	Value	Rationale
		<p>Note that the percentage of audience used in this application are less than those previously used by the City for recreational facilities. This is due to the size and location of the signage used for horticultural beds being smaller than those used for recreational facilities.</p> <p>Pedestrian traffic is generally located at a closer proximity to the horticultural beds than the vehicular traffic. The rate of speed of the pedestrian traffic is also much less than that of the vehicular traffic, which provides significantly more opportunity for pedestrians to take note of signage. As such, the percentage of audience value is higher than that of the vehicular traffic.</p> <p>It is expected that across the expected low audience reach rate for vehicular traffic, and the higher rate for pedestrians, a typical audience percentage is approximately 5%.</p>
Season Length	30 Weeks	Assumption that sponsorship signage will be in place for the duration of the horticultural season, indicated by the City of Vaughan as 30 weeks in length.
Intangible Value	20%	The percentage value is applied to the total value to account for any intangible value. The 20% value aligns with the lowest available score consistent with the facilities valuation as Rights and Privileges; brand linkage; corporate experience; market position are not expected to be large value drivers. The driver of intangible value is community involvement which aligns with the target market for these opportunities and their business goals.

The values included within the asset valuation are based on assumptions, and can only be validated through market data and program uptake. As a result, the valuation determined is speculative, and may not represent the market value of the sponsorship program. Therefore, these valuations were considered as potential price range for the horticulture bed sponsorships but market data from municipalities was predominantly used in generating the recommended rates.

In consideration of the valuation components above, our team reviewed three horticultural bed locations and undertook sample calculations to estimate a range of pricing and expected revenue for the horticultural bed sponsorship program, for comparison against the market values determined through the peer review.

The sample horticultural beds were selected to represent beds in varying Wards across the City of Vaughan, and to capture any difference in regional location, such as adjacent land uses, or volume of road traffic.

Within the reviewed bed locations, the range in expected revenue was estimated to be between \$405 at the low end and \$1,082 at the high end, with the rate differentials attributed to the location. The valuation is primarily derived from the vehicular traffic, so roadways with higher AADT have a much higher expected yield of impressions. A summary of these sample prices were provided in Table 11.

Table 11: Sample Horticulture Valuations

Location	Price Range	Midpoint
Major Mackenzie and Killam Road	\$811 - \$1,082	\$946
Major Mackenzie and Islington	\$405-541	\$473
Dufferin and Clark	\$811 - \$1,082	\$946

Recommended Sponsorship Fee

To determine the suitability of these estimated costs, we have compared market rates with the valuation, including the recommended implementation price for the City of Vaughan based on a market rate review. The comparison is in Table 12.

Table 12: Rate Comparison for Horticultural Beds

Location	Method of Costing	Rate
City of Hamilton	Minimum bed cost	\$750
Town of Oakville	\$71.80/sq.m. rate, assumed bed size 20 sq.m to 25 sq.m	\$1,400 - \$1,800
City of Burlington	Average bed cost based on available beds	\$541.24 Range of \$219 to \$1,603
City of Vaughan	\$100/sq.m. rate, assumed bed size 5.85 sq.m	\$585
Locational valuation (City of Vaughan)	Valuation based on location	Range of \$405 (low) - \$1,082 (high)

The recommended rate to proceed with for sponsorship program implementation is that based on the \$100/sq.m., which was developed based on an evaluation of peer municipal market pricing and offerings, according to the following rationale:

- The City of Hamilton program provides additional benefits to sponsors which provide value. As Vaughan is not anticipating the inclusion of benefits at this time, Vaughan's pricing should be lower than Hamilton's in consideration of the additional offerings in their sponsorship packages. The lower pricing recommendation reflects the additional offerings provided by the Hamilton sponsorship program.
 - The size of the sponsorable beds and cost per square meter are not known for Hamilton. Based on the description of the program and bed locations, it is assumed that the maintenance requirements and bed size do not differ significantly than the sponsorable beds proposed for Vaughan, therefore the assumption is that the bed offerings may be comparable.

- The per square meter rate for the Town of Oakville's program is lesser than that suggested for the City of Vaughan. The average bed size for the Oakville program is approximately 4-5 times the area of the selected sites located in Vaughan, which is likely to generate additional value for the sponsor as the horticulture bed is likely to be more noticeable. The Oakville program provides a similar set of benefits to what is proposed for the City of Vaughan.
- The City of Burlington average price per bed (for available beds) is lower than the rate proposed for Vaughan. Burlington operates a range of price points for sponsorship. Spatial information for the Burlington program is not available to establish a per square meter price.
- The suggested Vaughan rate is positioned within the range found through valuation of Vaughan's premium horticultural bed assets. The range indicates a higher potential for sponsorship rate, however the valuation is imprecise and may not be reflective of what the market is willing to bear.

It is recommended that the City proceed with a price of \$100 per square meter. However if the City is successful with complete uptake of offerings, prices can be adjusted to reflect this new market data. If full uptake is achieved at \$100 per square meter, it is expected the City would achieve a, 14% cost recovery per premium horticulture bed included within the program.

The City could consider proceeding with sponsorship prices within the range identified by valuation and other municipalities up to approximately \$1,100 per bed as identified by the valuation method. If higher prices are utilized for sponsorship, it is likely there would be less interest in the program and may impact program revenue.

Components of the Pricing and Offerings Model

The horticultural beds sponsorship model was developed to consider the revenues and costs associated with a potential sponsorship program for premium and enhanced tier beds. The program was designed for an initial offering of the sponsorship opportunity only.

The primary elements of the program were sorted into the following categories:

- Revenues
 - Includes the revenue generated by sponsors participating in the program
- Cost of goods sold
 - Includes components tied to a specific asset for implementation of the program
- Fixed costs
 - Program overhead costs associated with operation and management of the horticultural sponsorship program.

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PREMIUM BEDS			
<i>Bed Size</i>	<i>sq.m.</i>		5.85
Total assets available			34
Sponsorship cost per sq.m.	\$/sq.m	\$	100
Expected revenue per bed		\$	585
Maintenance cost	\$/sq.m		Premium
REVENUES			
<i>Item</i>	<i>Beds</i>	<i>Unit (sq.m.)</i>	<i>Value</i>
Sponsorship - Company A	32	187.2	\$ 18,720.00
Sponsorship - Company B	1	5.85	\$ 585.00
Sponsorship - Company C	1	5.85	\$ 585.00
Totals	34	198.90	\$ 19,890
Avg. Revenue per Bed			\$ 585
COST OF GOODS SOLD (COGS)			
<i>Item</i>	<i>Beds</i>	<i>Cost per Bed</i>	<i>Value</i>
Signage (1 per bed)	34	\$ 150	\$ 5,100.00
			\$ -
Total COGS			\$ 5,100
Avg. COGS per Bed			\$ 150
Net Sponsorship revenue			\$ 14,790
Annual maintenance costs (all premium)			\$ 118,314
% annual maintenance costs			13%
FIXED COSTS			
<i>Item</i>	<i>Unit</i>		<i>Value</i>
Marketing	1	\$ 4,000	\$ 4,000.00
Program Administration	1	\$ 2,500	\$ 2,500.00
Total fixed costs			\$ 6,500
Fixed cost per asset			\$ 191.18
Net revenue			\$ 8,290
Net revenue as a % of:			Percentage
Sponsorable assets			14%
Premium asset class budget			7%

Figure 12: Clip of Horticultural Sponsorship Model

The sponsorship model was developed to allow flexibility and testing across various scenarios. The City provided direction for the following values:

- Average bed size of 5.85 square meters
- 34 Premium level assets available for sponsorship
- 64 Enhanced level assets available for sponsorship

The revenues include the incoming revenue generated through implementation of the program. The revenues are itemized by sponsor, including consideration for sponsorship of multiple beds per sponsor. The value of each sponsorship is based on the square meterage of the beds being sponsored, with a per square meter sponsorship cost.

The cost of goods sold includes the material costs incurred by the City for implementation of the program, tied to a specific asset. This would include materials such as signage and additional specialized planting materials (for upgrade of enhanced beds to premium), as well as the value of any benefits included in the sponsorship program (such as tickets to events, or additional advertisement). The model is built with flexibility to modify or add value.

The fixed costs are overhead costs incurred across the whole program, and are not individualized by bed. This includes administration of the program, and marketing. This cost may fluctuate from year to year of program implementation based on extents of the marketing program, and changes or efficiencies in administration.

For ease of implementation, the model has been developed as an editable tool, with which the City can use to review the revenues and costs associated with sponsorship of these assets. In addition to development of the sponsorship model, an application and agreement for usage have been developed to accompany the program. The application and agreement have been developed as one document, a simplified form to gather the sponsor's information and lay out the Terms and Conditions based on the size and cost of the horticultural sponsorship program. The application form, and its recommended availability, are consistent with the successful Oakville Bloom's application form. The application gathers the sponsor's contact information, their first and second preference for bed location, the details for sign design, and their payment method. The sponsorship application and agreement template will be included in Appendix C. The application form should be used as a template only. The Terms and Conditions of the program should be analyzed by the City's legal department, and the contents refined to incorporate City of Vaughan preferences.

Marketing Strategy

Based on the volume of assets available and the expected net revenue per asset, it was determined that the horticulture program likely requires a lean/low cost marketing program. Vaughan should focus on providing advertising for the program using City-controlled platforms. Specific marketing activities should be identified by Vaughan during implementation consistent with corporate communications policies.

This marketing strategy would likely to be able to generate an awareness of the program by utilizing existing channels available to Vaughan. The use of existing channels will minimize the financial burden of the program while still generating some awareness of its existence. It is also assumed the program will be marketed by the take-up of the program as potential sponsors see signage for existing beds in the City.

The Horticulture Sponsorship program will provide small and medium sized businesses in Vaughan with an opportunity to demonstrate community support at an affordable rate.

With more than 12,000 businesses in Vaughan with 2/3 of them small businesses, the Horticulture Sponsorship Program aims to:

- Provide support to the small business community through cost-effective, highly visible partnership opportunities
- Generate additional interest in the Corporate Partnership Program in Vaughan
- Continue to beautify City neighbourhoods through partnerships with the business community with future growth potential creating beautification and community pride
- Generate alternative sources of revenue that partially off-set operational maintenance costs
- Provide an opportunity for all businesses to invest and give back to the community

Program Risks to Consider

Based on the size and scale of the proposed Vaughan horticulture bed sponsorship program, it is unlikely to experience significant risks or externalities. Risks that may be experienced by Vaughan include:

- Reputational Risk
 - Commercializing public spaces can be perceived negatively by the public, including users.
 - Mitigate the risk through implementation scale – small signs, small costs may make the program appear quaint and local reducing reputational risks
 - Reputational impacts to the sponsor may impact Vaughan's reputation as a partner.
 - Include terms in the sponsorship agreement to terminate sponsorship based on reputational concerns.
- Financial Risk
 - The investment of time, effort and financial resources into the program may not yield sponsorships
 - Mitigate risk through limiting financial resources input into the program by making documents publicly available and allowing for user driven submission

While these risks do exist, the reputational risk for Vaughan appears to be minimal as the program is expected to only include one year terms for sponsorship space and signage for horticulture beds is expected to have a limited profile. As result, it is unlikely to be perceived as intrusive or overly commercial. If the program is negatively perceived, the one year term will allow Vaughan to re-design or halt the program with relative ease. Therefore, reputational risks and externalities are unlikely to be noticeable or apparent for the program.

Financial risks are attributable to program marketing investments including time and materials. The Vaughan horticulture bed sponsorship program is designed to have minimal overhead (\$6,500), and all overhead is expected to be labour-driven. The program has a cost-recovery break-even amount of 15 sponsorships or 44% of available beds. Therefore, Vaughan is not putting significant financial resources into the program, and the resources used in the program are recoverable annually without a high adoption rate.

Of note, adoption risk is not expected to be present for horticulture beds as comparable programs are operated by municipalities successfully. One peer municipality identified their program currently has a waiting list. Therefore, it is reasonable to assume Vaughan can expect successful take-up for the horticulture bed sponsorship program.

Expected Program Returns and Recommendations

A five-year forecast was developed to understand the costs and revenues associated with implementation of the sponsorship program. In the development of all scenarios, the following assumptions were made:

- All values are net present value (2019\$)
- In addition to the scenario-driven growth analysis, it is assumed there will be organic growth driven by Vaughan's growth, which will create sponsorable beds not included in this analysis
- Additional beds are not added until the full initial offering of 34 beds is utilized
- Marketing expenditure decreases 50% once full adoption is achieved and as result, when new beds are added, the full marketing cost is assumed

Two scenarios were analyzed, including a scenario considering no growth in the program, and a scenario which includes three cases that considered growth of the program through additional creation of sponsorable premium horticultural beds. The scenarios analyzed are included in Tables 13 and 14. A graph showing the three different adoption rates and their 5-year forecasted net revenues for Scenario 2 can be found in Figure 12.

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Table 13: Scenario 1 – No Growth Five Year Projections

Case Name	Scenario Explanation	Program Year					Total Net Revenue
		1	2	3	4	5	
Full Adoption	Full Adoption of the Program in year 1 and maintenance of the program in year 2 to 5 with no growth.	\$ 8,290	\$ 10,290	\$ 10,290	\$ 10,290	\$ 10,290	\$ 49,450

Table 14: Scenario 2 - Budget Shift Growth Five Year Projections

Case Name	Scenario Explanation	Program Year					Total Net Revenue
		1	2	3	4	5	
Full Adoption + 10 Beds	In Year 3 and after, \$5,240 of budgeted work is shifted away from existing assets (service level reduction) annually to improve 10 enhanced beds to a premium service level becoming available to the sponsorship program.	\$ 8,290	\$ 10,290	\$ 12,640	\$ 16,990	\$ 21,340	\$ 69,550
Full Adoption + 5 Beds	In Year 3 and after, \$2,620 of budgeted work is shifted away from existing assets (service level reduction) annually to improve 5 enhanced beds to a premium service level becoming available to the sponsorship program.	\$ 8,290	\$ 10,290	\$ 10,465	\$ 12,640	\$ 14,815	\$ 56,500
Full Adoption + 15 Beds	In Year 3 and after, \$7,860 of budgeted work is shifted away from existing assets (service level reduction) annually to improve 15 enhanced beds to a premium service level becoming available to the sponsorship program.	\$ 8,290	\$ 10,290	\$ 14,815	\$ 21,340	\$ 27,865	\$ 82,600

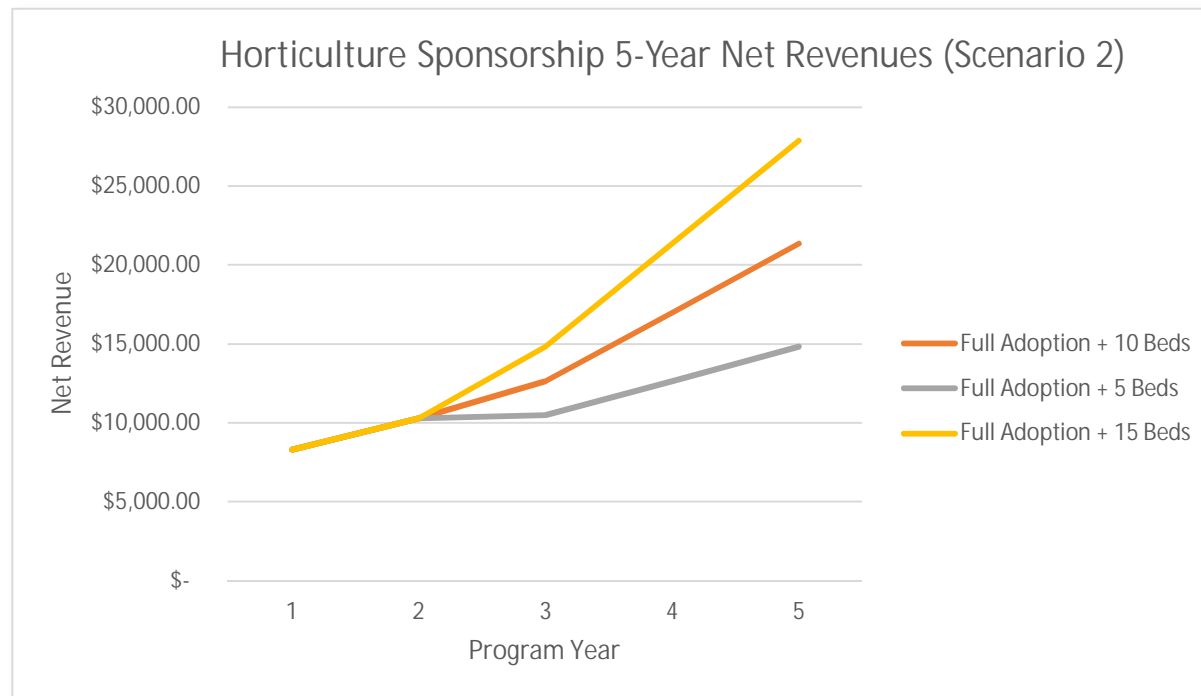


Figure 13: Horticulture Sponsorship 5-Year Net Revenue (Scenario 2)

Sports Field Sponsorship: An Evolving Program Design Methodology

The sports field sponsorship program is designed to provide recommendations and methodology for the implementation of a program across premium level soccer fields and baseball diamonds in the City of Vaughan.

Methodology Issues

The intended methodology for development of the sponsorship program was to use City maintenance information and peer municipality sponsorship pricing and uptake data to inform program design and pricing recommendations for the City of Vaughan program. As previously described, there was no comparable peer municipal sponsorship price data, program adoption rates or other market data available through the external scan. Without the required peer municipal program design, pricing information, offerings, or adoption rates Vaughan's sports field sponsorship program could not be designed using market information from comparable peer municipalities.

Revised Methodology – Sponsorable Asset Valuation

A revised program design methodology was utilized consistent with the current City methodology for valuing recreation assets. The model will inform pricing/offering and rollout options for Vaughan's sports field sponsorship pilot programs. This methodology is currently the preferred methodology used by the City for their recreational facilities sponsorship programs. The utilization of sponsorship valuation techniques will address the program design and price data gap created by the absence of readily available peer municipal programs and experience. This workaround, while not ideal, is the best available option for designing a cautiously rolled out pilot program. Of note, this valuation method does not provide any information on the adoption rate for sponsorships.

Overview of Program

The pilot program for sports field sponsorship has been designed with premium soccer and baseball assets only. Sponsorable sports field locations were determined by first recognizing that Vaughan has a large portfolio of premium sports field assets. These premium assets are all likely to be attractive to sponsors due to the quality of the field and maintenance standards.

Premium fields are also likely to attract higher volumes of pedestrian traffic. Based on Vaughan's community, City staff determined baseball and soccer fields were likely the most utilized assets, and therefore the most attractive offerings to potential sponsors. Through consultation with City staff, it was determined that the pilot sponsorship program would utilize four premium soccer fields and four premium baseball diamonds for a total of eight premium sponsorable fields. If the program is successful, it is recommended additional assets from the premium class are phased into the program for expansion. This may include more soccer fields and baseball diamonds or additional sports fields which may be sponsorable. The program can be implemented such that all eligible premium baseball diamonds or soccer fields are available for sponsorship, with a target of sponsoring 4 baseball diamonds and 4 soccer fields.

A tiered sponsorship system was devised, which includes different potential tiers of sponsorship at different price points. The tiered sponsorship offers different offering packages for sports field sponsorships, to provide the City with market flexibility to adapt their program to the needs of potential sponsors.

Components of the Model

The sports field sponsorship model was developed to consider the revenues and costs associated with a potential sponsorship program for premium soccer fields and baseball diamonds. The primary elements of the program were sorted into the following categories:

- Revenues
 - Includes the revenue generated by sponsors participating in the program
- Cost of goods sold
 - Includes components tied to a specific asset for implementation of the program

Program overhead costs associated with implementation of the full sports field sponsorship program were not anticipated based on the marketing strategy described within this section.

The sponsorship model was developed to allow flexibility and testing across various scenarios. It was determined that four premium baseball diamonds and four premium soccer fields would be included in the pilot program. It was also determined that sponsorship should be on a per field basis to maximize the number of sponsorable assets should the program expand.

Field 1	
REVENUES	
<i>Item</i>	<i>Value</i>
Sponsorship Revenue	\$ 7,878
Total Revenue	\$ 7,878
COST OF GOODS SOLD	
<i>Item</i>	<i>Value</i>
Signs	\$ 1,000
Advertising Space	\$ 4,700
Hospitality	\$ 1,150
Total COGS	\$ 6,850
Net Sponsorship revenue	\$ 1,028
Annual maintenance costs	\$ 49,660
% annual Maintenance costs	2%
Net revenue	\$ 1,028

The revenues include the incoming revenue generated through implementation of the program. The program allows for one sponsor per field asset, with the revenue being the total cost paid by the sponsor.

The cost of goods sold includes the program costs incurred by the City for implementation of the program. The cost of goods sold will include materials such as signage, value of advertising space, and value of hospitality perks (such as tickets to events) included in the sponsorship package. The model is built with flexibility to modify or add value.

Fixed costs include those costs required to implement the program, such as administration costs and marketing costs. The fixed costs are incurred across the sports field sponsorship program as a whole, and as such are leveraged against the net revenue of the whole profile instead of by individual field. This cost may fluctuate from year to year of program implementation based on extents of the marketing program, and changes or efficiencies in administration.

Figure 14: Clip of Sports Field Sponsorship Model

Price Point Valuation of the Sponsorship Program

The value of the sponsorship program influences the sponsorship cost, which dictates the revenue generated by the program. The value is the summation of the costs of goods incurred by the City at a particular asset for implementation of the program, and the monetary value of the impacts of the sponsorship program.

For the determination of the value of the sponsorship program, our team has established and reviewed three levels of sponsorship offerings with varying benefits packages. These three levels are Bronze, Silver and Gold; and they include the signage, advertising and hospitality components outlined in Table 15 below.

Table 15: Proposed Sponsorship Packages

Area	Bronze	Silver	Gold
Physical	<ul style="list-style-type: none"> Naming rights Four signs 	<ul style="list-style-type: none"> Naming rights Four signs 	<ul style="list-style-type: none"> Naming rights Four signs
Advertising	<ul style="list-style-type: none"> Communications 	<ul style="list-style-type: none"> Communications Discounted recreation guide ad Discounted recreation app ad 	<ul style="list-style-type: none"> Communications Recreation guide ad Recreation app ad
Hospitality	<ul style="list-style-type: none"> Venue rental 	<ul style="list-style-type: none"> Venue rental 	<ul style="list-style-type: none"> Venue rental 2 x Mayor's Gala tickets
Estimated Price	<ul style="list-style-type: none"> \$1,900 to \$2,500 	<ul style="list-style-type: none"> \$2,400 to \$3,200 	<ul style="list-style-type: none"> \$6,900 to \$7,900
Estimated year One Net Revenue	<ul style="list-style-type: none"> \$700 to \$1,300^a 	<ul style="list-style-type: none"> -\$300 to \$500^a 	<ul style="list-style-type: none"> \$0 to \$1,100^a

Note: a) Net revenues increase by \$1,000 in years 2 through 5 due to signage costs being incurred in year 1.

The valuation provided within the physical and advertising areas were based on impressions by members of the public. An impression is an instance of noticing a sponsor as a result of the sponsorship program. The program does not diminish the value of an impression based on recurring views. It also considers that there is variability in the efficiency of an impression, and therefore includes consideration for percentage of the audience reached through the impressions. To estimate value and costing, a dollar per unit value is attributed to each sponsorship element (advertising, signage, etc.). The unit values used were consistent with those used in the other City sponsorship reviews. The impressions were determined based on usage assumptions for each field being considered as part of this program.

Sports Fields Usage Assumptions:

Assumes 5 days of use (2 weekend and 3 weekday) with a total of 12 games for a 26 week season from mid-April to mid-October.

Assumes 2 teams playing with 15 members each with a total attendance of 90 individuals.

In addition to the impressions incurred through direct field usage, it is expected that impressions will be incurred based on usage of adjacent facilities, including additional sports fields, park amenities, or other public areas. Signage locations of the key sponsored asset was a consideration in the quantity of impressions for adjacent facilities.

The value of the hospitality component of the sponsorship program is the face value of the items provided.

Our team notes that, while the sports field program pilot may not provide a significant stream of net revenue, it may be a good stepping stone to higher value sponsorship programs or joint ventures. It will provide sponsors a lower cost "get started" offering that can evolve as the relationship with the City matures.

Sponsorship fees (i.e. Costs recovery per field)

One objective of the sponsorship program is to recover material and maintenance costs incurred by the City for the operation and maintenance of their portfolios of premium soccer fields and baseball diamonds. Based on the objectives of the Provincial grant program funding review, the City should consider a medium term target of 4% recovery of maintenance costs for sponsorable assets. However, in determining the initial sponsorship fee price point, an expected market value should be utilized.

The City provided maintenance information for their premium tier sports fields, including a summary of their average maintenance hours and costs across the seasonal maintenance of the fields, as presented previously in the report. No sponsorship rates were available for comparison through the external scan. As result, the method as described above was utilized to calculate the market value of a sponsorship opportunity for each sports field considered.

In the conducted research regarding sports field sponsorship, it was found that sports fields are typically sponsored on a per-field basis, or through the naming of the entirety of the park that contains the particular sports field, noting that sometimes this includes multiple fields. It is recommended that the sponsorship fees be developed on a per-field basis. The sponsorship of entire parks is not within the consideration of this study.

In addition to achieving target cost recovery, the sponsorship fee must consider costs borne by the City for implementation of the program. This includes any additional material or costs required, such as per-asset costs (signage, value of hospitality benefits), and program overhead costs. It is advised to quantify these costs and factor them into the sponsorship program such that the City does not incur net loss as a result. The sponsorship model considers these costs by adjusting the prices offered by Vaughan to reflect the cost incurred by the City.

The sponsorship fee was determined in consideration of the value provided by a sponsorship package, as well as the costs to the City of Vaughan for implementation of the package. A range in sponsorship fees was developed, to allow the City flexibility in adjusting the fees according to their preferred target revenue values. The range is defined by a high and low fee, determined using the following method:

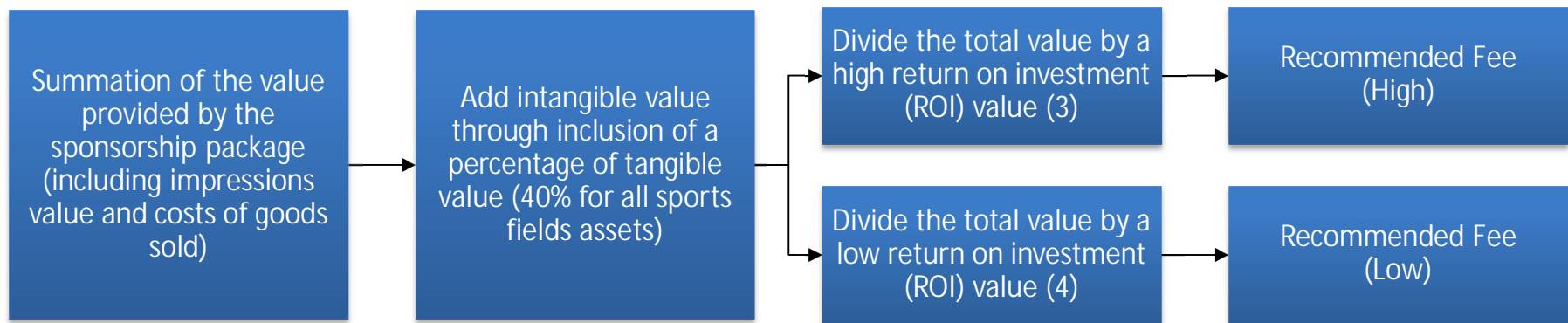


Figure 15: Sponsorship Fee Determination Method

As noted above, the sponsorship fee must also consider the cost to Vaughan, which have been identified as signage costs, advertising space costs, and the costs of hospitality benefits. If the costs of a sponsorship to Vaughan are higher than the expected revenue, then the City should offer their sponsorship package based on a mark-up on costs expected to be incurred. The mark-up is exclusively used in pricing the Gold sponsorship package due to the market price of the included perks.

The sponsorship tool has been developed such that the City can alter the inputs into the sponsorship program, including any value added to the sponsorship program, preferred ROI, intangible value, contingency on the recommended fees, etc.

A template agreement has been developed to accompany the sports field sponsorship program. The sports field sponsorship agreement template is much more robust than the horticulture application template since the expected sponsorship fee and sponsorship term length is greater for sports fields. The agreement lays out the payment terms and payment schedule, sponsorship benefits, sponsorship rights, and obligations of both the sponsor and the City. The sports field sponsorship agreement template is included in Appendix C. The agreement should be used as a template only. The City's legal department should be involved to ensure the agreement is executed properly and all sponsorship benefits and obligations are clearly defined.

Marketing Strategy

As has been previously highlighted in the External Scan, none of the comparator municipalities for Vaughan undertake sports field sponsorship. Therefore, there is viability risk for the program, which is further detailed in the Risk Analysis. Based on the potential program risks, the marketing strategy was designed to minimize costs to Vaughan independent of sponsorship agreements. It is suggested that sports fields should be added to existing sponsorship channels within the Municipal Partnerships Office. Adding sports field assets may be beneficial for both groups. Additional Parks Department costs will be minimized by moving the bulk of the program to the existing sponsorship channels and inventory within the Municipal Partnerships Office. The Municipal Partnerships Office will obtain additional inventory of sponsorable assets at a lower price point than other assets in the inventory. Consultation with the Municipal Partnerships Office suggests lower priced sponsorship inventory is desirable in the Vaughan market. Through utilizing this process, the marketing for sports field sponsorship can use existing channels to minimize the fiscal impact to the program.

Program Risks to Consider

Implementation of a sports field sponsorship program comes with risks to the City. The risks were primarily identified through sponsorship research, and through the external scan process.

- Adoption
 - Comparators indicated they have had issues attracting larger sponsors to events and internal consultation suggests current sponsorship opportunities are too expensive for the current environment.
 - Mitigate the risk by pricing below the current rate for existing inventory and offering variable pricing based on offering.
- Reputational Risk
 - Commercializing public spaces can be perceived negatively by the public, including users.
 - Mitigate risk through minimizing physical footprint of the program through the use of only four signs.
 - Reputational impacts to the sponsor may impact Vaughan's reputation as a partner.
 - Include terms in the sponsorship agreement to terminate sponsorship based on reputational concerns.
- Financial Risk
 - The investment of time, effort and financial resources into the program may not yield sponsorships. The result could be a sunk cost without cost recovery.
 - Mitigate this risk by utilizing the existing Municipal Partnerships sponsorship channel.
 - Further investment can be undertaken based on the success of the pilot project.

- Conflict with existing sponsorships
 - Sports organizations may currently undertake sponsorships that could potentially conflict with field sponsorships.
 - Mitigate this risk by consulting with local sports clubs prior to agreements to avoid conflicts.
 - Other organizations or components of the City may have alternative planning opportunities for locations that may conflict with the provision of naming rights.
 - City Staff should engage with other relevant departments prior to including an asset in the sponsorship inventory.

The primary source of risk for the sports field sponsorship program is due to the lack of comparable metrics for implementation, including determination of initial costs through a model in the absence of market prices. The risk is suggested to be mitigated through blending of the proposed program into an existing channel. By implementing the program in a manner similar to what's already being undertaken at the City, it should lessen the financial resources required for implementation, and functional risk.

The two forms of reputational risk are a result of the community's reaction to the implementation of the program. Some users may not be receptive to commercialization within a recreational space. This commercialization risk can be mitigated by limiting the number of signs placed at each field as well as ensuring the sign size and placement is not obtrusive to the field users. The other reputational risk may present itself if the sponsor is negatively perceived, which could be negatively reflected on the City as a partner. This reputational risk can be mitigated through a sufficient item in the agreement for program termination by the City, if required.

A risk to implementation of the sports field sponsorship program is any conflict with existing community sports clubs sponsorships. Community sports clubs may seek out sponsors, who have interest in opportunities to advertise on sports fields, which may be in conflict with the sponsorship goals of the City. The City should endeavour to understand existing sponsorship agreements held by sports clubs and sponsors, and how it may impact the City's program.

The City may be more comfortable taking on more financial risk with this program with the expectation that inclusion of the sports field sponsorship program (though it may generate minimal revenue) may complement and add visibility to other, more profitable sponsorship opportunities.

Program Forecasting

As previously presented, the designed sponsorship model for sports fields includes consideration of three sponsorship levels:

- Gold (Case 1)
- Silver (Case 2)
- Bronze (Case 3)

The results of the model in all three cases indicated a low percentage of recovery, at an estimated 2% or lower. As a result, financial modelling over a long term was not conducted, as the model results for one year suggested insufficient merit to forecast the future of the program.

CONCLUSION: RECOMMENDATIONS AND IMPLEMENTATION

Summary of Sponsorship Recommendations

A summary of the recommendations is provided below. Further details on the recommendations and implementation plan are included below.

Horticulture Bed Sponsorship

- Initiate a low-risk pilot Sponsorship Program in 2020 with the 34 Premium Beds recommended by staff (i.e. same scale as Oakville)
- Provide a standardized mix of “beautification” plants across the 34 Sponsorship Beds; similar to the existing Premium beds
- Initiate an on-line Sponsorship Registration program; First-Come-First-Serve on a specific announced Date following a marketing campaign to promote the Bed locations and Sponsorship Offering
- Minimize overhead costs by using City-controlled platforms for marketing such as social media,
- Establish a 5-year gross revenue target; based on 100% take-up of the initial 34-Beds 2020 Sponsorship Offering (\$19,890 annually) or 5% of maintenance costs
- Conduct sponsorship pilot program review at end of Year 2 (maintain/re-structure/discontinue).
- Consider a Year 3 expansion of 10 additional Premium beds (assuming 100% take-up of initial Offering)

Sports Field Sponsorship

- Do not implement a sponsorship program for sports fields
- Conduct further internal and external consultation related to risk and conflicts if the program is considered in the future.

Horticultural Bed Sponsorship Recommendations

Our team recommends the City initiate a low-risk pilot Sponsorship Program in 2020 with the 34 Premium Beds recommended by staff (i.e. same scale as Oakville). Offerings should be made available across all Wards of the City including the beds recommended by City staff. Within these beds, the City should continue to provide a standardized mix of “beautification” plants similar to the existing Premium beds. Utilizing existing operating maintenance practices will allow the City to avoid incurring additional program costs that may reduce the feasibility of the program.

As part of the program launch, the City should initiate a marketing campaign to promote the bed locations and sponsorship offering and generate public interest. The marketing should be targeted at local businesses as highlighted in the Marketing Strategy. In conducting the marketing, the City should emphasize the benefits of the program for local small businesses should be highlighted within the marketing campaign. To minimize overhead costs, Vaughan should use City-controlled platforms for marketing such as social media (cost-effective method of reaching local businesses and community groups).

In administering the program, the City should launch an on-line Sponsorship Registration program within their existing website linked from the horticulture page similar to the ‘Curb Appeal’ program. All supporting documents including applications and program information should be included on this webpage. First-Come-First-Serve registration should be provided with a launch on a date in the late winter. In future years, sponsors from the previous year should be provided an opportunity to sponsor the same bed prior it becoming publicly available.

Overall, the City should establish a 5-year net revenue target; based on 100% take-up of the initial 34-Beds 2020 Sponsorship Offering (\$8,300 annually) or 5% of maintenance costs. After two years, the City should conduct sponsorship pilot program review to consider the future of the program based on its operation (maintain/re-structure/discontinue). If the program is successful, the City should consider a Year 3 expansion of 10 additional Premium beds if there is 100% take-up of the initial offering.

Sports Field Sponsorship Recommendations

It is recommended Vaughan does not pursue a sports field sponsorship program. The financial returns for the program are expected to be less than 2% of maintenance costs per sponsored asset, which means the cost recovery for the City is low and below provincial targets. Pursuit of sports field sponsorship is a high risk endeavour as no other comparator municipality currently undertakes sports field sponsorship without capital improvement. This means adoption and financial returns are very uncertain as reliable market data is not available. Additionally, there are reputational, legal, and conflict risks for sports field sponsorship. These risks may prevent the sponsorship of certain assets. Vaughan should halt the exploration of this program, pending further internal and external consultation.

A 5-Year Horticulture Implementation Framework

The implementation of the sponsorship model is recommended to be undertaken using the implementation framework presented within this section. We have devised a framework for a timeline of 5 years that considers initial start-up, expansion and success of the horticultural program.

Year One (2020 - 2021)

- Validation of final inventory for the sponsorship program.
- Finalize sponsorships fees structure in prior to presentation to council.
- Gain council ratification to move forward with sponsorship program.
- Create application and agreement template.
- Create and implement a marketing campaign on City-controlled social media platforms directed towards local small businesses.
- Open registration for horticulture assets and secure sponsorships.
- Prepare media campaign to launch the program.

Year Two (2021 - 2022)

- Fulfill 2020-2021 sponsorship agreements, implement signage and renew/sell sponsorships for 2021-2022 season by set deadline.
- Promote and market any available beds with specified registration date.
- Continue with the same implementation methods as previous years.

Year Three (2022 - 2023)

- Conduct a program review to consider the future of the program at the end of the year (ie. maintain, restructure, or discontinue program).
- If there has been an 100% take-up of initial 34 beds, adding an additional 10 beds to the program should be considered.

Year Four (2024) & Year Five (2025)

- If full adoption occurs, further expansion of program should be considered, including upgrade of lower tier beds to premium, if needed.

APPENDIX A: SPONSORSHIP IN CANADIAN MUNICIPALITIES

Sponsorship in Canadian Municipalities

For the development of the City's sponsorship model, the project team examined other municipal sponsorship models and literature on municipal sponsorship to understand current practices and opportunities.

WHAT IS MUNICIPAL SPONSORSHIP?

Sponsorship typically means a mutually beneficial agreement between a municipality and an external business or organization in which a fee (cash and/or in-kind) is paid to a municipality-owned facility, event, or program in exchange for advertisement, recognition, or other pre-determined benefit. Sponsorship allows the sponsor to have access to the exploitable commercial potential that is associated with the municipal-owned facility.

Sponsorship is not philanthropy. A sponsorship agreement is meant to provide benefits for both parties. Sponsors expect a return on investment (ROI) when entering a sponsorship agreement with a municipality.

Sponsorship is not advertising. Sponsorship is a way for sponsors to reach the users of a facility as more than just an advertisement. Sponsorship agreements allow sponsors to be promoted by their association with a facility. Advertisement is only just a part of sponsorship. For example, a billboard advertisement may be used to display a particular product that is available in the hopes that people will see the advertisement and wish to purchase that product. Whereas, sponsorship associates a company and their products/services with events, programs, and facilities that are important to a community. Sponsorship creates a connection between a company and a community that cannot be achieved through advertisement alone.

WHAT DOES THE INDUSTRY IN CANADA LOOK LIKE?

Municipal sponsorship has been a growing trend across Canada as a method to grow revenue and offset costs. According to the 11th Annual Canadian Sponsorship Landscape Study (CSLS), the sponsorship industry in Canada is worth approximately \$3 billion per year, up from \$1.6 billion per year in 2006.

MOST COMMON FORMS OF MUNICIPAL SPONSORSHIP

Sponsorship in municipalities can take on many different forms and is an ever evolving industry. Some of the most common forms of municipal sponsorship include:

- Naming Rights
 - Agreements for naming rights can be applied to a variety of municipal facilities including arenas, swimming pools, sports fields, community centres, meeting rooms, and parks. Naming right agreements are made for multi-year terms, typically 5 years or longer.
- Program Sponsorship
 - Program sponsorship is available in many municipalities for children and youth programs, adult fitness and recreation programs, and senior initiatives. Common public programs that are chosen for sponsorship are free skates and free swims.
- Event Sponsorship
 - Event sponsorships are typically offered in different tiers for a given event. The sponsorship tiers outline what is included in the sponsorship package and fall within the following categories: recognition, print and signage, digital, web and social media, event venue, and exclusive opportunities. Any public event can be used to attract corporate sponsors such as festivals, concerts, parades, and holiday events.
- Advertising (Banners, Signs, Recreation Flyers, etc.)
 - Advertising is built into sponsorship agreements in some form depending on the facility, program, or event being sponsored. Sponsorship agreements will typically include advertising in some capacity. Most agreements include signs or banners at the sponsored facility but can also include advertisements within municipally circulated flyers or magazines.

Most municipalities offering opportunities for sponsorship are open to creating customized sponsorship agreements. Customized agreements allow sponsors to broaden their sponsorship commitment. For example, a corporate sponsor may wish to include program or event sponsorship to their naming rights agreement.

RISK ASSOCIATED WITH MUNICIPAL SPONSORSHIPS

There are risks associated with municipal sponsorships that must be carefully considered in order to mitigate potential problems and proceed with a well-designed program. The risks typically fall under two main types: reputational risks and financial risks.

A study undertaken to analyze the perception of the public regarding corporate sponsorship on park and recreation services surveyed users of Fairfax County Parks to determine which types of sponsorship activities and conditions would be acceptable for park and recreation facilities. The study provides insight into possible reputational risks associated with corporate sponsorship. The two main concerns that can be associated with reputational risks fall under the following two categories:

- **Negative perception of over commercialization of non-commercial public spaces**
 - The study outlined concerns that an over-abundance of signage and advertisement would diminish the user experience in park and recreation spaces. It was cited that users typically sought out park and recreation space to escape the over commercialization of most other facets of life.
- **Conflict of interest/sponsor fit**
 - A conflict of interest or bad sponsor fit could potentially lead to a reputational risk for a municipality and can be a result of many different scenarios, some not as anticipatable as others. Conflicting values between the sponsor and the sponsoring organization can be viewed as negative in the eyes of users and reflect badly on the municipality for approving the sponsorship. The study cited that many respondents found it inappropriate for a sponsor without a good environmental or healthy living track record to be associated with park and recreation spaces. Another reputational risk that is not readily foreseeable is a scenario where the corporate sponsor is involved in some sort of publicly objectionable behaviour. In this case the relationship between the Sponsor and the municipality could reflect badly on the municipality.

There is also an objective financial risk for municipalities considering or operating a sponsorship program. Financial risks fall under the following two categories:

- Uncertain uptake of sponsorship programs
 - The municipality makes a monetary investment in creating and promoting sponsorship programs, however, sponsorships are not guaranteed. There is a risk for loss of initial investment when creating sponsorship programs.
- Uncertain asset valuation for sponsorship pricing
 - Valuing assets improperly and/or inaccurately creates a financial risk within municipal sponsorship. Assets that are under-valued may attract more sponsors but will result in a loss for the municipality. Assets that are over-valued may cause sponsors to pass on an agreement if they do not see a return on their investment. Properly valued assets are in the best interest of both the municipality and the corporate sponsor.

An additional risk to implementation of a sponsorship program is conflict with existing community sponsorship programs. Existing sponsorship agreements may exist between community groups, such as sports clubs and sponsors. With the development of a sponsorship program at a facility used by the community group, there may be an expectation of the group sponsor to seek advertising space. There also exists the risk of conflicting sponsors to take part in community group and facility sponsorship programs, which may have a negative impact on both programs. The City faces reputational risk for the potential detraction of sponsors from both programs.

APPENDIX B: PEER BENCHMARKING MATRIX

City of Vaughan
Horticulture and Sports Fields Sponsorship Model Report - December 2019

City of Vaughan, Sports Fields and Horticultural Beds Service Level Review
Peer Survey

Premium Soccer Fields

Sponsorship

1. Do you offer sponsorship opportunities for premium soccer fields? ☐ Yes ☐ No
2. How many premium soccer fields do you have? How many of those fields have sponsorship opportunities available?

<input type="checkbox"/>	Premium Soccer Fields
<input type="checkbox"/>	Sponsorable Premium Soccer Fields
3. What types of sponsorship options do you offer for your soccer fields? What is the value of those sponsorship options?

<input type="checkbox"/>	Naming Rights	<input type="text"/>
<input type="checkbox"/>	Event Sponsorship	<input type="text"/>
<input type="checkbox"/>	Program Sponsorship	<input type="text"/>
<input type="checkbox"/>	Pouring Rights	<input type="text"/>
<input type="checkbox"/>	Other _____	<input type="text"/>
4. Do you offer advertisement opportunities alongside sponsorship? Are there bundling options?

Advertisement	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Bundling	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Maintenance

- | | | Instances | Hours |
|---|--|----------------------|----------------------|
| 5. What types of maintenance activities are required for premium soccer fields? How many instances per year are those activities performed? | <input type="checkbox"/> Fertilize | <input type="text"/> | <input type="text"/> |
| | <input type="checkbox"/> Overseed | <input type="text"/> | <input type="text"/> |
| | <input type="checkbox"/> Aerate | <input type="text"/> | <input type="text"/> |
| | <input type="checkbox"/> Sodding | <input type="text"/> | <input type="text"/> |
| | <input type="checkbox"/> Lining | <input type="text"/> | <input type="text"/> |
| 6. How many hours are typically required to perform each activity? | <input type="checkbox"/> Grass Cutting | <input type="text"/> | <input type="text"/> |
| | <input type="checkbox"/> Topdress | <input type="text"/> | <input type="text"/> |
| | <input type="checkbox"/> Irrigation | <input type="text"/> | <input type="text"/> |
| | <input type="checkbox"/> Garbage Removal | <input type="text"/> | <input type="text"/> |
| | <input type="checkbox"/> Other _____ | <input type="text"/> | <input type="text"/> |

City of Vaughan, Sports Fields and Horticultural Beds Service Level Review
Peer Survey

7. What is the estimated or average cost for staff and equipment per hour?

Staff

Equipment

Miscellaneous

8. Do you have any advice/lessons learned/best practices for the City of Vaughan regarding sponsorship or maintenance for premium soccer fields?

City of Vaughan Horticulture and Sports Fields Sponsorship Model Report - December 2019

City of Vaughan, Sports Fields and Horticultural Beds Service Level Review Peer Survey

Premium Baseball Diamonds

Sponsorship

- Do you offer sponsorship opportunities for premium baseball diamonds? ☐ Yes ☐ No
- How many premium baseball diamonds do you have? How many of those diamonds have sponsorship opportunities available?
☐ Premium Baseball Diamonds
☐ Sponsorable Premium Baseball Diamonds
- What types of sponsorship options do you offer for your baseball diamonds? What is the value of those sponsorship options?
☐ Naming Rights
☐ Event Sponsorship
☐ Program Sponsorship
☐ Pouring Rights
☐ Other _____ Value (\$)
☐ _____
☐ _____
☐ _____
☐ _____
- Do you offer advertisement opportunities alongside sponsorship? Are there bundling options?
 Advertisement ☐ Yes ☐ No
 Bundling ☐ Yes ☐ No

Maintenance

- What types of maintenance activities are required for premium baseball diamonds? How many instances per year are those activities performed?
☐ Fertilize
☐ Overseed
☐ Aerate
☐ Sodding
☐ Lining
☐ Grass Cutting
☐ Topdress
☐ Irrigation
☐ Grooming/Dragging Infields
☐ Garbage Removal
☐ Other _____
- How many hours are typically required to perform each activity?

City of Vaughan, Sports Fields and Horticultural Beds Service Level Review Peer Survey

- What is the estimated or average cost for staff and equipment per hour?

Staff

Equipment

Miscellaneous

- Do you have any advice/lessons learned/best practices for the City of Vaughan regarding sponsorship or maintenance for premium baseball diamonds?

City of Vaughan
Horticulture and Sports Fields Sponsorship Model Report - December 2019

City of Vaughan, Sports Fields and Horticultural Beds Service Level Review
Peer Survey

Premium Horticulture Beds

Sponsorship

1. Do you offer sponsorship opportunities for premium horticulture beds? ☐ Yes ☐ No
2. Where are your sponsorable horticulture beds located?
 - ☐ Major Roadways
 - ☐ Prominent Intersections
 - ☐ Downtown Merchant Areas
 - ☐ Residential Areas
 - ☐ Industrial Areas
 - ☐ Other _____
3. What types of sponsorship options do you offer for your horticulture beds?
 - ☐ Standard Annuals
 - ☐ Standard Perennials
 - ☐ Option to Customize Bed
 - ☐ Other _____
4. How do you highlight a sponsor of a horticulture bed?
 - ☐ Sign with Sponsor Information
 - ☐ Sponsor Logo Built Into Bed
 - ☐ Nothing
 - ☐ Other _____
5. How do you price your sponsorship options?
 - ☐ Seasonally
 - ☐ Annually
 - ☐ Multi-Year
 - ☐ Other _____
6. Is your sponsorship value based on a cost recovery percent? If yes, what is the percent? If no, how are your sponsorship costs determined?
 - ☐ Yes _____ %
 - ☐ No

City of Vaughan, Sports Fields and Horticultural Beds Service Level Review
Peer Survey

Maintenance

7. Is your municipality or the sponsor responsible for sponsored horticulture bed maintenance?
 - ☐ Municipality
 - ☐ Sponsor
 - ☐ Other _____
8. What types of maintenance activities are required for premium horticulture beds? How many instances per year are those activities performed?

	Instances	Hours
<input type="checkbox"/> Amend Soil		
<input type="checkbox"/> Rototilling		
<input type="checkbox"/> Planting		
<input type="checkbox"/> Weeding		
<input type="checkbox"/> Edging		
<input type="checkbox"/> Watering		
<input type="checkbox"/> Fertilizing		
<input type="checkbox"/> Disease Monitoring		
<input type="checkbox"/> Removal		
<input type="checkbox"/> Other _____		
9. How many hours are typically required to perform each activity?

<input type="checkbox"/> Amend Soil	
<input type="checkbox"/> Rototilling	
<input type="checkbox"/> Planting	
<input type="checkbox"/> Weeding	
<input type="checkbox"/> Edging	
<input type="checkbox"/> Watering	
<input type="checkbox"/> Fertilizing	
<input type="checkbox"/> Disease Monitoring	
<input type="checkbox"/> Removal	
<input type="checkbox"/> Other _____	
10. What is the estimated or average cost for staff and equipment per hour?

Staff	
Equipment	
11. What is the typical size of a premium horticulture bed?

Miscellaneous

12. Do you have any advice/lessons learned/best practices for the City of Vaughan regarding sponsorship or maintenance for premium horticulture beds?

City of Vaughan
Horticulture and Sports Fields Sponsorship Model Report - December 2019

	City of Vaughan	Town of Oakville	City of Mississauga	City of Richmond Hill	City of Markham	How Does Vaughan Compare?
Soccer Fields						
Sponsorship	<ul style="list-style-type: none"> No sponsorship is currently available for soccer fields 19 Premium Soccer Fields 	<ul style="list-style-type: none"> No sponsorship is available for soccer fields 44 Premium Soccer Fields 	<ul style="list-style-type: none"> No sponsorship is available for soccer fields 22 Premium Soccer Fields 	<ul style="list-style-type: none"> No sponsorship is available for soccer fields 10 Premium Soccer Fields 	<ul style="list-style-type: none"> No sponsorship is available for soccer fields 15 Premium Soccer Fields 	<ul style="list-style-type: none"> No municipalities have sponsorship available for soccer fields. Vaughan has more premium level soccer fields than Richmond Hill and Markham, but fewer fields than Oakville and Mississauga.
Maintenance	<ul style="list-style-type: none"> Maintenance activities are performed by municipal employees Activities include (Instances per season; Hours per instance): <ul style="list-style-type: none"> Fertilizing (5X; 4hrs) Overseeding (2X; 2.5hrs) Aerating (4X; 2hrs) Sodding (1X; 7hrs) Lining (30X; 2.5hr) Grass Cutting (60X; 1.5hr) Topdressing (2X; 6.5hrs) Irrigation (60X; 6hrs) Garbage Removal () Staff Cost - \$40/Hour Equipment Cost - \$40/Hour 	<ul style="list-style-type: none"> Maintenance activities are performed by municipal employees Activities include (Instances per season; Hours per instance): <ul style="list-style-type: none"> Fertilizing (3X; 2hrs) Overseeding (3X; 3hrs) Aerating (3X; 4hrs) Sodding (2X; 2hrs) Lining (20X; 1hr) Grass Cutting (60X; 1hr) Topdressing (2X; 2hrs) Irrigation (14X; 0.5hrs) Garbage Removal (80X; 0.25hrs) Staff Cost - \$110/Hour Equipment Cost - \$45/Hour 	<ul style="list-style-type: none"> Maintenance activities are performed by municipal employees Activities include (Instances per season; Hours per instance): <ul style="list-style-type: none"> Fertilizing (2-5X; 1hrs) Overseeding (3X; 2hrs) Aerating (5X; 2hrs) Sodding (as required) Lining (48X; 1hr) Grass Cutting (72X; 1.5hrs) Topdressing (1X; 2hrs) Irrigation (as required) Garbage Removal (120X; 0.25hrs) Rolling/Dethatching (as required) Staff Cost - \$25/Hour Equipment Cost - \$15/Hour 	<ul style="list-style-type: none"> Maintenance activities are performed by municipal employees Activities include (Instances per season): <ul style="list-style-type: none"> Fertilizing (Monthly) Overseeding (Monthly) Aerating (Monthly) Sodding (Fall & Ongoing) Lining (48X) Grass Cutting (72X) Topdressing (Monthly) Irrigation (96X) Garbage Removal (Daily) 	<ul style="list-style-type: none"> Maintenance activities are performed by municipal employees Activities include (Instances per season): <ul style="list-style-type: none"> Fertilizing (5X) Overseeding (5X) Aerating (5X) Sodding (As Required) Lining (Weekly) Grass Cutting (48X) Topdressing (5X) Irrigation (As Required) Garbage Removal (Daily) Staff Cost - \$35/Hour Equipment Cost - \$15/Hour 	<ul style="list-style-type: none"> All municipalities perform their own maintenance for soccer fields. Most maintenance activities are performed similarly across all municipalities. Outliers include overseeding and irrigation. Vaughan performs overseeding the least of the peer municipalities. Irrigation is the most variable among the respondents. Vaughan performs irrigation approx. twice a week, Richmond Hill is the most similar at three times a week. Mississauga also rolls/dethatches their soccer fields. Staff and equipment costs vary greatly across the municipalities. Oakville has the highest costs and Mississauga has the lowest costs. Vaughan has higher costs than Mississauga and Markham but lower costs than Oakville.

City of Vaughan
Horticulture and Sports Fields Sponsorship Model Report - December 2019

	City of Vaughan	Town of Oakville	City of Mississauga	City of Richmond Hill	City of Markham	How Does Vaughan Compare?
Advice/Lessons Learned/Best Practices	<ul style="list-style-type: none"> Irrigation for premium sport fields is managed by a central computer system which assists with limiting water consumption. Fields are routinely inspected in order to maintain a high quality. Policy for Managing Use on Premium Soccer Fields which outlines the allowable use to reduce wear and tear on premium fields and ensure the fields receive proper maintenance and safety checks. 	<ul style="list-style-type: none"> Field inspections including all amenities are done bi-weekly and electronically kept. Daily visits to ensure fields are playable every night and to address any deficiencies or safety concerns. Documented monthly inspections for due diligence and liability. "Spend your money between the hash marks" In other words do not treat entire field the same. Border grass area will always be in better shape than center of the field. 	<ul style="list-style-type: none"> Outdoor Sports Field Management Policy outlines use and maintenance of all outdoor sport fields. 	<ul style="list-style-type: none"> Lining and irrigation are weather dependent, therefore maintenance instances will fluctuate. Work with agronomist to monitor soil and field conditions and built maintenance program. Notes that a lower profile in terms of advertisement and signage at recreational spaces is preferred. 		
Baseball Diamonds						
Sponsorship	<ul style="list-style-type: none"> No sponsorship is currently offered for baseball diamonds 12 Premium Baseball Diamonds 	<ul style="list-style-type: none"> No sponsorship is available for baseball diamonds 23 Premium Baseball Diamonds 	<ul style="list-style-type: none"> No sponsorship is available for baseball diamonds 42 Premium Baseball Diamonds 	<ul style="list-style-type: none"> No sponsorship is available for baseball diamonds 10 Premium Baseball Diamonds 	<ul style="list-style-type: none"> No sponsorship is available for baseball diamonds 47 Premium Baseball Diamonds 	<ul style="list-style-type: none"> No municipalities have sponsorship available for baseball diamonds. Vaughan has more premium level baseball diamonds than Richmond Hill, but fewer diamonds than the other peer municipalities.
Maintenance	<ul style="list-style-type: none"> Maintenance activities are performed by municipal employees Activities include (Instances per season; Hours per instance): <ul style="list-style-type: none"> Fertilizing (5X; 4hrs) Overseeding (2X; 2.5hrs) Aerating (4X; 2hrs) Sodding (1X;3hrs) Lining (30X; 2.5hrs) Grass Cutting (60X; 1.5hrs) Topdressing (2X; 6.5hrs) Irrigation (60X; 6hrs) 	<ul style="list-style-type: none"> Maintenance activities are performed by municipal employees Activities include (Instances per season; Hours per instance): <ul style="list-style-type: none"> Fertilizing (3X; 1hrs) Overseeding (3X; 2hrs) Aerating (3X; 3hrs) Sodding (2X; 2hrs) Lining (20X; 0.5hrs) Grass Cutting (60X; 1hrs) Topdressing (2X; 1hrs) Irrigation (14X; 0.5hrs) 	<ul style="list-style-type: none"> Maintenance activities are performed by municipal employees Activities include (Instances per season; Hours per instance): <ul style="list-style-type: none"> Fertilizing (2-5X; 1hr) Overseeding (2X; 2hrs) Aerating (3X; 2hrs) Sodding (as required) Lining (48X; 0.5hrs) Grass Cutting (72X; 1.5hrs) Topdressing (as required) Irrigation (as required) Groom/Dragging Infields (120X; 0.5hrs) 	<ul style="list-style-type: none"> Maintenance activities are performed by municipal employees Activities include (Instances per season): <ul style="list-style-type: none"> Fertilizing (6X) Overseeding (6X) Aerating (6X) Sodding (Fall & Ongoing) Lining (48X) Grass Cutting (72X) Topdressing (6X) Irrigation (96X) 	<ul style="list-style-type: none"> Maintenance activities are performed by municipal employees Activities include (Instances per season): <ul style="list-style-type: none"> Fertilizing (5X) Overseeding (5X) Aerating (5X) Sodding (As Required) Lining (Weekly) Grass Cutting (48X) Topdressing (5X) Irrigation (As Required) 	<ul style="list-style-type: none"> All municipalities perform maintenance on their own baseball diamonds. All municipalities including Vaughan perform fertilizing, sodding, lining, grass cutting, groom/dragging infields, and garbage removal at a similar frequency throughout the season. Overseeding, aerating, top dressing, and irrigation activities vary in frequency across the surveyed municipalities. Irrigation has the most variance across the peers. Mississauga also rototills the warning track at their baseball diamonds.

City of Vaughan
Horticulture and Sports Fields Sponsorship Model Report - December 2019

	City of Vaughan	Town of Oakville	City of Mississauga	City of Richmond Hill	City of Markham	How Does Vaughan Compare?
	<ul style="list-style-type: none"> ○ Groom/Dragging Infields (154X; 1.5hrs) ○ Garbage Removal (hrs) • Staff Cost - \$40/Hour • Equipment Cost - \$40/Hour 	<ul style="list-style-type: none"> ○ Groom/Dragging Infields (120X; 0.5hrs) ○ Garbage Removal (80X; 0.25hrs) • Staff Cost - \$110/Hour • Equipment Cost - \$45/Hour 	<ul style="list-style-type: none"> ○ Garbage Removal (120X;0.25hrs) ○ Rototilling Warning Track (5X; 2hrs) • Staff Cost - \$25/Hour • Equipment Cost - \$20/Hour 	<ul style="list-style-type: none"> ○ Groom/Dragging Infields (Daily) ○ Garbage Removal (Daily) 	<ul style="list-style-type: none"> ○ Groom/Dragging Infields (Daily) ○ Garbage Removal (Daily) • Staff Cost - \$35/Hour • Equipment Cost - \$15/Hour 	<ul style="list-style-type: none"> • Staff and equipment costs were the same between soccer fields and baseball diamonds.
Advice/Lessons Learned/Best Practices	<ul style="list-style-type: none"> • Maintenance for premium baseball diamonds is similar to maintenance for premium soccer fields. • Fields are inspected regularly to ensure they maintain a high quality. 	<ul style="list-style-type: none"> • Daily visits to ensure fields are playable every night and to address any deficiencies or safety concerns. Documented monthly inspections for due diligence and liability. 	<ul style="list-style-type: none"> • Outdoor Sports Field Management Policy outlines use and maintenance of all outdoor sport fields. 	<ul style="list-style-type: none"> • Lining and irrigation are weather dependent, therefore maintenance instances will fluctuate 	<ul style="list-style-type: none"> • Grade A baseball diamonds may require more maintenance on weekends if there is a tournament or other event 	
Horticulture Beds						
Sponsorship	<ul style="list-style-type: none"> • Sponsorship is currently not available for horticultural beds 	<ul style="list-style-type: none"> • Sponsorship is offered for horticulture beds, the program is called Oakville Blooms. • Sponsorable beds are located on major roadways and use standard annual flowers and shrubs • A double-sided sign with the sponsor's information is displayed at each bed • Sponsorship is offered and priced on an annual basis • Cost of sponsorship is based on 100% cost recovery for both maintenance and materials 	<ul style="list-style-type: none"> • Sponsorship is not offered for horticulture beds 	<ul style="list-style-type: none"> • Sponsorship is not offered for horticulture beds 	<ul style="list-style-type: none"> • Sponsorship is not offered for horticulture beds 	<ul style="list-style-type: none"> • Only Oakville currently has a sponsorship program for horticultural assets. Their program has been successful and well received by the community.

City of Vaughan
Horticulture and Sports Fields Sponsorship Model Report - December 2019

	City of Vaughan	Town of Oakville	City of Mississauga	City of Richmond Hill	City of Markham	How Does Vaughan Compare?
Maintenance	<ul style="list-style-type: none"> Maintenance activities on sponsorable beds is performed by municipal employees Activities include (Instances per season; Hours per instance): <ul style="list-style-type: none"> Amending Soil (1X; 0.5hr) Rototilling (1X; 0.16hr) Planting (1X; 0.5hr) Weeding (11X; 0.5hr) Edging (5X; 0.15hr) Watering (42X; 0.15hr) Fertilizing (21X; 0.15hr) Disease Monitoring (30X; 0.17hr) Removal (1X; 0.5hr) Staff Cost - \$70.08/Hour Equipment Cost - \$2.54/Hour A typical bed size is 5.85 square meters 	<ul style="list-style-type: none"> Maintenance activities on sponsorable beds is performed by municipal employees Activities include (Instances per season; Hours per instance): <ul style="list-style-type: none"> Amending Soil (1X; 1hr) Rototilling (1X; 1hr) Planting (1X; 1hr) Weeding (16X; 1hr) Edging (16X; 1hr) Watering (32X; 1hr) Fertilizing (8X; 1hr) Disease Monitoring (16X; 1hr) Removal (1X; 1hr) Staff Cost - \$110/Hour Equipment Cost - \$25/Hour A typical bed size is 20-25 square meters 	<ul style="list-style-type: none"> Maintenance activities on sponsorable beds is performed by municipal employees Activities include (Instances per season; Hours per instance): <ul style="list-style-type: none"> Amending Soil (1X; 1hr) Rototilling (1X; 1hr) Planting (1X; 1hr) Weeding (10X; 1hr) Edging (2X; 1hr) Watering (48-72X) Fertilizing (1X; 1hr) Disease Monitoring (as required) Removal (1X; 1hr) Staff Cost - \$25/Hour No equipment cost was noted A typical bed size is 20-50 square meters 	<ul style="list-style-type: none"> Maintenance activities on sponsorable beds is performed by municipal employees Activities include (Instances per season; Hours per instance): <ul style="list-style-type: none"> Amending Soil (2X) Rototilling (2X) Planting (2X) Edging (Weekly) Watering (Daily) Fertilizing (48X) Disease Monitoring (Weekly) Removal (1X) Staff Cost - \$30.38/Hour Equipment Cost - \$100/Hour Beds all vary in size – there is no typical size bed 	<ul style="list-style-type: none"> Maintenance activities on sponsorable beds is performed by municipal employees Activities include: <ul style="list-style-type: none"> Amending Soil Rototilling Planting Edging Watering Fertilizing Disease Monitoring Removal Staff Cost - \$35/Hour Equipment Cost - \$15/Hour 	<ul style="list-style-type: none"> All municipalities perform maintenance on their own horticulture beds. Many of the maintenance activities for horticulture beds vary in frequency between the surveyed municipalities. Amending soil, rototilling, planting, and removal are performed at a similar frequency. Weeding, edging, watering, fertilizing, and disease monitoring all vary in frequency. Vaughan performs their maintenance activities quicker than the other municipalities. Staff and equipment costs vary greatly across the municipalities. Oakville has the highest costs and Mississauga has the lowest costs. Vaughan has higher staff costs than Mississauga, Richmond Hill, and Markham. However, Vaughan has much lower costs for equipment than all other municipalities. Vaughan's typical horticulture bed size is much smaller than the peer municipalities.
Advice/Lessons Learned/Best Practices	<ul style="list-style-type: none"> Vaughan's Beautification Strategy outlines how each horticultural bed is evaluated into the four LOS categories. Assets are classified as basic, standard, enhanced, and premium depending on location. The types of plants used in each bed are also dictated by the Beautification Strategy. 	<ul style="list-style-type: none"> They have had good success with their sponsorship program, Oakville Blooms. Location is key. Some beds were not being sponsored because of poor location and other beds have an extensive waiting list. 		<ul style="list-style-type: none"> Maintenance hours depend on size of bed. Varies by Bed. Established a parks level of service for horticulture. 		

APPENDIX C: SPONSORSHIP APPLICATION AND AGREEMENT TEMPLATES

DISCLAIMER

This contract is a sample and provided to you for informational purposes only and should not be relied on as or considered to be legal advice. Nothing herein constitutes the establishment of a solicitor-client relationship between you and any person involved in the drafting of this contract.

This contract is not intended to and does not address the unique facts and circumstances of your situation and should not be duplicated without consideration of your specific needs and risk tolerance. Therefore, you should not use this contract without first obtaining the advice of your in-house or external legal counsel.

We make no claims, promises, or guarantees about the accuracy, completeness, or adequacy of any information contained in this contract. Any action you take upon the information in this contract is strictly at your own risk, and we will not be liable for any losses or damages in connection with your use of this contract.

SPONSORSHIP AGREEMENT

THIS SPONSORSHIP AGREEMENT (the “Agreement”) made as of **XXXXXXX** (the “Effective Date”).

BETWEEN: **THE CORPORATION OF THE CITY OF VAUGHAN**, an entity having a space of business at 2141 Major Mackenzie Dr., Vaughan, Ontario, L6A 1T1;

(hereinafter, the “City”)

AND: **XXXXXXXX**, a **corporation/business/entity** having its head office at **XXXXXXXXXXXXXX**;

(hereinafter, the “Sponsor”)

(individually, a “Party” and, collectively, the “Parties”)

RECITALS:

1. The City has organized the Sports Field Sponsorship Program (the “Program”);
2. The City requires sponsors for the Program; and
3. The Sponsor desires to sponsor **XXXXXXXX Field** (the “Field”) as part of the Program by making a financial contribution pursuant to the terms and conditions set out herein.

In consideration of the covenants, rights and obligations set out below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1.0 SCHEDULES AND ENTIREMENT AGREEMENT

1.1 The following schedules form part of this Agreement:

Schedule	Description
Schedule “A”	Sponsorship Benefits
Schedule “B”	Sponsor Signs
Schedule “C”	Official Marks
Schedule “D”	Sponsor Marks

1.2 This Agreement constitutes the entire agreement between the Parties concerning the subject matter herein. All prior agreements, discussions, representations, warranties and covenants are merged herein. There are no warranties, representations, covenants or agreements, expressed or implied, between the parties except those expressly set forth in this Agreement. Any amendments or modifications of this agreement shall be in writing and executed by the Parties.

2.0 PAYMENT TERMS

- 2.1 The Sponsor shall pay to the City the sum of \$XXXXX in accordance with the payment schedule set out below:

Date	Payment

- 2.2 Payment will be made by cheque payable to the City and identified as being made for the Program.
- 2.3 Late payment will be subject to monthly interest of 2%, compounded monthly. Interest will accrue daily from the due date on each invoice until the account is paid in full. Payments are applied first to interest and then to invoices, from oldest to most recent.
- 2.4 None of the sponsorship benefits or rights herein will be released until payment in full is made to the City in accordance with Article 2.
- 2.5 The Parties acknowledge and agree that the payments made pursuant to this Agreement are in consideration for only the sponsorship benefits and rights described herein and do not replace, reduce, eliminate or otherwise abate any current obligations, financial or otherwise, that the Sponsor has with the City.

3.0 SPONSORSHIP BENEFITS

- 3.1 The City will provide to the Sponsor, the following benefits, all in accordance with Schedules A and B and the terms and conditions herein:
- a) Naming rights to the Field with four signs displayed around the Field;
 - b) Advertising activities; and
 - c) Free rental of the Field.
- 3.2. The Sponsor shall exercise the sponsorship benefits in accordance with all applicable laws and all applicable City guidelines, rules, regulations, and/or policies in place from time to time.

4.0 SPONSORSHIP RIGHTS

- 4.1 Subject to the terms and conditions of this Agreement, the sponsorship rights conferred to the Sponsor pursuant to this Agreement shall consist of the following:
- a) The non-exclusive right to associate the Sponsor's marks, as outlined in Schedule B (the "Sponsor Marks"), with the City during the Term; and
 - b) The non-exclusive right to use the phrases "Pleased to support the City of Vaughan" and "Pleased to partner with the City of Vaughan" or other similar mutually agreed-

upon phrases during the Term for the activities outlined in Schedule A and Article 5 and any other mutually agreed-upon activities that may the Sponsor may undertake with respect to the Program.

- 4.2 If the Sponsor wishes to independently undertake a promotional activity related to its sponsorship of the Program, the Sponsor shall provide at least six (6) weeks written notice to the City in advance. The Sponsor must obtain the City's approval in writing to undertake such independent activity, whether or not the Sponsor intends to use the City's official marks, as outlined in Schedule A (the "Official Marks"). For certainty, the City will not approve any request that conflicts with exclusive rights already granted by the City to a third party.

5.0 OFFICIAL MARKS

- 5.1 The City grants the Sponsor a non-exclusive, royalty-free, world-wide license to use its Official Marks during the Term on marketing or advertising material developed and used to promote the Sponsor's support of the Program, subject to the limitations set out in this Agreement.
- 5.2 At all times the Official Marks shall remain the Property of the City.
- 5.3 The Sponsor will comply with any guidelines set by the City for the use of the Official Marks. The Sponsor will obtain the written approval of the City at least five (5) days prior to the use of any marketing or advertising material which uses the Official Marks or refers to the City or the Program. The City shall not unreasonably withhold approval.
- 5.4 In the event the Sponsor defaults on any of the obligations set out in this Agreement, the City will have the right to terminate the Sponsor's right to use the Official Marks immediately upon written notice of such default. The City may, at its sole and absolute discretion, provide a period in which the Sponsor may cure the default.
- 5.5 Upon termination of the Sponsor's right to use the Official Marks, the Sponsor will immediately cease any and all use or display of the Official Marks.
- 5.6 The Sponsor shall take no action to damage the goodwill associated with the Official Marks, or use the Official Marks in any manner that directly or indirectly harms or adversely affects the City's reputation or standing.

6.0 SPONSOR MARKS

- 6.1 The Sponsor grants to the City a non-exclusive, royalty-free, world-wide license to use the Sponsor Marks in association with the operation, advertising and promotion of the Program.
- 6.2 At all times the Sponsor Marks shall remain the property of the Sponsor.
- 6.3 The City's use of the Sponsor Marks will be subject to the Sponsor's consent, which shall not be unreasonably withheld. The City will comply with reasonable guidelines set by the Sponsor for the use of the Sponsor Marks. The City will make a reasonable effort to obtain written approval from the Sponsor at least forty-eight (48) hours prior to

the use of any marketing or advertising material which uses the Sponsor Marks. The Parties acknowledge and agree that under urgent circumstances the City may seek such approval on a same-day or several-hour basis, and the Sponsor shall use best efforts to provide approval under such circumstances.

- 6.4 The City is not obligated to use a particular form of the Sponsor Marks and reserves the right to use a colour or black-and-white version of the Sponsor Marks, or the Sponsor's word mark only.
- 6.5 In the event the City defaults on any of the conditions set out in Article 6 of this Agreement, the Sponsor has the right to terminate the City's right to use any Sponsor Marks after receiving written notice of such default, provided that the City is given five (5) business days to cure such default, or such other greater period of time set by the Sponsor, after written notice of the default is given.
- 6.6 In the event of termination of the City's right to use the Sponsor Marks, the City will promptly cease to produce materials that contain the Sponsor Marks. The City may continue to use or display materials that contain the Sponsor Marks which have been approved by the Sponsor as of the date of termination for a period of up to three (3) months after the date of termination.

7.0 OBLIGATIONS OF THE SPONSOR *[Insert or delete obligations as needed.]*

In consideration of the benefits set out in this Agreement, the Sponsor shall, subject to and in accordance with the terms and conditions of this Agreement:

- a) Support the City with payment of the fee outlined and payable in accordance with Article 2 above;
- b) Provide a non-exclusive, non-transferable, revocable license to the Sponsor Marks for use by the City in communication and promotional materials for the duration of the Term in connection with the Program;
- c) Provide all necessary visuals and materials to the City for the purposes of promoting the Sponsor in accordance with this Agreement;
- d) Provide approval and/or comments to the City regarding communication and promotional material developed by the City concerning the Sponsor within five (5) days of reception or any other period mutually agreed by the parties; and
- e) Ensure the Sponsor and its employees, agents and representatives conduct themselves in a professional manner so as to maintain the good name, image and reputation of the City; and
- f) Ensure the Sponsor and its employees, agents and representatives do not exercise any of the rights or benefits conferred by this Agreement in any manner that directly or indirectly damages the goodwill associated with the City or harms or adversely affects the City's reputation or standing.

8.0 OBLIGATIONS OF THE CITY *[Insert or delete obligations as needed.]*

In consideration of the benefits set out in this Agreement, the City shall, subject to the terms

and conditions of this Agreement:

- a) Provide all visuals and materials necessary for the purposes of promoting the Sponsor as may be agreed to from time to time by the Parties in writing;
- b) Provide the Sponsor with Program plans for reference prior to the execution of the Program;
- c) Include recognition of the Sponsor as a contributor to the Program on media releases related to the Program during the Term, if any;
- d) Include recognition of the Sponsor as a corporate sponsor on the website of the City during the Term;
- e) Provide the Sponsor with access to the Official Marks for purposes of use by the Sponsor on promotional materials approved by the City for the duration of the Term;
- f) Authorize the Sponsor to communicate the sponsorship provided hereunder through various internal and external communications tools, including but not limited to its website;
- g) Provide approval and/or comments to the Sponsor regarding communication and promotional material concerning the City within five (5) days of reception or any other period mutually agreed by the parties;
- h) Provide the Sponsor with free rental of the Field in accordance with Schedule A;
- i) Ensure the representatives and members of the City conduct themselves in a professional manner so as to support and maintain the good name, reputation and the image of the Sponsor; and
- j) In accordance with Schedule B, manufacture and install, at its sole expense, four (4) signs in and/or around the Field, displaying the Sponsor Marks and/or Business Information (as defined in Schedule A) prominently.

9.0 THIRD PARTY AFFILIATION

- 9.1 The Sponsor shall not permit any trademark, trade name, emblem, logo or other marks denoting or identifying any third party or any third party's products or services to appear in or otherwise form a part of any marketing or advertising materials which display the Official Marks without the prior written consent of the City.
- 9.2 The Sponsor shall not participate in a promotion or activity with a person who is not a sponsor of the Program using the Official Marks or otherwise implying an association with the City, or its events, programs, services, and/or facilities without the prior written consent of the City.

10.0 REPRESENTATIONS AND WARRANTIES *[Insert additional representations and warranties as needed.]*

- 10.1 Each of the Parties represents and warrants that the signatories to this Agreement have been duly authorized to execute and deliver this Agreement on its behalf, that the execution, delivery and performance of this Agreement have been duly and validly authorized and that when executed and delivered, this Agreement will constitute a legal, valid and binding obligation enforceable in accordance with its terms.
- 10.2 The Sponsor represents and warrants that the City's use of the Sponsor Marks will not infringe any other party's intellectual property rights or moral rights and that the Sponsor Marks can be lawfully used in connection with the Program.

11.0 NOTICES AND AMENDMENTS

- 11.1 All notices, demands, amendments or other communications required or permitted by this Agreement to be given to any Party shall be in writing and shall be:

- a) delivered either to the individual designated below for such Party, or to an individual having apparent authority to accept deliveries on behalf of such Party at its physical address set out below;
- b) sent by registered mail; or
- c) sent by electronic mail

at or to the applicable addresses or electronic mail addresses set out below or to such other contact, address or electronic mail address as may be designated by a Party from time to time:

The Sponsor's contact information:

The City's contact information:

Municipal Partnerships Office
Vaughan City Hall, 2nd Floor
2141 Major Mackenzie Drive
Vaughan ON L6A 1T1
ecd@vaughan.ca

12.0 PUBLIC ANNOUNCEMENTS

- 12.1 The Parties will not publicly announce the existence or nature of the sponsorship arrangement formed under this Agreement until both Parties consent to such announcement.
- 12.2 The Parties will provide reasonable advance notice to each other of public announcements, events and ceremonies respecting activities governed by this Agreement. The Parties will make a reasonable effort to provide an opportunity for the other Party to participate in such announcements, events and ceremonies.

13.0 TERM

- 13.1 The term of this Agreement shall commence on the Effective Date and remain in effect until **XXXXXXXX** unless earlier terminated in accordance with Article 15 of this Agreement (the “Term”).

14.0 DISPUTE RESOLUTION

- 11.1 If a dispute arises concerning the application or interpretation of this Agreement, the Parties will attempt to resolve the matter through negotiation, and may, unless set out otherwise herein, by mutual consent and at the sole and absolute discretion of the Parties, resolve the matter through mediation with a mutually acceptable mediator or arbitration process in accordance with the *Commercial Arbitration Code* set out in the *Commercial Arbitration Act* (Canada).

15.0 DEFAULT AND TERMINATION [*Insert termination for cause obligations if needed*]

- 15.1 In the event of default by either Party of any material term or condition of this Agreement, and subject to Articles 5.4 and 6.5, the defaulting Party will have fifteen (15) days after receiving notice of the default to cure the default or to take steps satisfactory to the other Party to remedy the default, failing which the other Party may terminate this Agreement effective immediately at the end of such fifteen (15) day period by providing notice of termination.
- 15.2 The City may terminate this Agreement for convenience by providing ten (10) days prior written notice to the Sponsor.
- 15.3 Either Party may terminate this Agreement:
- a) immediately, upon written notice to the other, if the other Party becomes bankrupt or insolvent or enters into liquidation (other than a voluntary liquidation for the purpose of reconstruction, amalgamation, or similar reorganization) or has a receiver appointed;
 - b) on fifteen (15) days prior written notice, if the other party has ceased to carry on business or undergoes a material change in its business activities; and
 - c) immediately, upon written notice, in the event that the other Party, including its affiliates and representatives, commits or becomes involved in any activity after the date of this Agreement that results in a reputational risk to either Party, including without limitation activities which cause offence, outrage, ridicule or contempt and which otherwise may negatively affect the reputation of either Party among the public.
- 15.4 If this Agreement is terminated before the expiration of the Term, and except if it is terminated pursuant to Articles 15.1 and 15.3(c):
- a) the Sponsor will receive a pro rata refund of any amounts paid, or pro rata extinguishing of any amounts due, or both as the case may be for any sponsorship rights or benefits not received by the Sponsor at the time of termination, and such

amount shall release the City's from any further liability to the Sponsor with respect to such termination; and

- b) the Sponsor shall make a pro rata payment for any sponsorship rights or benefits received and not paid for at the time of termination.

16.0 INDEMNITY AND LIMITATION OF LIABILITY *[Revise to City's needs.]*

16.1 Each Party will indemnify the other Party, its affiliates, and each of their respective directors, officers, employees, elected officials (in the case of the City), agents, successors and assigns from and against any liability, loss, cost, damage, claim, settlement, penalty or expense they may incur, including reasonable legal fees and court costs, as a result of:

- a) the negligence or willful misconduct of the indemnifying Party or any agent or contractor acting on its behalf;
- b) any improper use of the Official Marks (in the case of the Sponsor) and any use of the Sponsor Marks (in the case of the City), including any claim that such use violates any third party intellectual property right; and
- c) any injuries to persons and/or property sustained at any event or activity held or conducted pursuant to the Program, except to the extent that such injury to property or person was caused by the negligence or misconduct of the other Party or any agent, employee or contractor acting on its behalf.

16.2 In no event shall the City be liable to the Sponsor for any consequential, incidental, special reliance or indirect damages (including without limitation lost revenue and lost profits) arising out of or related to the Program, its cancellation or any changes thereto in location, date or otherwise, whether such claim is based in contract, tort or otherwise.

16.3 Each Party shall defend and indemnify the other Party against any third party claim, suit, or proceeding arising out of, related to, or alleging unauthorized disclosure or exposure of personally identifiable information and personal information.

17.0 INSURANCE

17.1 The Sponsor will be responsible for maintaining a commercially reasonable type and amount of insurance (approximately \$2,000,000.00) to cover its participation in Program activities.

18.0 GENERAL PROVISIONS

18.1 **Construction.** The Parties agree that the terms of this Agreement result from negotiations between them. This Agreement will not be construed in favor of or against either Party by reason of authorship.

18.2 **Agency.** Nothing in this Agreement is to be construed as authorizing one Party to contract for or to incur any obligation on behalf of the other, or to act as agent for the other Party; or creating a joint venture or agency relationship between the Parties.

- 18.3 **Severability.** If any one or more of the provisions of this Agreement shall be found to be illegal or unenforceable, this Agreement shall remain in full force and effect, and such term or provision shall be deemed severed.
- 18.4 **Nondisclosure.** Neither Party shall use any confidential information of the other Party for any purpose other than to facilitate the transactions contemplated by this Agreement.
- 18.5 **Waiver.** No failure by either Party hereto at any time to give notice of any breach by the other Party of, or to require compliance with, any condition or provision of this Agreement shall be deemed a waiver of similar or dissimilar provisions or conditions at the same or at any prior or subsequent time.
- 18.6 **Jurisdiction.** This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario.
- 18.7 **Assignment and Sub-license.** Neither Party may assign this Agreement to another Party, or any part thereof, nor any amount payable there under, without the prior written consent of the other Party. Neither Party may assign or sub-license the licenses granted to it under this Agreement without the prior written consent of the other Party.
- 18.8 **Force Majeure.** No delay, failure, or default, other than a failure to pay fees when due, will constitute a breach of this Agreement to the extent caused by acts of war, terrorism, earthquakes, other acts of God or of nature, strikes or other labour disputes, riots or other acts of civil disorder, embargoes, or other causes beyond the performing Party's reasonable control.
- 18.9 **Counterparts.** This Agreement may be executed in one or more counterparts. Each counterpart will be an original, but all such counterparts will constitute a single instrument.

IN WITNESS WHEREOF the Parties have signed, by their duly authorized representatives:

XXXXXXX

**THE CORPORATION
OF THE CITY OF
VAUGHAN**

Per: _____
Name:
Title:

Date:

Per: _____
Name:
Title:

Date:

SCHEDULE A SPONSORSHIP BENEFITS

The City will provide to the Sponsor the benefits described below. *[Insert particulars of the Sponsorship Benefits on a case-by-case basis.]*

1. Naming rights to the Field. *[Insert desired name, parameters or limitations.]*
2. In accordance with Schedule B, four (4) signs displayed around the Field containing the Sponsor Marks and/or business information. For the purposes of this Agreement, the Sponsor's business information shall consist of the following information (the "Business Information"): *[Insert Sponsor company name, contact information, etc. as agreed to by the Parties.]*
XXXXXX
3. Advertising across various forms of communications. Design of advertising to be undertaken by the City in consultation with the Sponsor. Final design of advertisements to be determined by the City. Advertisements to be undertaken using any approved Sponsor Marks, in accordance with Article 6 of this Agreement. Advertisement benefits will include the following on a yearly basis during the Term: *[Insert advertising activities and details as agreed to.]*
 - a. Three (3) promoted posts on Social Media;
 - b. Inclusion of Sponsor name in promotional materials for events at the Field;
 - c. ¼ page ad in two (2) annual publications of the City Recreation Guide;
 - d. Two (2) Recreation App Banner ads on City Recreation App, for a duration of four (4) weeks each;
 - e. Mention of sponsored venue in two (2) annual publications of the City Recreation Guide;
 - f. Advertisement on City-owned television channels;
 - g. Sponsor identification on venue profile available on City of Vaughan website; and
 - h. Recognition of Sponsor in miscellaneous printed materials (brochures, maps);
4. Two (2) tickets to annual Mayor's Gala event per year during the term.
5. Free rental of the sponsored field for **XX hours** per year during the term. Bookings will be for a **X hour** period and scheduled to avoid disruption with public use. Bookings to be arranged through Recreation Services' permit unit and will be booked around seasonal bookings and pending availability. If and when the Sponsor rents the Field, the Sponsor will, upon request, add the City of Vaughan as additional insured on the existing corporation's insurance policy.

SCHEDULE B SPONSOR SIGNS

Design and Installation

Insert design and installation obligations. Examples include:

- 1) The size and specifications of the signs shall be determined by and mutually agreed upon by the Parties acting reasonably, provided that the City shall have the authority to finally resolve any dispute with respect to size or specifications.
- 2) The signs shall be installed at the Field in locations determined by the City.
- 3) Sign placement and size shall be as follows:
 - a. A sign (X cm x X cm) to be mounted at park/Field entrance *[Insert location description.]*
 - b. A sign (X cm x X cm) to be mounted at the Field *[Insert location description.]*
 - c. A sign (X cm x X cm) to be mounted on supporting infrastructure *[Insert location description.]*
 - d. A sign (X cm x X cm) to be mounted on supporting infrastructure *[Insert location description.]*
- 4) The signs shall display the Sponsor Marks and/or Business Information, and such other content as the Parties may agree, provided that the City shall have the authority to finally resolve any dispute with respect to design or content.
- 5) Design, manufacture and installation shall be arranged by the City, and all associated costs shall be paid for by the City.
- 6) The signs shall be installed by XXXXX, 2020 and shall remain in place until XXXXX.]

Maintenance

[Insert description of maintenance and repair responsibilities.]

Liability

[Insert liability or indemnity provisions if required.]

**SCHEDULE C
OFFICIAL MARKS**



The City of Vaughan logo depicts the clock tower of the municipality's eco-friendly City Hall. This distinctive architectural feature provides an iconic symbol of the City and its development as a sustainable community. The five white lines represent Vaughan's historic centres, symbolizing a continuity with the past since the City's incorporation in 1991. The choice of bright corporate colours recalls a rural heritage and highlights the preservation of green space as the City evolved into a major urban centre. The logo design has a modern flair with clean typography that reflects the City's growth as a vibrant and successful community.

BLUE

Pantone 294
100C/60M/0Y/20K
0R/85G/150B

GREEN

Pantone 376
50C/0M/100Y/0K
140R/197G/65B

The logo typeface is called Gotham. Modern and accessible in terms of legibility, Gotham is a family of geometric sans serif typefaces designed by American type designers Tobias Frere-Jones and Jesse Ragan in 2000. It is inspired by a form of architectural signage popular in the mid-twentieth century, particularly in New York City.

**SCHEDULE D
SPONSOR MARKS**

SAMPLE

**Template for Horticultural Beds
Sponsorship Application/
Agreement**

Template to be modified to suit
preferences of City of Vaughan



City of Vaughan Horticulture Bed Sponsorship Application Form

Date: _____

Applicant Contact Information

Contact Name: _____

Organization/Company: _____

Full Address: _____

Phone #: _____

Email Address: _____

Horticultural Bed Information

Please see location and rate sheet.

Preferred Location: _____

Second Preference: _____

Name to appear on signs (please print): _____

- ☐ I am interested in including more of my business information (i.e. company logo, phone number, or website) on the signs at an additional cost

Cost (please note that taxes are included in quoted price): _____

Sponsorship Agreement Terms and Conditions

Horticultural Sponsorship Terms

- Approved sponsors will be required to enter into a sponsorship agreement with the City of Vaughan.
- Opportunities are for financial sponsorship only. There are currently no mechanisms in place for adoption with shared work/maintenance.
- Locations are subject to availability at the time of submission.
- Duration of display season is weather dependent and consists of approximately four months between planting in May and removal in mid-September.
- The City of Vaughan will determine horticulture bed design, plant species and colour.
- The City of Vaughan is not responsible for damage or loss of signs. Damaged or vandalized signs will be replaced to original specifications once per year, after which further damage remediation will be at the expense of the sponsor, or will be removed from the site.

Confirmation & Payment

- Sponsorship applications will be accepted at the Municipal Partnerships Office at Vaughan City Hall, 2nd Floor, 2141 Major Mackenzie Drive, L6A 1T1, or by phone, fax or electronic submission.
- The City of Vaughan reserves the right to reject any applications not deemed appropriate and to give preference to sponsors by proximity to sponsorship locations.
- The City of Vaughan reserves the right to reverse any application due to unforeseen events upon full reimbursement to the sponsor of monies received.
- Date and time of receipt of payment will determine queue order for sponsorship applications. In-person applications will take priority over electronic applications.
- Reasonable efforts will be made to accommodate the sponsor's first or second choice in horticultural bed location, however, selection is on a first come, first served basis.
- Sponsors must submit payment in full at the time of application.
- There are no refunds on signage after applications have been approved and payment received from the sponsor.

Payment Information

Date and receipt of payment will determine queue order for sponsorship applications. Once payment is received, the sponsorship agreement must be entered into, following which sign design and placement will take place at the sponsor's approved location. For payment by cheque, the selected location will be reserved until the cheque clears. An administration charge of \$35.00 will be levied for all NSF cheques and bed location will be released.

Submit completed form electronically to ecd@vaughan.ca or mail to Municipal Partnerships Officer, Municipal Partnerships Office, Vaughan City Hall, 2nd Floor, 2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1

Payment Method

Total Payable \$: _____

Payment Information

☐ Cheque payable to City of Vaughan ☐ Visa ☐ MasterCard ☐ American Express

Credit Card Authorization

Credit Card #: _____ Expiry Date (mm/yr): ____/____

Print Cardholder's Name: _____

Cardholder's Signature: _____

The undersigned has read and understands, and agrees to be bound by, the terms and conditions of this Sponsorship Application Form.

Applicant Name: _____ Date: _____

Applicant Signature: _____

APPENDIX D: BACKGROUND INFORMATION ON HORTICULTURE, SPORTS FIELDS AND SPONSORSHIP

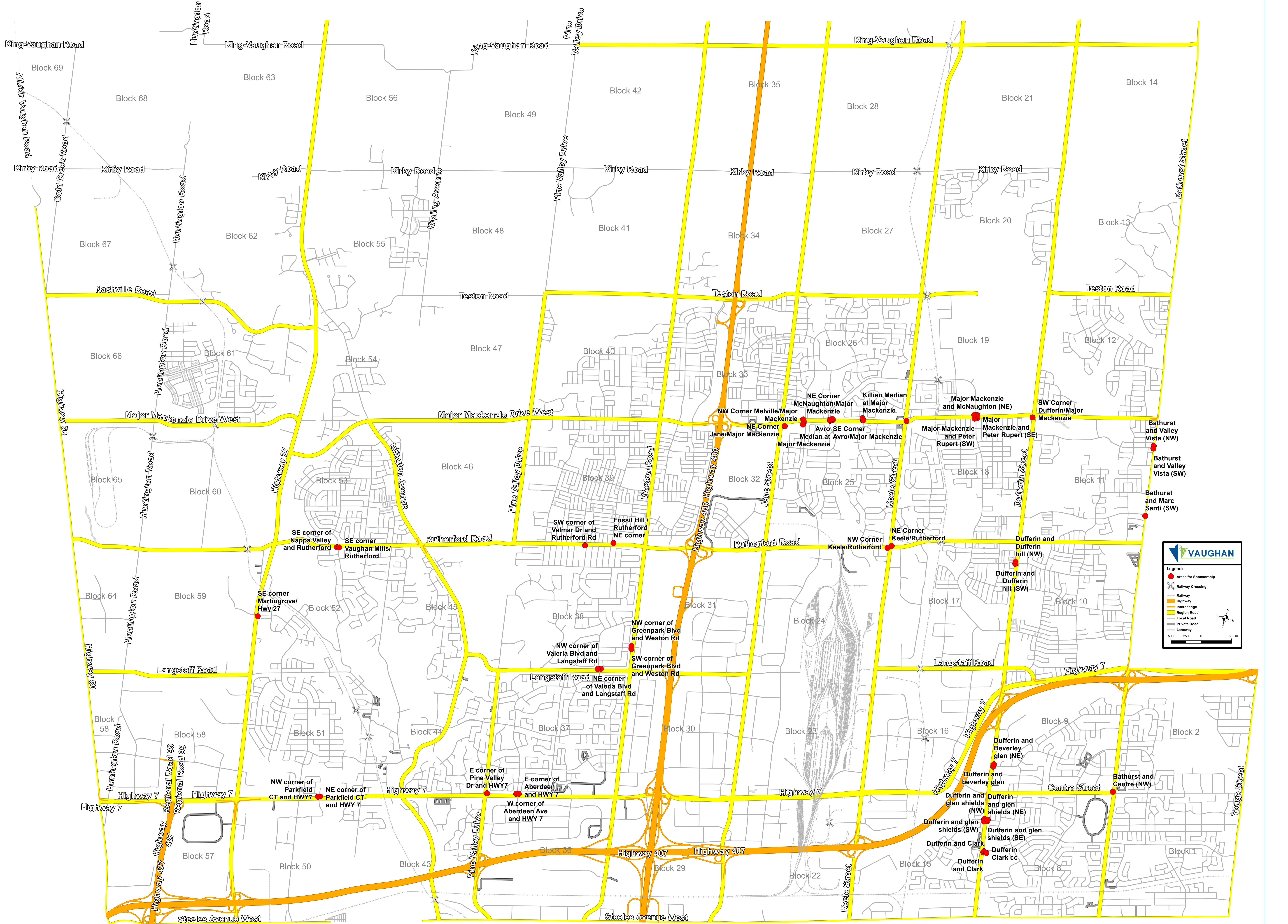
The following background information on Horticulture and Sports Fields maintenance and sponsorship was accessed or provided by City staff:

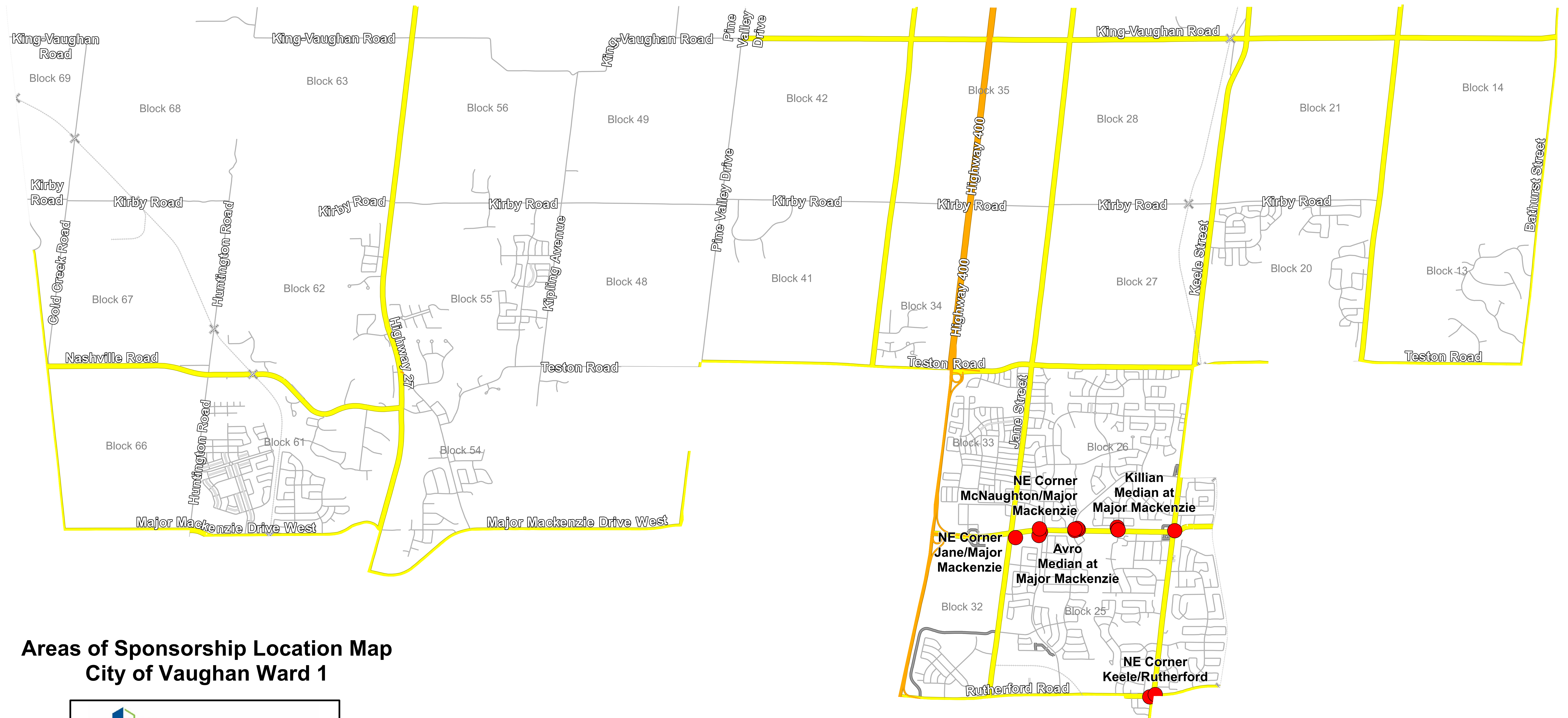
- Beautification Strategy (City of Vaughan, 2016)
- Horticultural Asset Information
- Asset Management Plan – Services & Assets (City of Vaughan, 2016)
- Budget Data (City of Vaughan, spanning years 2015-2019)
- Managing Use on Premium Soccer Fields Policy (City of Vaughan, 2011)
- City of Vaughan: Assessment of Naming Rights Sponsorship - Recreational Facilities (Performance Sponsorship Group, June 2016)
- CIIR-001 – Corporate Partnerships Policy
- Corporate Partnership Procedures
- 2015 Transportation Fact Book – The Regional Municipality of York
- Recreation Services – Advertising Package (City of Vaughan, 2019)

Information on municipal sponsorships was found from the following sources:

- IEG's Guide to Sponsorship - <https://www.sponsorship.com/ieg/files/59/59ada496-cd2c-4ac2-9382-060d86fcbdc4.pdf>
- "Proceed with Caution": Public Perceptions Regarding Corporate Sponsorship of Park and Recreation Services, N. Pitas, A. Mowen, T. Llechty, N.E. Trauntvein, Journal of Park and Recreation Administration, Volume 33, Number 4, Winter 2015.
- Burlington "Adopt-A-Flowerbed" Program - https://www.burlington.ca/en/your-city/AdoptaFlowerbed.asp?_mid_=8928
- "Oakville Blooms" Program - <https://www.oakville.ca/business/oakville-blooms.html>
- "Hamilton in Bloom" Traffic Island Beautification Program - <https://www.hamilton.ca/streets-transportation/streets-sidewalks/traffic-island-beautification>

ATTACHMENT 2: Horticulture Sponsorship Location Ward Maps






**Areas of Sponsorship Location Map
City of Vaughan Ward 1**

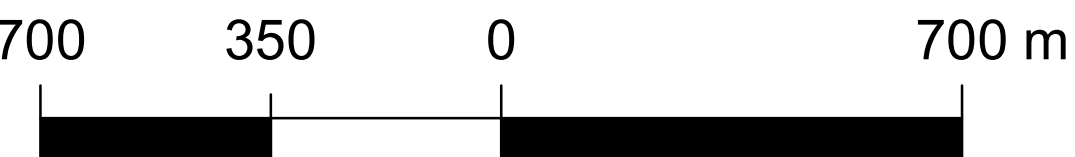
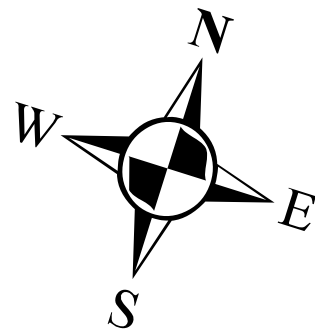


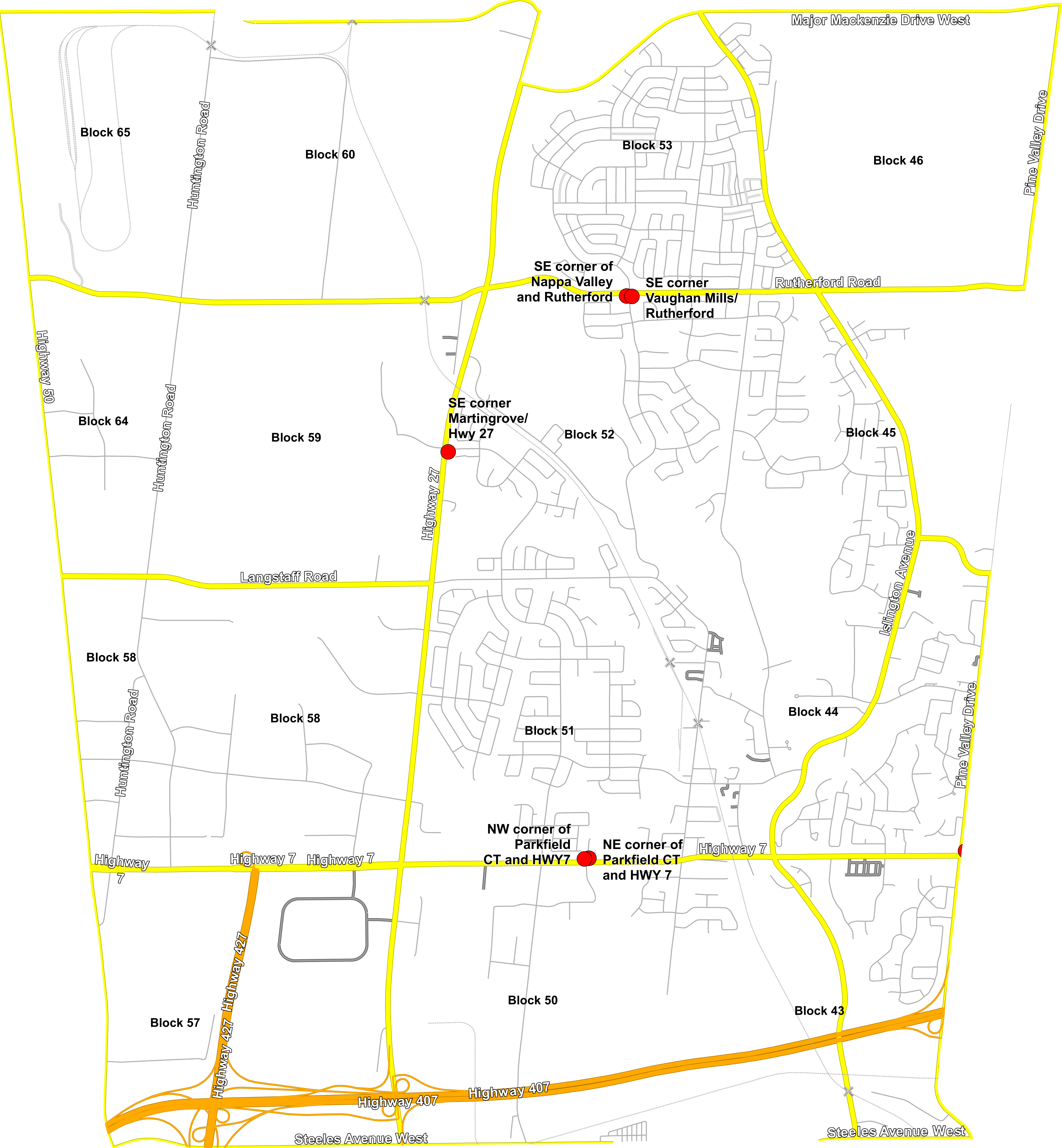
Areas of Sponsorship Location Map
City of Vaughan Ward 2



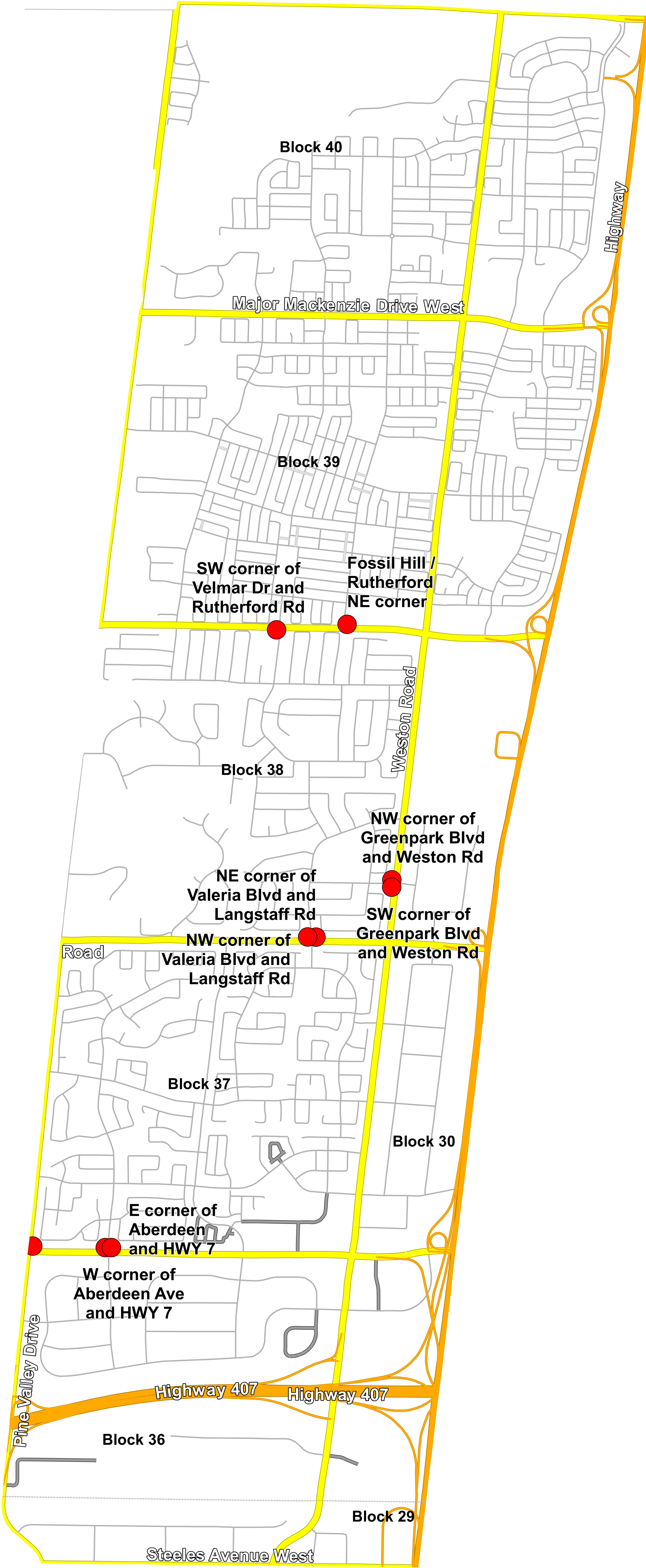
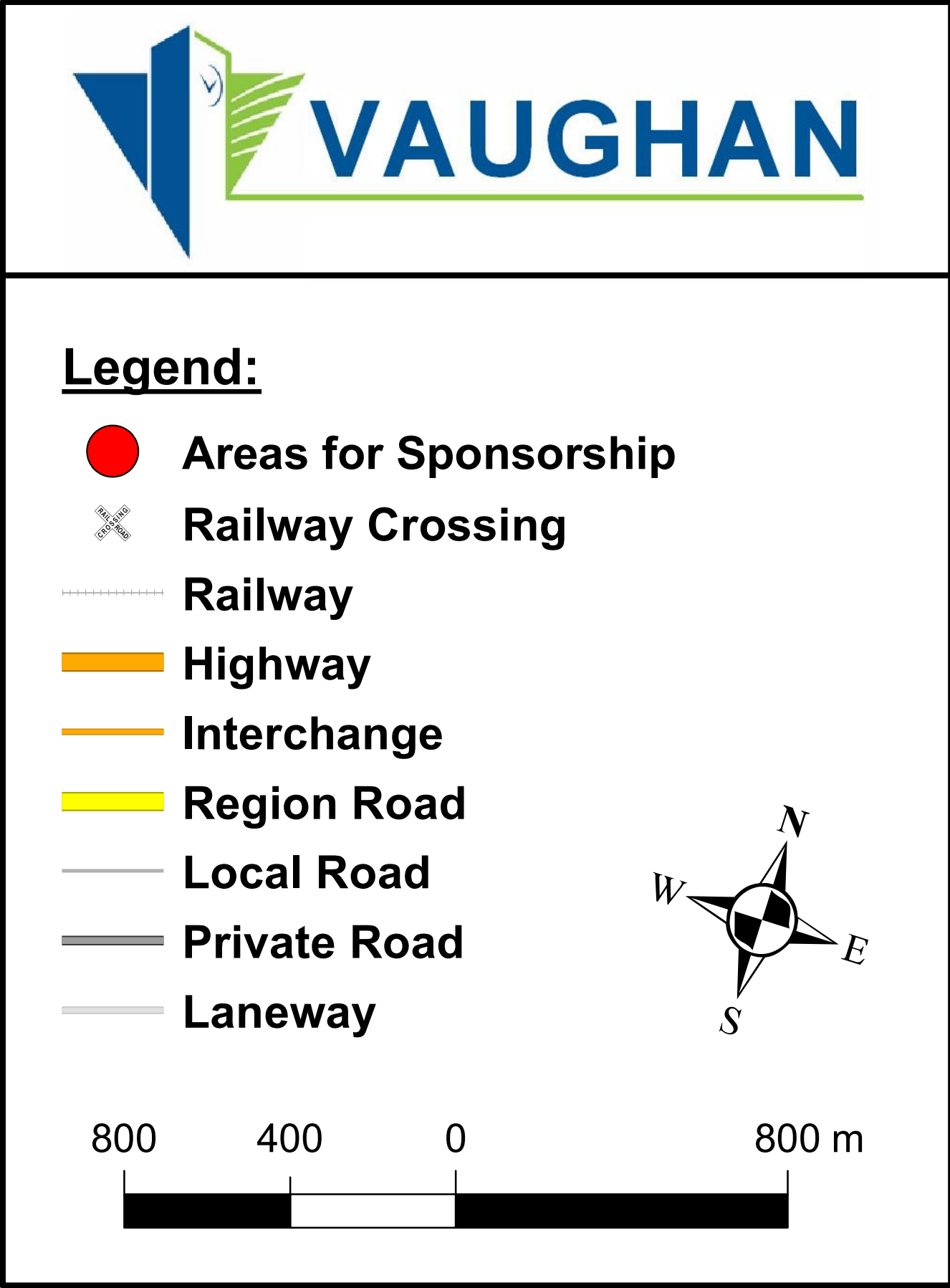
Legend:

- Areas for Sponsorship
- ✕ Railway Crossing
- Railway
- Highway
- Interchange
- Region Road
- Local Road
- Private Road
- Laneway






Areas of Sponsorship Location Map
City of Vaughan Ward 3

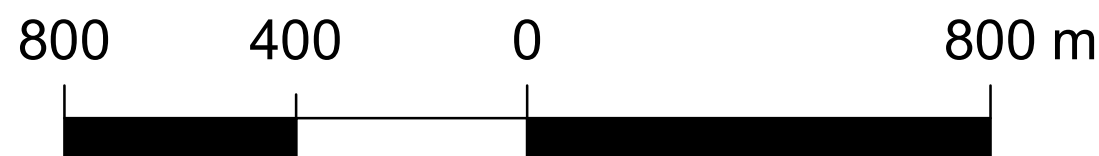
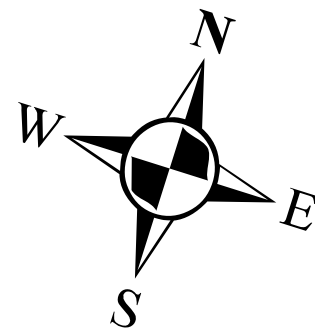


Areas of Sponsorship Location Map
City of Vaughan Ward 4




Legend:

- Areas for Sponsorship
- ✕ Railway Crossing
- Railway
- Orange line Highway
- Orange line Interchange
- Yellow line Region Road
- Grey line Local Road
- Dark grey line Private Road
- Light grey line Laneway



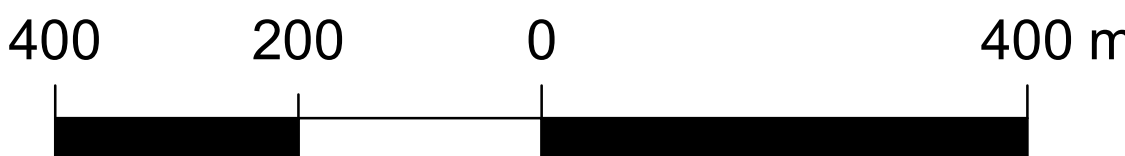
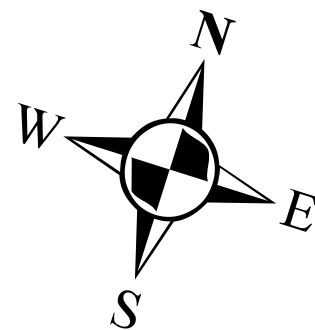


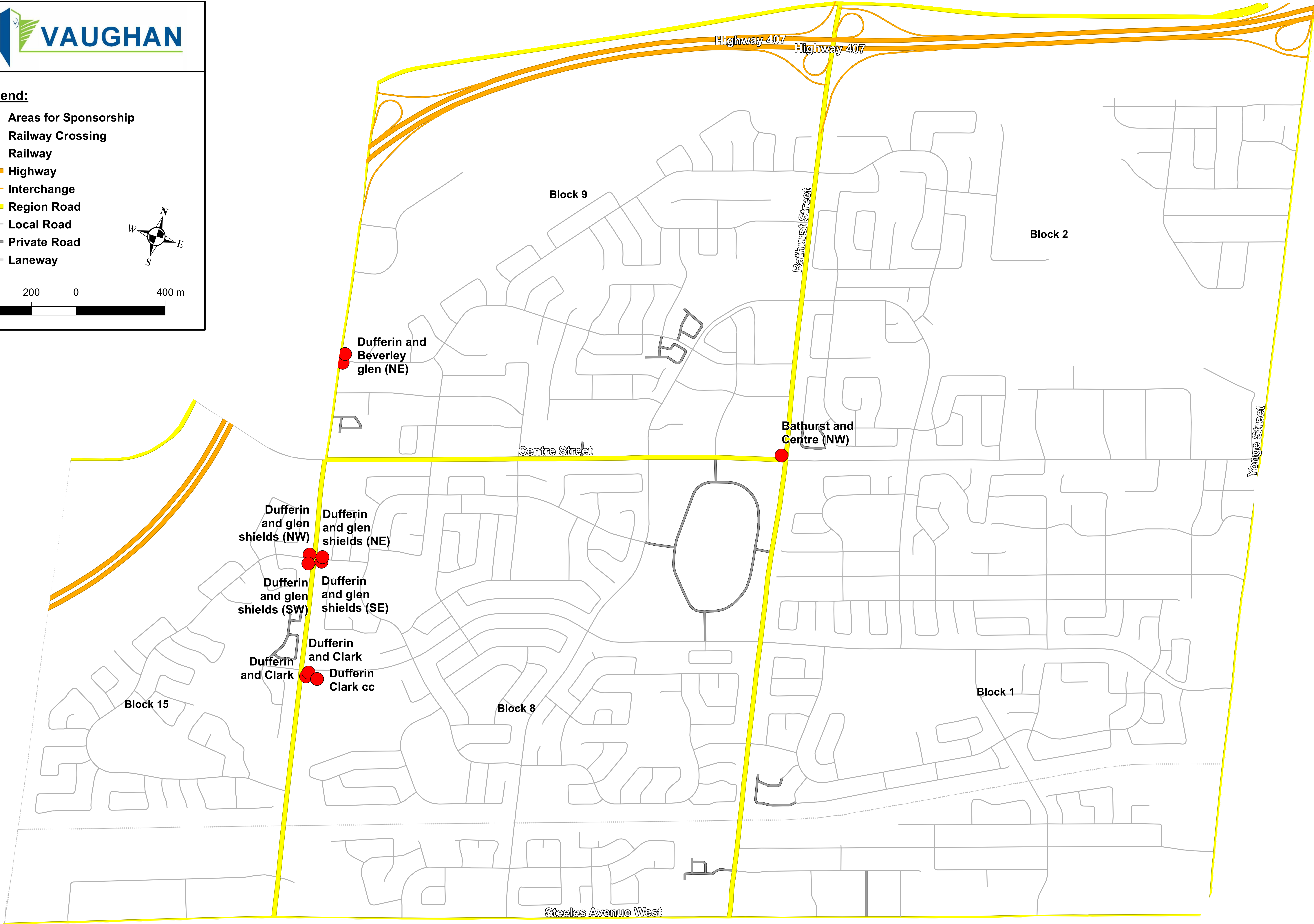
Areas of Sponsorship Location Map
City of Vaughan Ward 5



Legend:

- Areas for Sponsorship
- ✕ Railway Crossing
- Railway
- Highway
- Interchange
- Region Road
- Local Road
- Private Road
- Laneway





Committee of the Whole (2) Report

DATE: Tuesday, May 20, 2020

WARD: 1

**TITLE: 3942198 CANADA INC. C/O AMARDEEP DEOL
ZONING BY-LAW AMENDMENT FILE Z.16.040
SITE DEVELOPMENT FILE DA.16.083
7290 MAJOR MACKENZIE DRIVE
VICINITY OF REGIONAL ROAD 50 AND MAJOR MACKENZIE
DRIVE**

FROM:

Bill Kiru, Acting Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.16.040 and Site Development File DA.16.083 for the subject lands shown on Attachment 2. The Owner proposes to rezone the subject lands to permit the existing truck terminal with accessory outside storage of transport trailers and containers and a temporary office on the subject lands, in the manner shown on Attachments 3 to 5.

Report Highlights

- The Owner is proposing to rezone the subject lands to permit a truck terminal with accessory outside storage and a temporary office, subject to site specific zoning provisions
- An Ontario Municipal Board Order of December 18, 2015, amended Vaughan Official Plan 2010 to redesignate the subject lands to “General Employment” to permit the truck terminal use and accessory outside storage on the subject lands
- A Site Development Application has been submitted in support of the Zoning By-law Amendment Application to permit the proposed development

Recommendations

1. THAT Zoning By-law Amendment File Z.16.040 (3942198 Canada Inc. c/o Amardeep Deol) BE APPROVED, to amend Zoning By-law 1-88, to rezone the subject lands from “A Agricultural Zone” subject to Exception 9(1331) to, “EM2 General Employment Area Zone” as shown on Attachment 3 together with the site-specific zoning exceptions identified in Table 1 of this report, to permit a truck terminal with accessory outside storage and a temporary office on the subject lands.
2. THAT the implementing Zoning By-law include a provision requiring the temporary office on the subject lands to be demolished and replaced with a permanent office building when servicing is available to the subject lands, to the satisfaction of the City.
3. THAT the Owner be permitted to apply for a Minor Variance Application(s) from the Committee of Adjustment if required, to permit minor adjustments to the in-effect Vaughan Zoning By-law before the second anniversary of the day on which the implementing Zoning By-law for the Subject Land comes into full force and effect.
4. THAT Site Development File DA.16.083 (3942198 Canada Inc. c/o Amardeep Deol) BE DRAFT APPROVED SUBJECT TO CONDITIONS included on Attachment 1, to the satisfaction of the Development Planning Department to permit the development of the subject lands with a truck terminal use and accessory outside storage and a temporary office as shown on Attachments 3 to 5.

Background

The subject lands (the ‘Subject Lands’) are municipally known as 7290 Major Mackenzie Drive, located on the north side of Major Mackenzie Drive, east of Regional Road 50, as shown on Attachment 2. The Subject Lands are currently used as a truck terminal with accessory outside storage.

The Ontario Municipal Board on September 12, 2008, approved a site-specific appeal to permit a truck terminal use with accessory outside storage for the subject lands on a temporary basis

3942198 Canada Inc. c/o Amardeep Deol (the ‘Owner’) on October 24, 2007, filed appeals to the then Ontario Municipal Board (‘OMB’) (replaced by the Local Planning Tribunal (‘LPAT’)) for Official Plan and Zoning By-law Amendment Files OP.04.019 and Z.04.059 on the Subject Lands, for the City’s failure to make a decision within the prescribed time stipulated under the *Planning Act*. The Owner proposed to amend the

Official Plan and Zoning By-law to permit a truck terminal with outside storage and a temporary office on the Subject Lands. Council on March 31, 2008, refused these applications.

The Owner made a settlement offer to the City and Minutes of Settlement, which were subsequently approved by the OMB on September 12, to permit the truck terminal on the Subject Lands on a temporary basis.

The OMB on September 12, 2008, approved the settlement and Official Plan Amendment ('OPA') 693 and Zoning By-law 289-2009 to permit the truck terminal and related outside storage of transport trucks and trailers, containers and an office with site-specific zoning exceptions for a temporary period of 3 years. OPA 693 and Zoning By-law 289-2009 expired on June 24, 2010. The Owner on October 8, 2008, submitted related Site Development File DA.08.033, in support of the above applications, however the Owner has not finalized the Site Development application and a Site Plan Agreement has not been executed for the approval granted by the OMB.

The Ontario Municipal Board on December 18, 2015, approved an appeal to the Vaughan Official Plan 2010 to designate the Subject Lands "General Employment" to permit a truck terminal on the Subject Lands as-of-right and on a permanent basis

The Subject Lands are designated "General Employment" by Vaughan Official Plan 2010 ('VOP 2010'), Volume 2, Section 11.9 West Vaughan Employment Area Secondary Plan ('WVEA'), as approved by the OMB.

The Owner on November 21, 2012, appealed VOP 2010, as it pertained to the Subject Lands to the OMB. The Subject Lands were previously designated "Prestige Employment" and "General Employment". The Owner requested that VOP 2010 recognize the existing truck terminal and outside storage on a permanent basis for the Subject Lands. The OMB on December 18, 2015 in its decision approved a site-specific modification to VOP 2010 to redesignate the Subject Lands from "Prestige Employment" and "General Employment" to "General Employment", thereby permitting the truck terminal and outside storage on the Subject Lands, in accordance with the requirements of the City's Zoning By-law 1-88. The OMB approval included separate Minutes of Settlement approved through a Motion of Record on November 18, 2015. The grounds for the Motion would permit the truck terminal use with outside storage on a permanent basis subject to the following conditions:

- the Subject Lands are developed in accordance with the WVEA Secondary Plan
- the outside storage area is located internal to the site and appropriately screened
- appropriate noise attenuation measures (i.e. fencing) is implemented
- the Owner be required to construct a permanent building on the Subject Lands when servicing is available to the site
- the Owner participate in the Block Plan process

- the Owner submit complete Zoning By-law Amendment and Site Development applications in accordance with the *Planning Act*

The WVEA Secondary Plan shows a north-south collector road along the east boundary of the Subject Lands. The construction of this road would result in the Subject Lands becoming a corner lot. The Official Plan and Zoning By-law 1-88 do not permit outside storage on a corner lot. At this time, it is premature to address the potential impacts of the location of a new road as the final road and street layout has not been determined. In consideration of this the OMB Order states should the site become a corner lot through a future process, the Owner will be required to engage with the City during the Block Plan process to allow the City to review and consider the continued outside storage use. A condition to this effect has been included in Attachment 1 Conditions of Site Plan Approval

Any lands required to facilitate the north/south road widening and future sight triangle shall be conveyed to the City free of cost and encumbrances. Any changes to the approved site plan as a result of the construction of the road and site triangle will require an approval from the City to ensure the site maintains the appropriate landscaping and buffering consistent with the OMB Order and to the satisfaction of the City. A condition to this effect is included in Attachment 1 Conditions of Site Plan Approval.

A site visit confirmed that the existing truck terminal use is not consistent with the OMB Minutes of Settlement

Staff conducted a site visit on March 30, 2020 and confirmed the existing site condition does not reflect the OMB's approved Order and Minutes of Settlement. Specifically, the container stacking height exceeded the maximum of 2 containers, the required fencing, earthen berm and landscaping were not installed. Through the processing of the subject Zoning By-law Amendment and related Site Development Applications, the required improvements shown on Attachments 3 and 4 on the Subject Lands will be implemented to ensure the truck terminal will not adversely impact the surrounding area. The implementing Zoning By-law together with the approved site plan and a registered Site Plan Agreement provide a basis for monitoring and compliance.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol

The City on January 13, 2017, circulated a Notice of Public Hearing (the 'Notice') for the Applications to all property owners within 150 m of the Subject Lands. A copy of the Notice was also posted on the City's website at www.vaughan.ca and a notice sign was installed on the Subject Lands in accordance with the City's Notice Signs Procedures and Protocols.

Vaughan Council on February 21, 2017, ratified the recommendation of the Committee of the Whole to receive the Public Hearing report of February 7, 2017, and to forward a comprehensive technical report to a future Committee of the Whole meeting. There

were no deputations or written submissions received by the Development Planning Department and at the Public Hearing.

Previous Reports/Authority

The following is a link to the public hearing report for these Applications:

[February 7, 2017, Committee of the Whole \(Public Hearing\) \(Item 2, Report No.7\)](#)

Analysis and Options

Zoning By-law Amendment and Site Development Applications have been submitted to permit the existing truck terminal with accessory outside storage on a permanent basis as outlined in the OMB Minutes of Settlement

The Owner has submitted the following applications (the 'Applications') as required by the OMB Minutes of Settlement to rezone the Subject Lands shown on Attachments 2 and 3 from "A Agricultural Zone" to "EM2 General Employment Area Zone" together with site-specific zoning exceptions to permit a truck terminal with the outside storage of transport trailers, containers, and a temporary office (the 'Development'):

1. Zoning By-law Amendment File Z.16.040 to rezone the Subject Lands from "A Agricultural Zone" to "EM2 General Employment Area Zone" as shown on Attachment 3 and to permit the site-specific zoning exceptions identified in Table 1 of this report to permit a truck terminal with accessory outside storage.
2. Site Development File DA.16.083 to permit a truck terminal with accessory outside storage and a temporary office in the manner shown on Attachments 3 to 5.

The Development is consistent with the Provincial Policy Statement 2020

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario shall be consistent with the Provincial Policy Statement 2020 (the 'PPS'). The PPS provides policy direction on matter of provincial interest related to land use planning and development. The PPS is applied province-wide and provides direction to support strong communities, a strong economy and a clean and healthy environment. The Development is consistent with policies 1.3.1, 1.3.2.1, 1.3.2.3, 1.3.2.6 of the PPS regarding promoting economic development, a range of employment uses and protecting employment uses in proximity to major goods movement facilities.

The PPS encourages major facilities and sensitive land uses to be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent

or mitigate adverse effects from odor, noise and other contaminants, minimize risk to public health and safety, and to ensure the long term viability of major facilities.

The Subject Lands are located within the WVEA Secondary Plan being a planned employment area within the city with access to transportation facilities. The WVEA Secondary Plan accommodates prestige development and land intensive industrial uses requiring larger lots and excellent transportation facilities.

The Subject Lands are in an area with other similar uses in proximity to the Canadian Pacific Intermodal Facility (the 'CP Facility'). The Subject Lands will also be appropriately buffered with landscaping and fencing to mitigate potential adverse effects such as noise and odor. In consideration of the above the Development is consistent with the policies of the PPS.

The Applications conform to the Places to Grow Act, the Growth Plan for the Greater Golden Horseshoe 2019

A Place to Grow: Growth Plan for the Greater Golden Horseshoe Growth Plan 2019 ('Growth Plan') is intended to guide decision making on a wide range of issues, including economic development, land-use planning, urban form and employment. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including directions for where and how to grow; the provision of infrastructure to support growth and protect natural systems and cultivate a culture of conservation. Council's planning decisions are required by the *Planning Act* to conform, or not to conflict with the Growth Plan. The Development conforms with the employment policies of the Growth Plan by accommodating an employment use in a planned employment area, protecting for planned future infrastructure, and located in proximity to goods movement facilities.

The Growth Plan provides specific direction for the identification and protection of employment lands. The Subject Lands are located within the WVEA Secondary Plan, identified in York Region's Official Plan (Figure 2) as "strategic employment lands" protected for employment uses. The WVEA designates employment lands to accommodate prestige development and more significant land intensive industrial uses requiring larger lots and excellent transportation facilities.

The Subject Lands are in an area with similar uses and take advantage of their proximity to the CP Facility and nearby highways. The Development also conforms with the policy framework of the Growth Plan as it will utilize existing and planned infrastructure.

The Development conforms to the York Region Official Plan 2010 ("YROP")

The York Region Official Plan 2010 ('YROP') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" on Map 1, "Regional Structure" and identified as "Strategic Employment Lands" on Figure 2 of the YROP. The "Urban Area" designation permits a range of

residential, commercial, employment and institutional uses subject to additional policy criteria. Section 4.3 of the YROP states that York Region is committed to maintaining and enhancing the long-term viability of the employment lands. An objective of the YROP is to ensure the long-term supply and effective planning and design of employment lands as follows (in part):

- to recognize employment lands are strategic and vital to the regional economy and are major drivers of economic activity in the Region
- to require local municipalities to designate and protect employment lands in local municipal official plans
- to protect strategic employment lands, including lands identified in Figure 2, identified based on their proximity to existing or planned 400-series highways and shall be designated for employment uses in local official plans
- local municipalities give priority to the strategic employment lands identified on Figure 2 when considering additional employment land designations

The WVEA provides a policy structure to accommodate prestige development and more significant land intensive industrial uses that require larger lots and excellent transportation facilities, thereby recognizing and protecting this area for employment areas. The Development is consistent with the policy framework of the YROP.

The Development conforms to Vaughan Official Plan 2010

The Subject Lands are designated “General Employment” by VOP 2010, Volume 2 - Section 11.9 West Vaughan Employment Area Secondary Plan (‘WEAV’), as approved by the OMB.

The “General Employment” designation permits the truck terminal use and associated outside storage on the Subject Lands, however, Schedule 1: Transportation of the WVEA Secondary Plan, shows a north-south collector road along the east boundary of the Subject Lands. This has the potential to create a corner lot condition on the Subject Lands through the Block 66 Block Plan process and as a result VOP 2010 would not permit the accessory outside storage. At the Block Plan stage, the Subject Lands will be further reviewed to ensure outside storage on the property is appropriately screened and a proper office building is provided. Provisions to this effect will be included in the implementing zoning by-law and as required by the OMB Order Minutes of Settlement, a condition to this effect will also be included in the site plan agreement.

The Subject Lands are in proximity to other similar employment operations, the CP Facility, and within a planned employment area. Therefore, this proposal would not impact the surrounding properties. The Zoning By-law will restrict the maximum number of transport trailers and containers stored on the Subject Lands, prohibit the storage of hazardous material and implement standards for appropriate screening to Major Mackenzie Drive and the adjacent properties. In consideration of the above, the Development conforms to the policies of VOP 2010.

The Subject Lands must be rezoned, and site-specific zoning exceptions are required to permit the truck terminal and accessory outside storage on the Subject Lands

The Subject Lands are zoned “A Agricultural Zone”, subject to site-specific Exception 9(1331) by Zoning By-law 1-88, and permits the truck terminal use and outside storage of transport trucks, trailers and containers and an administration office on a temporary basis for a period of 3 years. The site-specific zoning exceptions require the outside storage area to be located internal to the lot with appropriate landscape buffering as shown on Attachments 3 and 4, and as approved by the OMB (By-law 289-2009). The temporary use By-law period expired on June 24, 2010.

The Owner is proposing to rezone the Subject Lands from “A Agricultural Zone” to “EM2 General Employment Area Zone” together with site-specific exceptions to Zoning By-law 1-88 identified in Table 1, in order to permit the truck terminal and outside storage on the Subject Lands on a permanent basis and consistent with the approved OMB Minutes of Settlement:

Table 1

	Zoning By-law 1-88 Standard	Zoning By-law 1-88, EM2 General Employment Area Zone Requirements	Proposed Exceptions to the EM2 General Employment Area Zone
a.	Accessory Outside Storage	<p>Outside storage of goods or materials is permitted only in accordance with the following:</p> <ul style="list-style-type: none"> i) Outside storage shall not exceed 30% of the lot area of the lot ii) Outside storage is not permitted on a lot unless there is an existing building with a gross floor area of at least 550 m² iii) Outside storage shall not be located in a front or exterior side yard or between a main building and a street line, and shall be no closer than 20m to a street line 	<p>Permit 38% of the lot for accessory outside storage in Areas ‘A’ and ‘B’ (Attachment 3) in accordance with the following:</p> <ul style="list-style-type: none"> i) Area ‘A’ - the outside storage of transport containers/trailers/chassis is permitted, and a maximum of 2 transport containers may be stacked not exceeding 5.2 m in height; a maximum of 152 containers shall be permitted Area ‘B’ - the outside storage of transport containers/trailers/chassis; no stacking of transport containers shall be permitted; outside storage

	Zoning By-law 1-88 Standard	Zoning By-law 1-88, EM2 General Employment Area Zone Requirements	Proposed Exceptions to the EM2 General Employment Area Zone
		<p>iv) The outside storage area shall be completely enclosed by a stone or masonry wall or chain link fence with appropriate landscaping screen and no enclosure shall be less than 2m in height</p> <p>v) If a lot has frontage of less than 45.5 m no part of any open storage shall be in the side yard;</p> <p>vi) No outside storage shall be permitted on any corner lot;</p> <p>vii) If a lot upon which outside storage is permitted abuts the boundary of a residential or open space zone, screening shall be consist of a solid fence a minimum 2.0m in height;</p> <p>vii) No outside storage other than the storage of machinery and equipment shall exceed 3 m in height; and,</p> <p>ix) The outside storage of any goods or materials which are obnoxious, visually or otherwise, including derelict or scrap machinery and worn-out appliances or equipment shall not be permitted.</p>	<p>in 'Area B' shall not exceed 4.1 m in height and a maximum of 85 containers shall be permitted</p> <p>The total maximum number of transport trailers to be stored at one time in Areas 'A' and 'B' combined shall not exceed 161</p> <p>ii) A permanent office, with a minimum area of 550m² will be constructed on the Subject Lands when servicing becomes available</p> <p>Until such time as servicing is available, a temporary office building is permitted and shall not require a foundation, footings or municipal water and sanitary servicing, and shall not exceed 4.5m in height</p> <p>iii) The entirety of the Subject Lands including the accessory outside storage shall be completely enclosed by a strip of land not less than 16 m in width used for no other purpose than an earthen berm, landscaping and fencing. The earthen berm and fence enclosure shall be no less than 5 m in height, comprised of a minimum 2.5 m high earthen berm</p>

	Zoning By-law 1-88 Standard	Zoning By-law 1-88, EM2 General Employment Area Zone Requirements	Proposed Exceptions to the EM2 General Employment Area Zone
			<p>and minimum 2.5 m high, acoustic, wood privacy and enhanced fencing. This shall not prevent the provision of access driveway to Major Mackenzie Drive. These provisions shall be maintained if the Subject Lands become a corner lot and future road widenings and sight triangles are required</p> <p>vii) The storage of hazardous goods or materials or obnoxious, visually or otherwise, including derelict or scrap motor vehicles or machinery and worn-out appliances or equipment shall not be permitted</p> <p>viii) The minimum setback from the TransCanada Pipelines Limited right-of-way for all buildings or structures, outside storage, machinery, equipment and excavations shall be 10 m. No outside storage, temporary building or structure, vehicles, machinery, fill or building material is permitted on the TransCanada Pipelines Limited right-of-way, unless approval is obtained from TransCanada Pipelines</p>

	Zoning By-law 1-88 Standard	Zoning By-law 1-88, EM2 General Employment Area Zone Requirements	Proposed Exceptions to the EM2 General Employment Area Zone
			<p>Limited</p> <p>ix) The minimum yard setbacks shall be as follows:</p> <ul style="list-style-type: none"> - Front Yard - Major Mackenzie Drive -23 m - Side and Rear Yards - 16 m - Residential Zone - 31m
b.	Maximum Driveway Width at the Property Line	7.5 m	25.4 m
c.	Minimum Lot Area	3.6 ha	The minimum lot area may be reduced, without an amendment to the By-law should the Subject Lands become a corner lot and additional road widenings are required, provided all other setback and landscape strip widths continue to be maintained

The Development Planning Department supports the proposed rezoning of the Subject Lands to “EM2 General Employment Area Zone” and the site-specific zoning exceptions identified in Table 1 for the following reasons:

- a) The proposed “EM2 General Employment Area Zone” and the accessory outside storage use as shown on Attachments 3 and 4 is consistent with Zoning By-law 289-2009, approved by the OMB. The rezoning is consistent with and implements the “General Employment “land use designation of VOP 2010, Volume 2 Section 11.9, WVEA Secondary Plan.
- b) The site-specific zoning exceptions will facilitate the approval of a site plan for the Subject Lands including specific outside storage, landscape areas and setback

provisions. The By-law and site plan agreement would provide a basis for monitoring and compliance and include development standards and provisions to ensure compatibility with the surrounding land uses.

- c) The 25.4 m wide driveway is typically required for such facilities that utilize large trucks and trailers needing appropriate turning radii, and similar driveway widths have previously been approved by the City for other developments.

The implementing zoning by-law will include a provision to permit the temporary office building until servicing becomes available to the Subject Lands, after which it will be replaced with a permanent building to the satisfaction of the City. A condition to this effect is included in the Recommendations and in Attachment 1, Conditions of Site Plan Approval.

The truck terminal use is compatible with the surrounding land uses

The surrounding area is comprised with compatible land uses with outside storage including the CP Facility. The lands immediately west of the Subject Lands shown on Attachment 2 is subject to active development applications for a similar use and temporary office (Files OP.19.008 and Z.19.021). The WVEA designates most the lands around the CP Facility as “General Employment” and permits similar compatible uses,

The Site Development Application is consistent with the OMB (Case No. PL070917) approval

The Site Development Application for the Development has been submitted in advance of the Block Plan and municipal servicing for this employment area. The site plan includes sufficient setbacks around the periphery of the Subject Lands for landscape buffering and identifies two areas (Areas ‘A’ and ‘B’) for accessory outside storage consistent with Schedule 1 attached to the OMB Order issued on September 12, 2008.

Proper signage and details as outlined within the OMB order regarding truck movement to and from the Subject Lands is required for Staff review. The Development Planning Department supports the approval of the Site Development Application as the use is permitted by the Official Plan, and together with the implementing Zoning By-law will permit enforcement of the accessory outside storage, thereby ensuring greater compatibility with surrounding uses.

Access

A 25.4 m wide driveway from Major Mackenzie Drive provides access to the Subject Lands including the outside storage areas, parking area and temporary office building. A fire route is shown on the site plan, however since municipal services are unavailable to the Subject Lands, the Owner must install signage on the property to ensure the fire route is maintained free and clear of any obstructions to the satisfaction of the Vaughan Fire and Rescue Service. A condition to this effect will be included in the Site Plan Agreement.

Landscape

The landscape plan shown on Attachment 4, includes a mix of vegetation including deciduous trees, shrubs, perennials and sodding around the periphery of the Subject Lands within a 16 m wide landscape strip and 2.5 m high earthen berm. There is an existing post and wire fence around the boundary of the Subject Lands.

The Owner proposes to provide fencing consistent with the OMB Minutes of Settlement and as shown on Attachment 4 including: a 2.5 m high wood privacy fence along the north and east lot lines; a 2.5 m high acoustic fence along the west lot line; and a 2.5 m high wood privacy fence with enhanced details and decorative lattice and plantings along the Major Mackenzie Drive frontage to screen the outside storage and enhance the streetscape. The landscape plan design is based on the Subject Lands being an internal lot, however as discussed in this report, should the Subject Lands become a corner lot in the future through the Block 66 Block Plan process, the Owner will be required to amend the approved site plan to ensure the appropriate buffering of the outside storage is maintained to the satisfaction of the Development Planning Department. The Development Planning Department shall approve the final landscape plan.

Proposed Temporary Office and Elevations

The proposed site plan includes a temporary office served by a small parking area as shown on Attachment 3. The building elevations shown on Attachment 5, reflect a temporary office building constructed with white wood cladding material and a grey wood skirting material at the base.

The proposed accessory office building is temporary since no municipal services for a permanent building are currently available. Once servicing becomes available the Owner will replace the temporary office with a permanent building. A clause will be included in the implementing Zoning by-law and provisions in the Site Plan agreement requiring the future permanent building.

The final site plan, building elevations, signage plans and landscape plan shall be approved to the satisfaction of the Development Planning Department.

TransCanada Pipelines Limited, Bell Canada, Alectra Utilities Corporation and Enbridge Distribution Inc. have no objection to the proposed Development

TransCanada Pipelines Limited, Bell Canada, and Alectra Utilities Corporation and Enbridge Distribution Inc. have advised that they have no objection to the Applications, subject to the conditions set out in Attachment 1 Conditions of Site Plan Approval.

Cash-in-lieu of the dedication of Parkland is required unless the Council policy waving such payment remains in effect for employment land

The Infrastructure Development Department, Real Estate Services has advised the Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the Subject Lands, in accordance with Section 51 of the *Planning Act* and City of Vaughan Policy. The Owner shall submit an appraisal of the Subject Lands prepared by an accredited appraiser for approval by the Infrastructure Development Department, Real Estate Services, and the approved appraisal shall form the basis of the cash-in-lieu payment.

The cash-in-lieu payment in accordance with Section 42 of the *Planning Act* will not be required as long as the Council Policy waiving such payment remains in effect for industrial land. A condition has been included in Attachment 1 Conditions of Site Plan Approval.

The Development Engineering Department has no objection to the Development subject to the Recommendations of this report

The Development Engineering ('DE') Department has no objection to the Development subject to the Recommendations of this report.

The DE Department, Environmental Division has reviewed the reliance letter and is satisfied with the environmental documents submitted to date and have no objections with a technical report for this Development proceeding to Committee of the Whole.

Financial Impact

There are no financial requirements for new funding associated with this report.

Broader Regional Impacts/Considerations

The Region of York has reviewed the proposed Development and have no objection subject to the Owner satisfying all the condition outlined in the April 9, 2020, Approval Letter of Acknowledgement executed by the Owner to the satisfaction of the Region of York. A Condition to this effect is included in Attachment 1.

Conclusion

The Development Planning Department has reviewed Zoning By-law Amendment and Site Development Files Z.16.064 and DA.16.083 in consideration of the Provincial policies, Regional and City Official Plan policies, the requirements of Zoning By-law 1-88, the OMB decision relating to the Subject Lands and the surrounding area context.

The Development Planning Department is satisfied the Applications to permit the truck terminal with accessory outside storage and a temporary accessory office, as shown on Attachments 3 to 5 is consistent with the policies of the PPS, conforms to the Growth

Item 5

Page 14 of 15

Plan, the York Region and City of Vaughan Official Plans and implements the OMB decision. The Development is compatible with the existing and planned uses in the surrounding area and conforms with the OMB decision for the Subject Lands. Accordingly, the Development Planning Department supports the approval of the Applications, subject to the conditions included in the Recommendations of this report.

For more information, please contact: Eugene Fera, Senior Planner, Extension 8003

Attachments

1. Conditions of Site Plan Approval
2. Location Map
3. Site Plan and Proposed Zoning
4. Landscape Plan
5. Elevations - Temporary Accessory Office Building

Prepared by

Eugene Fera, Senior Planner, extension 8003

Carmela Marelli, Senior Manager of Development Planning, extension 8791

Mauro Peverini, Director of Development Planning 8407

/FA

Attachment 1 – Conditions of Site Plan Approval

Site Development File DA.16.083 (3942198 Canada Inc. c/o Amardeep Deol)

- 1) THAT prior to the execution of the Site Plan Agreement:
 - a) The Development Planning Department shall approve the final site plan, landscape plan and cost estimate, building elevations, signage details and lighting plan;
 - b) The Development Engineering Department shall approve if required, the final Stormwater Management Brief, Noise Impact Study, grading, site servicing and erosion sediment control plans; and
 - c) The Owner shall satisfy all York Region conditions of approval as outlined in the Region of York's April 9, 2020, Approval Letter of Acknowledgement.
- 2) THAT the Site Plan Agreement shall include the following conditions, to the satisfaction of the City:

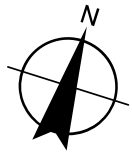
Conditions

- a) The Owner shall confirm fire-fighting arrangements have been made to the approval of the Vaughan Fire and Rescue Services Department.
- b) The Owner must pay all applicable development charges in accordance with the development charges by-laws of the City of Vaughan, York Region, York Region District School Board and York Catholic District School Board.
- c) The Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands in accordance with Section 51 of the *Planning Act* and the City's cash-in-lieu Policy. The Owner shall submit an appraisal of the Subject Lands prepared by an accredited appraiser for approval by the Real Estate Services, and the approved appraisal shall form the basis of the cash-in-lieu payment".

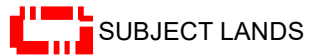
The cash-in-lieu payment in accordance with Section 42 of the *Planning Act* will not be required as long as the Council Policy waiving such payment remains in effect for industrial land.

- d) The Owner shall obtain final Clearance from Alectra Utilities Corporation, Bell Canada and from Enbridge Distribution Inc.

- e) The Owner shall enter into a future agreement to amend the approved Site Plan Agreement, to the satisfaction of the City, if the Subject Lands becomes a corner lot through the Block 66 Plan approval process, to ensure appropriate landscaping and buffering continues to be maintained around the outside storage area on the Subject Lands at the sole risk and expense of the owner.
- f) The Owner shall enter into a future agreement, to the satisfaction of the City, if the Subject Lands become a corner lot through the Block 66 Plan approval process, to convey land free and unencumbered to the City to facilitate a north/south road and sight triangle.
- g) The Owner agrees the temporary office building proposed for the Subject Lands under this approved Site Plan Agreement is temporary and shall be replaced with a new permanent building, when servicing for the Subject Lands becomes available. The Owner shall enter into a future agreement to amend the approved Site Plan Agreement, to the satisfaction of the City, to include drawings, plans and appropriate conditions with respect to the new permanent building.
- h) The Owner agrees to implement all the requirements of the Ontario Municipal Board Order Minutes of Settlement. A copy of the approved Site Development Agreement will be provided to the Ontario Municipal Board.



REGIONAL ROAD 50



SUBJECT LANDS

20 m TO CENTRELINE
REQUIRED

MAJOR MACKENZIE DRIVE

Not to Scale

Site Plan and Proposed Zoning

LOCATION:
Part of Lot 21, Concession 10

APPLICANT:
3942198 Canada Inc. c/o Amardeep Deol

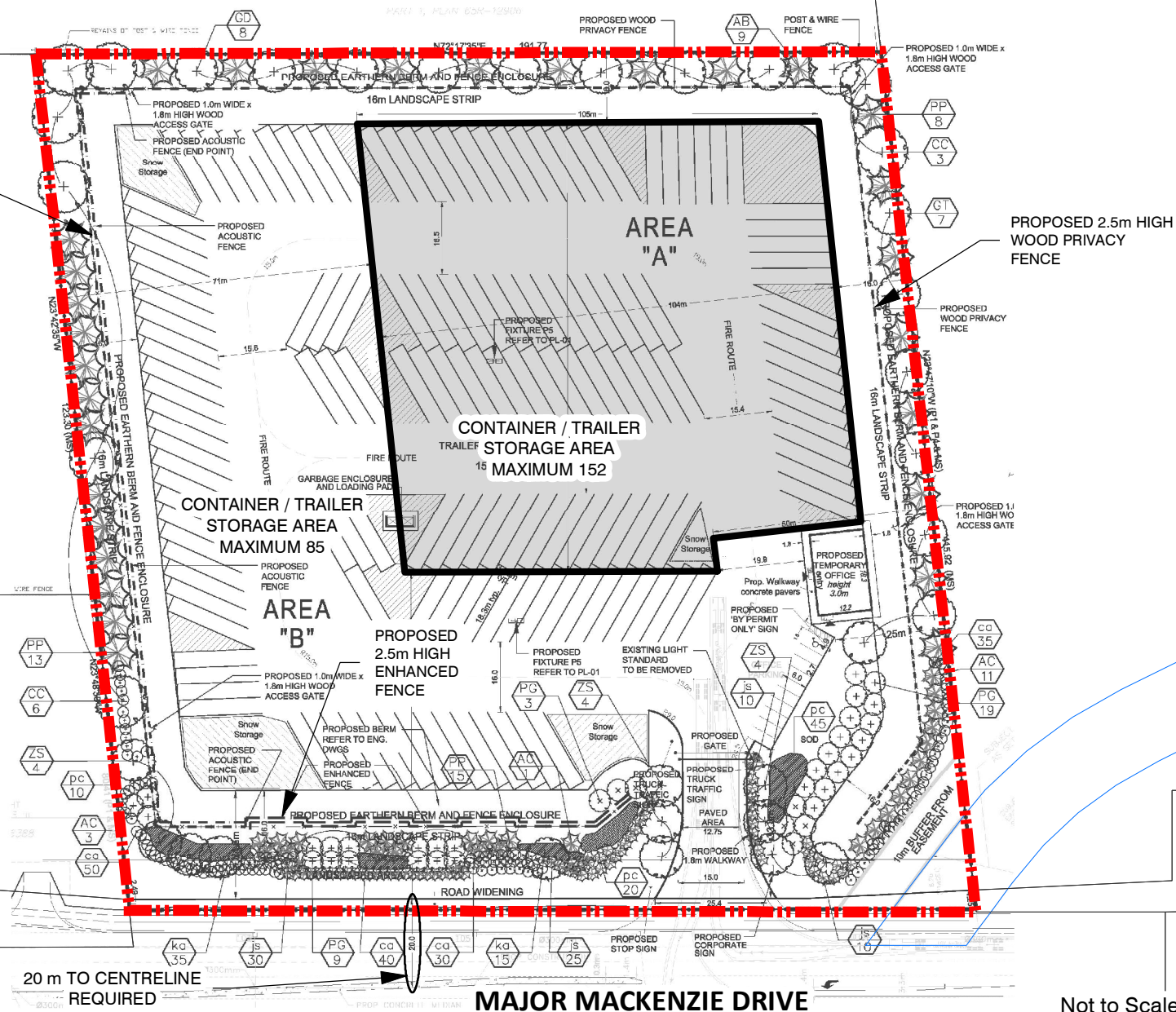


Attachment

FILES:
Z.16.040 and DA.16.083

DATE:
May 20, 2020

3



SUBJECT LANDS

LOCATION:
Part of Lot 21, Concession 10

APPLICANT:
3942198 Canada Inc. c/o Amardeep Deol

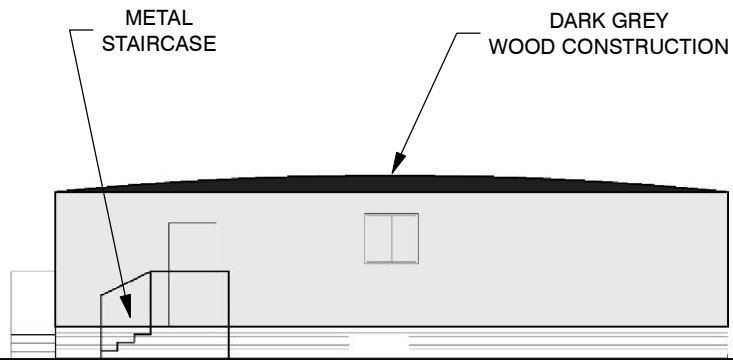


Attachment

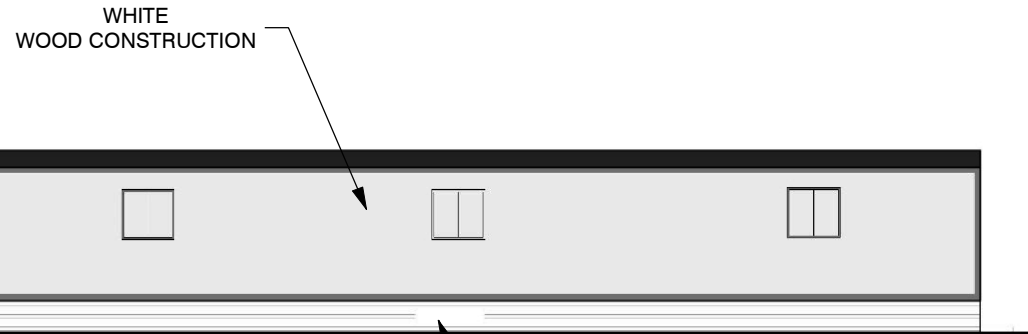
FILES:
Z.16.040 and DA.16.083

DATE:
May 20, 2020

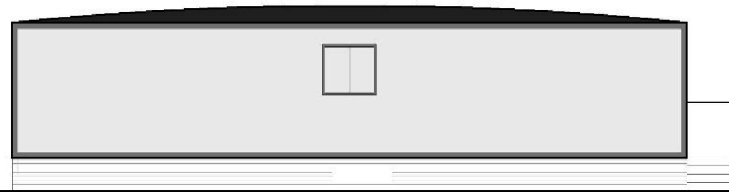
4



SOUTH ELEVATION
(FACING MAJOR MACKENZIE DRIVE)



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

Not to Scale

Temporary Accessory Office Building Elevations

LOCATION:
Part of Lot 21, Concession 10

APPLICANT:
3942198 Canada Inc. c/o Amardeep Deol



Attachment

FILES:
Z.16.040 and DA.16.083

DATE:
May 20, 2020

5

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD: 4

**TITLE: NORTHLAND PROPERTIES CORPORATION
SITE DEVELOPMENT FILE DA.19.061
VICINITY OF FOUR VALLEY DRIVE AND EDGELEY
BOULEVARD**

FROM:

Bill Kiru, Acting Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of Whole for Site Development File DA.19.061 for the Subject Lands shown on Attachment 2, to permit the development of a 6-storey 12,336 m² hotel (Sandman Hotel Group) consisting of 246 suites, an eating establishment with an outdoor patio and 217 surface parking spaces, as shown on Attachments 3 to 7.

Report Highlights

- The Owner proposes to develop a 6-storey hotel with 246 suites, an eating establishment with an outdoor patio and 217 surface parking spaces.
- The Development Planning Department supports the approval of the Site Development application as the development is consistent with Provincial policy, conforms to the York Region Official Plan 2010 and Vaughan Official Plan 2010, is a permitted use by Zoning By-law 1-88, and is compatible with the existing and planned uses in the surrounding area.
- The Owner must obtain approval from the Committee of Adjustment for the necessary exceptions to Zoning By-law 1-88 identified in Table 1 of this report to permit the Development.

Recommendation

1. THAT Site Development File DA.19.061 (Northland Properties) BE DRAFT APPROVED SUBJECT TO THE CONDITIONS included on Attachment 1, to the satisfaction of the Development Planning Department, to permit the development of a 6-storey 12,336 m² hotel (Sandman Hotel Group) consisting of 246 suites, an eating establishment with an outdoor patio and 217 surface parking spaces, as shown on Attachments 3 to 7.

Background

The 1.21 ha subject lands (the 'Subject Lands') shown on Attachment 2, are located on the west side of Four Valley Drive, east of Highway 400 and are currently vacant.

A Site Development Application has been submitted to permit the Development

The Owner has submitted Site Development File DA.19.061 (the 'Application') for the Subject Lands shown on Attachment 2, to permit a 6-storey 12,336 m² hotel (Sandman Hotel Group) consisting of 246 suites, an eating establishment with an outdoor patio and 217 surface parking spaces (the 'Development'), as shown on Attachments 3 to 7.

Previous Reports/Authority

Not applicable.

Analysis and Options

The Development is consistent with the Provincial Policy Statement, 2020

Section 3 of the *Planning Act* requires that all land use decisions in Ontario shall be consistent with the Provincial Policy Statement, 2020 (the 'PPS'). The PPS provides policy direction on matters of provincial interest on land use planning and development.

The Development Planning Department has reviewed the Development in consideration of the policies of the PPS, specifically Sections 1.1.1, 1.3.1 and 1.6.6.1 which focus on promoting efficient development and land use patterns to sustain financial well-being, while encouraging planning authorities to promote economic competitiveness in employment areas with existing access to municipal water and sewage services.

The Development utilizes a vacant lot within an established employment area. The Development is compatible with the surrounding land uses and will provide an employment base to help meet the City's long-term financial needs. In addition, the Development is situated in an area where municipal water and wastewater services can accommodate growth and be used efficiently. In consideration of the above, the Development is consistent with the PPS.

The Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019

A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 (the 'Growth Plan') is intended to guide decision making on the development of land by encouraging compact built form, transit supportive communities, diverse land uses, a range of mix of housing types. The Growth Plan encourages population and employment growth within settlement areas and promotes efficient use of vacant lands within an existing employment area to help increase employment densities, specifically where connections to municipal water and wastewater systems exist.

The Subject Lands are located within a Settlement Area identified as a built-up area that forms part of the city's employment lands. Section 2.2.5.1 - "Employment" of the Growth Plan directs that economic development and competitiveness in the Greater Golden Horseshoe be promoted by making more efficient use of underutilized employment lands and increasing employment densities. The Subject Lands are located within an "Employment Area" by Schedule 1 - Urban Structure of Vaughan Official Plan 2010 ('VOP 2010'). Specifically, the Subject Lands are vacant and located within an employment area south of Bass Pro Mills Drive, east of Highway 400. The Development makes more efficient use of an existing and underutilized site within an employment area and helps meet economic goals and attract investment opportunities in an area where municipal water and water waste services are available. In consideration of the above, the Development conforms to the Growth Plan.

The Development conforms to the York Region Official Plan 2010

The York Region Official Plan 2010 ('YROP 2010') guides economic, environmental and community building decisions across York Region, and describes how York Region will accommodate future growth and development while meeting the needs of existing residents and businesses.

The Subject Lands are designated "Urban Area" on Map 1 – Regional Structure of YROP 2010, which permits a range of residential, commercial, employment and institutional uses. YROP 2010 includes policies to diversify and strengthen the Region's economic base to provide employment opportunities for residents and competitive advantage for its businesses. Section 4.1.2 and 4.1.3 of YROP 2010 focuses on creating high quality employment opportunities that attract and retain a skilled labour force and quality employers.

The Subject Lands are located within an employment area and will efficiently utilize vacant lands to help strengthen the Region's economic base. Section 4.1.5 of YROP 2010 includes a policy that supports the creation of a business friendly environment through a diverse range, size and mix of employment uses. The Development conforms to the policies of the YROP.

The Development conforms to the building height policies of Vaughan Official Plan 2010

The Subject Lands are designated “Prestige Employment” by Vaughan Official Plan 2010 (‘VOP 2010’), which permits a wide range of employment uses including manufacturing, warehousing, processing and distribution uses, located within a wholly enclosed building. A hotel is not a permitted use within the “Prestige Employment” designation, however, the Subject Lands are zoned EM1 Prestige Employment Zone, which permits a hotel as-of-right. The “Prestige Employment” designation permits a variety of building types, including “Mid-Rise Buildings”, which is described as buildings generally over 5-storeys and up to a maximum of 12-storeys in height. The proposed 6-storey Hotel conforms to the mid-rise building type policies in Section 9.2.3.5 of VOP 2010.

Amendments to Zoning By-law 1-88 required to permit the Development

The Subject Lands are zoned “EM1 Prestige Employment Area Zone” by Zoning By-law 1-88, as shown on Attachment 2, subject to site-specific Exception 9(1057), which permits a hotel. The following site-specific zoning exceptions are required to permit the Development:

Table 1:

	By-law Standard	EM1 Prestige Employment Area Zone Requirements, subject to Site-Specific Exception 9(1057)	Proposed Exceptions to the EM1 Prestige Employment Area Zone
a.	Minimum Front Yard	6 m	5.1 m (Four Valley Drive)
b.	Minimum Lot Frontage	65 m	51.6 m
c.	Minimum Interior Side Yard	6 m	1.7 m (Four Valley Drive)
d.	Minimum Number of Parking Spaces	<p><u>Hotel</u> 246 Suites @ 1 parking space/suite = 246 parking spaces</p> <p><u>Conference Centre</u> 390 m² @ 11 spaces/100m² = 43 parking spaces</p>	<p><u>Hotel</u> 246 Suites @ 0.56 parking space/suite = 138 parking spaces</p> <p><u>Conference Centre</u> 390 m² @ 6.41 spaces/100m² = 25 parking spaces</p>

		<u>Restaurant and Outdoor Patio</u> 590 m ² @ 16 spaces/100m ² = 95 parking spaces Total parking spaces required = 384	<u>Restaurant and Outdoor Patio</u> 590 m ² @ 8.98 spaces/100m ² = 53 parking spaces Total parking spaces provided = 217 (216 +1 extra space)
e.	Minimum Number of Loading Spaces	4 spaces	2 spaces

The Development Planning Department can support the variances in Table 1. The variances are considered appropriate and minor in nature and allow for a compact development. The proposed parking and loading space variance are supported by the Transportation/Traffic Impact and Parking Study Report prepared by LSL Engineering Consultants Inc. and dated January 26, 2020, which has been reviewed to the satisfaction of the Development Engineering ('DE') Department. The study concludes that the 217 parking spaces and two loading spaces are adequate to accommodate the Development.

The Owner is required to successfully obtain approval of a Minor Variance Application for the required site-specific exceptions identified in Table 1 from the Committee of Adjustment (the 'Committee'). The Committee's decision regarding the Minor Variance shall be final and binding. Should the Site Development application be approved, the Owner shall satisfy any conditions of approval imposed by the Committee prior to the execution of the Site Plan Letter of Undertaking. A condition to this effect is included in Attachment 1.

The Development Planning Department supports the Development

Site Plan

The proposed hotel Development will be served by 217 surface parking spaces located around the periphery of the building, as shown on Attachment 3. The eating establishment will include a 66 m² outdoor patio located on the west side of the building. The Development will be located on a vacant parcel of land adjacent to two existing office buildings with two access points from Four Valley Drive. The loading spaces are located at the north-west corner of the Subject Lands as shown on Attachment 3. The Owner proposes to install deep underground waste containers (Moloks) to manage the disposal of waste being produced by the Development.

Landscape Plan

The proposed landscape plan includes at-grade planters integrated throughout the parking area containing a variety of ornamental deciduous trees and shrub beds, foundation plantings with a variety of coniferous shrub species and bike racks, as shown on Attachment 4. The Owner is proposing a 14 m wide terraseed easement along Highway 400 that includes of a variety of deciduous and coniferous trees, shrubs and grasses, as shown on Attachment 4.

The Tree Preservation Plan included in the arborist report identifies 9 deciduous trees (3 on the public boulevard and 6 on private property) that will need to be removed. An additional 19 trees, located on the shared property line of the abutting lands to the north at 199 Four Valley Drive and to the south at 161 Four Valley Drive, will be being preserved. The Owner will require a letter of consent from the adjacent landowners prior to the installation of hoarding and commencing construction. Prior to the execution of the Site Plan Letter of Undertaking the Owner shall provide compensation for the trees proposed to be removed in accordance with the Council endorsed City Tree Protection Protocol. A condition to this effect is included in Attachment 1.

Building Elevations

The proposed building elevations include a mix of espresso, aged pewter and gray hardi-panels contrasting with a black aluminum glass frame, brick veneer and concrete base, as shown on Attachments 5, 6 and 7.

Signage

The building signage and the 6.4 m pylon sign for the Development will be visible from Four Valley Drive. Lighting is provided on the building and throughout the parking area.

Sustainability Performance Metrics

The Development achieves the silver performance level of sustainability with an overall application score of 48. The Development is located within walking distance of amenities and meets the City's planting requirements for overall soil volume, pH, soil depth and shade coverage. Sustainable transportation features of the Development include sheltered bicycle spaces, carpool and electric vehicle parking spaces.

The Development includes the construction of a public sidewalk and pedestrian connection (Attachment 3) leading to existing transit stops along Four Valley Drive.

The Development achieves sustainable stormwater management practices, with 81 to 90 percent of total suspended solids from all runoff leaving the site to be removed during a 10mm rainfall event. The Development also achieves sustainable lightning standards, bird friendly design and solid waste management principles.

The Development Planning Department is satisfied with the Development shown on Attachments 3 to 7. The final site plan, building elevations, landscape plan, landscape cost estimate, signage details and lightning plan must be approved prior to the

execution of the Site Plan Letter of Undertaking. A condition to this effect is included in Attachment 1.

The Subject Lands are cleared of any concern for archaeological resources

No cultural heritage concerns have been identified respecting the Subject Lands. Standard archaeological conditions to this effect are identified in Attachment 1 to this report and shall be included in the implementing Site Plan Letter of Undertaking.

The Development Engineering ('DE') Department has no objection to the Development, subject to conditions in this report

The DE Department has no objection to the Development subject to the conditions included in Attachment 1.

Municipal Servicing

Municipal water servicing is proposed for the Subject Lands by a watermain connection to Four Valley Drive. The site is pre-serviced for fire and domestic water services with a valve in chamber and a curb stop. The Owner is responsible for replacing the curb stop with a valve in box and installing a dedicated domestic and fire watermain that meet City standards. A private hydrant is proposed to assist with fire protection for the site.

Sanitary Servicing

Sanitary servicing is proposed for the Subject Lands by a sanitary sewer from Four Valley Drive. The site is pre-serviced with an existing sanitary control manhole and connection to the existing sanitary sewer. The Owner is responsible for installing a sanitary connection from the building to the existing sanitary control manhole.

Storm Sewer System and Stormwater Management

Stormwater servicing to the Subject Lands is proposed by a storm sewer within an easement located at the rear of the site. Controlled stormwater flows are proposed to be discharged at this location in accordance with the prescribed flows dictated in the approved plan of subdivision (Parktrail Holdings, File 19T-99V01). An underground infiltration gallery is proposed to capture and infiltrate clean roof water in accordance with Ministry of Transportation ('MTO') design criteria and to the satisfaction of the Toronto and Region Conservation Authority ('TRCA') and the City of Vaughan.

Erosion and Sediment Control

Erosion and sediment control mitigation measures are to be implemented during construction to minimize silt laden runoff discharge from the Subject Lands in accordance with "Erosion and Sediment Control Guideline for Urban Construction, December 2006".

Environmental Site Assessment

The Owner submitted a Phase I Environmental Site Assessment ('ESA') report for the Subject Lands. The report indicates there are no significant environmental concerns and no further ESA work is required, which is acceptable to the DE Department.

Transportation

Access to the Subject Lands is proposed from two access points off Four Valley Drive. The Development includes 217 parking spaces, whereas Zoning By-law 1-88 requires 384 parking spaces for the Development. The Parking Study concludes the parking demand (216 spaces) and supply (217 spaces) is sufficient for the Development's specific requirements based on the supporting analysis provided. The DE Department agrees with the conclusions and has no objection with the proposed access and parking supply.

The final site plan, site grading and servicing plan, Stormwater Management Report and Functional Servicing Report submitted in support of the application must be approved by the DE Department prior to the execution of the Site Plan Letter of Undertaking.

The Parks Development Department has no objection to the Development

The Parks Planning Department has no objection to the Development.

The Forestry Operations Division has no objection to the Development

The Forestry Operations Division of the Transportation Services, Parks and Forestry Operations Department has no objection to the Development.

Development Charges are applicable for the Development

The Financial Planning and Development Finance Department has advised that the Owner shall pay applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, York Region, York Region District School, and York Catholic District School Board.

Cash-in-Lieu of the dedication of parkland is not required

The Real Estate Department and the Parks Development Department have confirmed that cash-in-lieu of the dedication of parkland is not required as this requirement was previously satisfied under Draft Plan of Subdivision File 19T-99V01.

The Environmental Services Department, Waste Management Division has no objection to the Development

The Environmental Services Department, Waste Management Division has reviewed the application and advise they have no objection to its approval.

The Fire and Rescue Services Department has no objection to the Development

The Fire and Rescue Services Department have no objection to the Development.

The Ministry of Transportation Ontario ('MTO') have no objection to the Development, subject to conditions

The Development is located outside of the MTO Permit Control Area for building land use and construction, however, the site is located within an MTO Permit Control Area for proposed signage. The Owner is required to obtain all necessary approvals. A condition to this effect is included in Attachment 1.

The Toronto and Region Conservation Authority ('TRCA') has no objection to the Development

The Subject Lands are located in a Source Water Protection vulnerable area referred to as a Wellhead Protection Area-Q2 (WHPA-Q2). As such, this Application is subject to policies within the Credit Valley - Toronto and Region - Central Lake Ontario ('CTC') Source Protection Plan that need to be addressed through a site-specific water balance assessment. The TRCA has reviewed the Water Balance Report submitted in support of this Application and advised they have no objection to the Development.

NavCanada and Bombardier have no objection to the Development

NavCanada and Bombardier advise that they have no objection to the Development.

The various utilities have no objection to the Development

Hydro One, Enbridge Gas, Alectra Utilities Corporation, Bell Canada and Rogers Communications and Canada Post have no objection to the Development, subject to the Owner coordinating servicing, connections, easements and locates with the above noted utilities prior to the commencement of any site works.

Financial Impact

There are no financial requirements for new funding associated with this report.

Broader Regional Impacts/Considerations

York Region Community Planning and Development Services Division has reviewed the Development and has no objection to its approval.

Conclusion

The Development Planning Department has reviewed Site Development File DA.19.061 in consideration of the applicable Provincial policies, the policies of YROP 2010 and VOP 2010, the requirements of Zoning By-law 1-88, comments from City Departments, external public agencies and the surrounding area context. The Development shown on Attachments 3 to 7, is a permitted use by Zoning By-law 1-88, and is appropriate and compatible with the existing and permitted uses in the surrounding area. The required Committee of Adjustment Minor Variance Application for the exceptions to Zoning By-law 1-88 shall be final and binding prior to final approval of the Development.

Accordingly, the Development Planning Department supports the approval of Site Development File DA.19.061. Should Council approve the Application, conditions of approval are included in the Recommendations Section of this report and Attachment 1.

For more information, please contact: Roberto Simbana, Planner, at extension 8810.

Attachments

1. Conditions of Site Plan Approval
2. Location Map
3. Site Plan
4. Landscape Plan
5. Building Elevations – North
6. Building Elevations – South
7. Building Elevations – West and East

Prepared by

Roberto Simbana, Planner, ext. 8810

Mary Caputo, Senior Planner, ext. 8635

Nancy Tuckett, Senior Manager of Development Planning, ext. 8529

Mauro Peverini, Director of Development Planning, ext. 8407

/MP

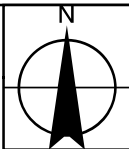
Attachment 1 – Conditions of Site Plan Approval

Site Development File DA.19.061 (Northland Properties Corporation)

Conditions of Approval:

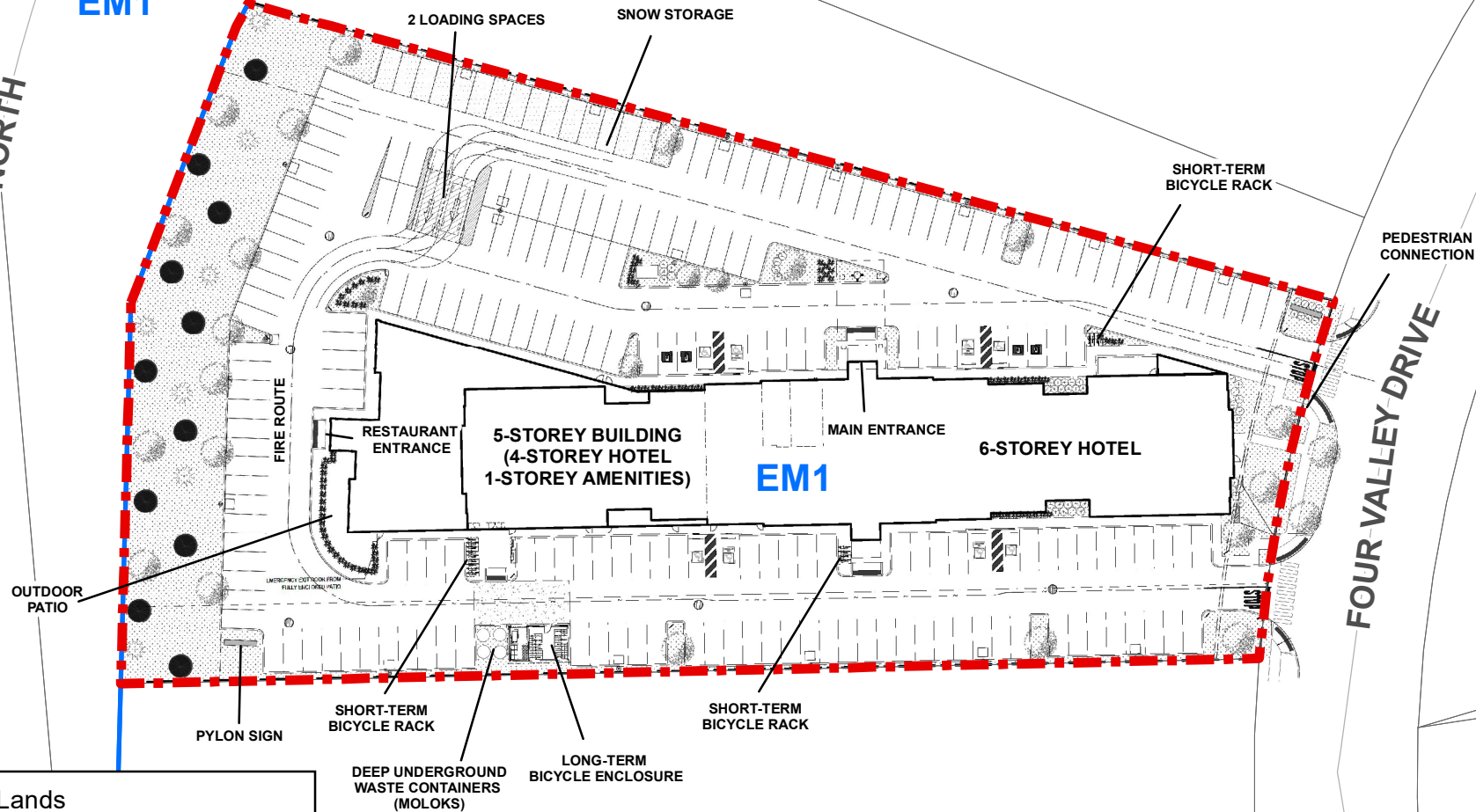
- 1) THAT prior to the execution of the Site Plan Letter of Undertaking:
 - a) The Development Planning Department Shall approve the final site plan, landscape plan and cost estimate, arborist report, tree inventory and removal plan, building elevations, signage details and photometric plan;
 - b) The Owner shall provide the City with a letter of consent from each of the Owners of 161 and 199 Four Valley Drive respecting the preservation of trees located on the shared property lines and the letter must identify that any costs and activities associated with tree preservation shall be at the Owner's expense;
 - c) The Owner shall successfully obtain approval of a Minor Variance Application from the Committee of Adjustment for variances to Zoning By-law 1-88 identified in Table 1 of this report, to permit the Development. The Committee's decision shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee;
 - d) The Development Engineering Department shall approve the final grading, erosion and sedimentation control and site servicing plans, the functional servicing and stormwater management report and traffic impact study;
 - e) The Owner shall provide the City of Vaughan with a letter of credit, in a form satisfactory to the City, for the proposed sidewalk and appurtenances fronting the Subject Lands on Four Valley Drive;
 - f) The Owner shall satisfy all requirements and obtain all necessary approvals from Ministry of Transportation ('MTO'); and
 - g) The Owner shall satisfy all requirements from Alectra Utilities Corporation, Enbridge Distribution Inc., Bell Canada and Canada Post.
2. That the Site Plan Letter of Undertaking shall include the following provisions and/or warning clauses, to the satisfaction of the City:

- a) "The Owner shall contact the Forestry Operations Division of the Transportation Services, Parks and Forestry Operation Department once the tree protection measures have been installed for inspection and approval according to City specifications."
- b) "The Owner shall agree to notify both the Ministry of Tourism, Culture and Sport and the City of Vaughan Development Planning Department immediately in the event that:
 - i. archaeological resources are found on the property during grading or construction activities, to which the Owner must cease all grading or construction activities; and
 - ii. where human remains are encountered during grading or construction activities, the Owner must cease all grading or construction activities. The Owner shall contact York Region Police, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services."



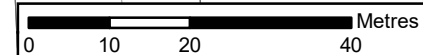
EM1

HIGHWAY 400 OFF-RAMP NORTH



Subject Lands

EM1, Prestige Employment Area
Zone



Site Plan

Location:
Part of Lot 13, Concession 5

Applicant:
Northland Properties Corporation

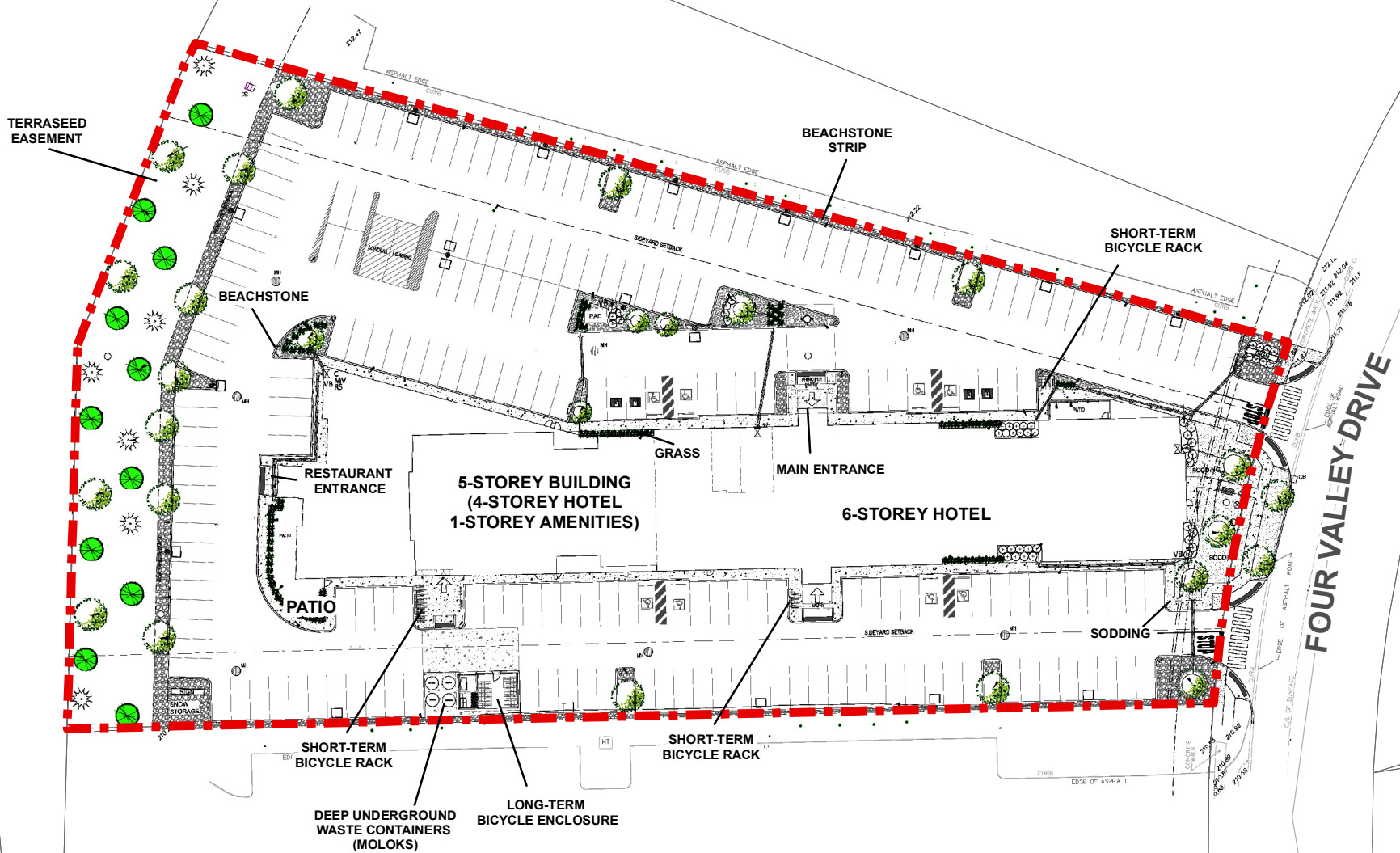
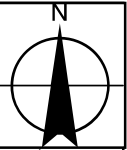



Attachment

File:
DA.19.061
Date:
May 20, 2020

3

HIGHWAY 400 OFF-RAMP NORTH



 Subject Lands

0 5 10 20 Metres

Landscape Plan

Location:
Part of Lot 13, Concession 5

Applicant:
Northland Properties Corporation

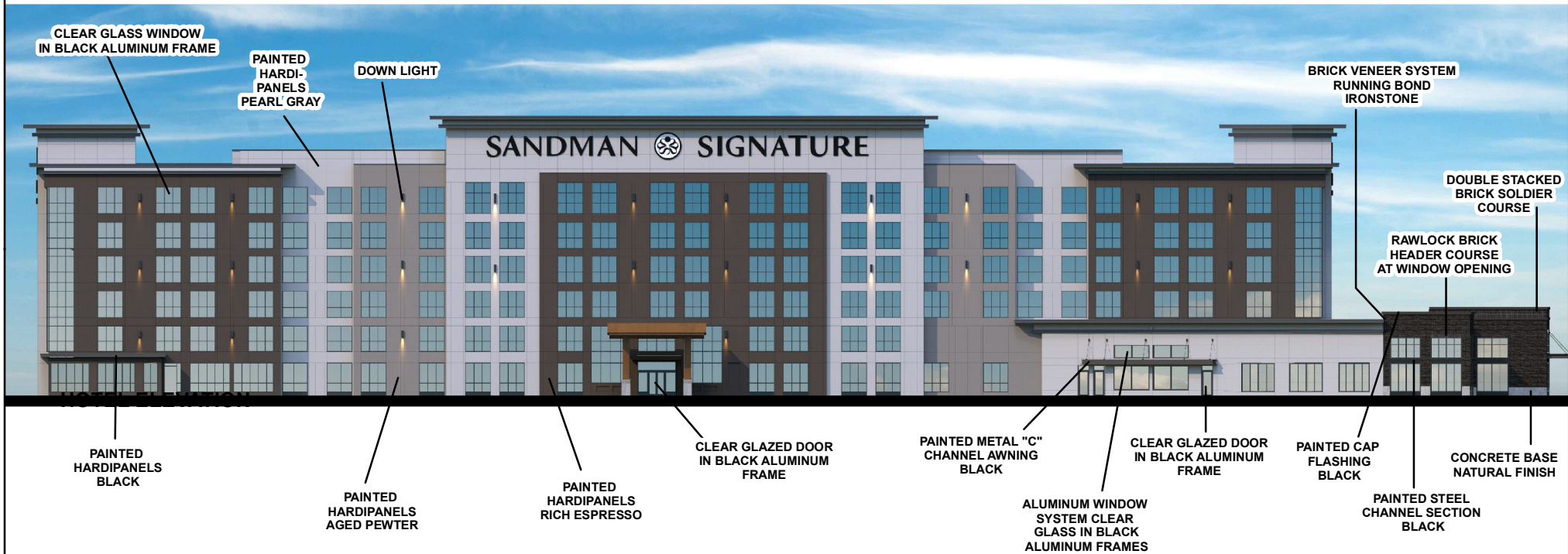


Attachment

File:
DA.19.061

Date:
May 20, 2020

4



Not to Scale

Building Elevations - North

Location:
Part of Lot 13, Concession 5

Applicant:
Northland Properties Corporation

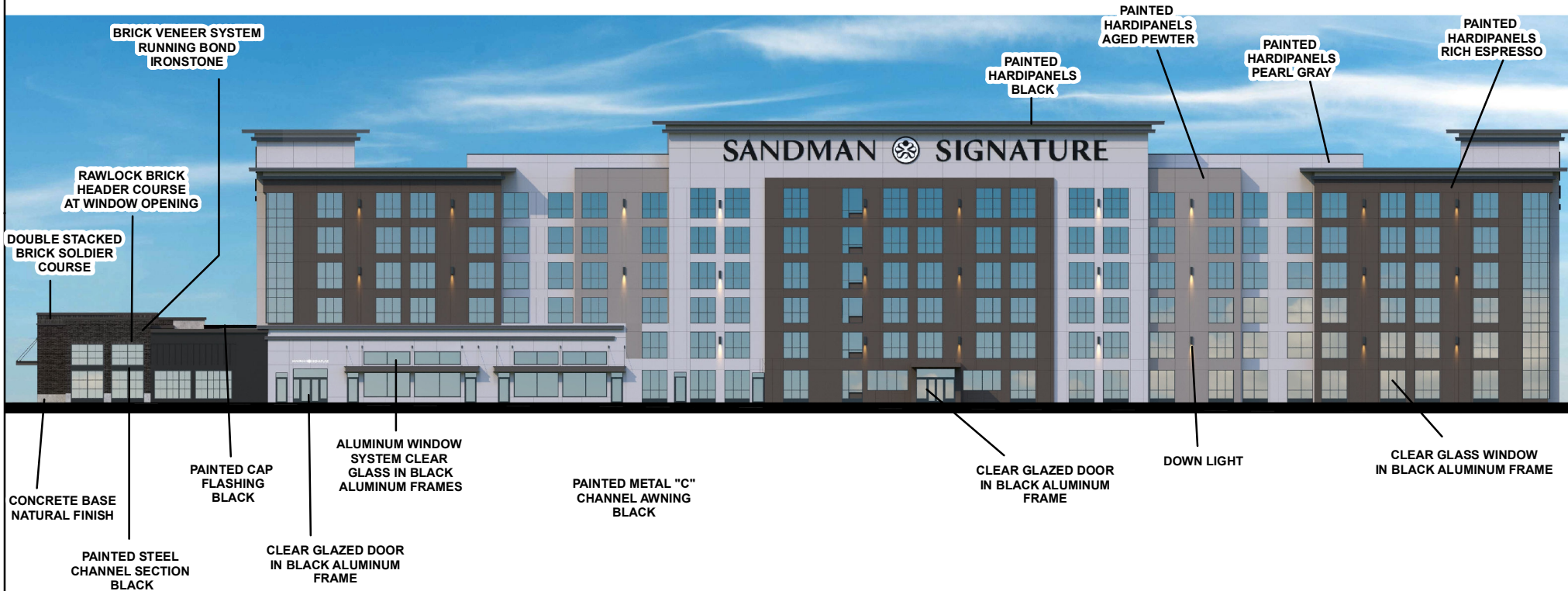


Attachment

File:
DA.19.061

Date:
May 20, 2020

5



Not to Scale

Building Elevations - South

Location:
Part of Lot 13, Concession 5

Applicant:
Northland Properties Corporation

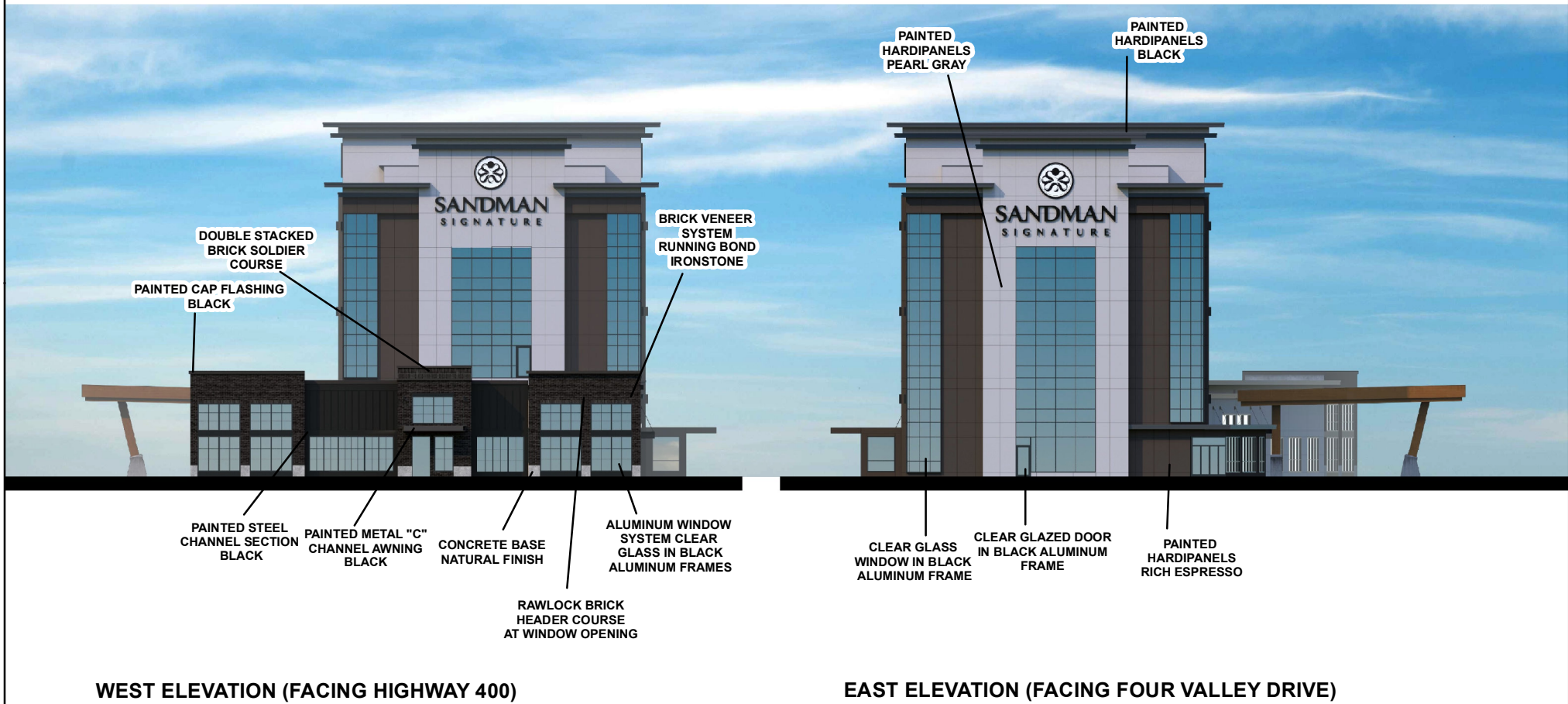


Attachment

File:
DA.19.061

Date:
May 20, 2020

6



Not to Scale

Building Elevations - West and East

Location:
Part of Lot 13, Concession 5

Applicant:
Northland Properties Corporation



Attachment

File:
DA.19.061

Date:
May 20, 2020

7

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD: 3

**TITLE: PRIMA VISTA ESTATES INC.
SITE DEVELOPMENT FILE DA.18.029
10699 AND 10733 PINE VALLEY DRIVE
VICINITY OF PINE VALLEY DRIVE AND TESTON ROAD**

FROM:

Bill Kiru, Acting Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Site Development File DA.18.029 (Prima Vista Estates Inc.) for the Subject Lands shown on Attachment 2. The Owner proposes the development of 66 townhouse and 2 semi-detached dwelling units serviced by 6 m wide private common-element condominium roads, as shown on Attachments 3 to 7.

Report Highlights

- The Owner is proposing 66 townhouse and 2 semi-detached dwelling units serviced by 6 m wide private common-element condominium roads
- On April 6, 2016, the Local Planning Appeal Tribunal issued a decision (Case No. PL150868) conditionally approving Zoning By-law Amendment File Z.03.024 for the Subject Lands to permit the proposed development and withhold the final approval of the implementing zoning by-law subject to conditions
- The Development Planning Department supports the approval of the Site Development Application as the development is consistent with Provincial policies, conforms to the York Region Official Plan 2010 and City of Vaughan Official Plan 2010, and is compatible with the existing and planned land uses

Recommendation

1. THAT Site Development File DA.18.029 (Prima Vista Estates Inc.) BE DRAFT APPROVED AND SUBJECT TO THE CONDITIONS included in Attachment 1, to the satisfaction of the Development Planning Department, to permit 66 townhouse and 2 semi-detached dwelling units serviced by 6 m wide private common-element condominium roads.

Background

The 3.11 ha subject lands (the 'Subject Lands') shown on Attachment 2 are known as 10699 and 10733 Pine Valley Drive and are located east of Pine Valley Drive and south of Teston Road. The Subject Lands are located within the Block 40/47 Planning Area.

A Site Development Application has been submitted to permit the Development
Prima Vista Estates Inc. (the 'Owner') has submitted Site Development File DA.18.029 (the 'Application') to permit 66 townhouse and 2 semi-detached dwelling units served by 6 m wide private common-element condominium roads (the 'Development'), as shown on Attachments 3 to 7. The Application consists of the following:

<u>Blocks</u>	<u>Land Use</u>	<u>Area (m²)</u>	<u>Coverage (%)</u>	<u>Number of Units</u>
	Net Lot Area	27,349.30	-	-
	Buffer Area	3,752.81	-	-
1-17	Residential Dwelling Area	8,687.82	31.77	68
	Private Road and Sidewalks	5,853.43	21.4	-
	Landscape Area	11,031.83	40.33	-
	Amenity Space - Semi-detached and Townhouses, and Public (Play Area, Seating Area)	1,776.23	6.5	-

<u>Parking</u>	
<u>Minimum Parking Required</u>	<u>Parking Proposed</u>
2 parking spaces/unit @ 68 units = 136 parking spaces	2 parking spaces/unit @ 68 units = 136 parking spaces
0.25 Visitor parking spaces/unit @ 68 Units = 17	0.23 Visitor Parking Spaces/Unit @ 68 Units = 16
Total: 153	Total 152

The Local Planning Appeal Tribunal must approve the Implementing Zoning By-law for the Subject Lands

The Ontario Municipal Board, now the Local Planning Appeal Tribunal ('LPAT') on April 6, 2016, issued a decision (Case No. PL150868) to conditionally approve Zoning By-law Amendment File Z.03.024 ('Zoning Amendment') for the Subject Lands. The Zoning Amendment is to rezone the Subject Lands from "A Agricultural Zone" to "RT1(H) Residential Townhouse Zone" with the addition of the Holding Symbol "(H)", "OS1 Open Space Conservation Zone" and "OS2 Open Space Park Zone" as shown on Attachment 3, together with the site-specific zoning exceptions to definitions, lot standards, building height, permitted uses, and frontage onto a private street.

The LPAT is withholding the approval of the implementing Zoning By-law until the Master Environmental Servicing Plan ('MESP') for the Block 40/47 Plan is completed and the modifications to the Zoning Amendment are met to the satisfaction of the Toronto and Region Conservation Authority ('TRCA') and the City. The process is being finalized for the LPAT to approve the implementing Zoning By-law for the Zoning Amendment. The final implementing Zoning By-law must be approved and in-effect by the LPAT prior to the execution of the Site Plan Letter of Undertaking for the Application. A condition to this effect is included in Attachment 1.

Previous Reports/Authority

The following links provide information related to this report:

[June 17, 2014 Block 40/47 Committee of the Whole Report \(Item 57, Report No. 30\)](#)

[May 15, 2015 Block 40/47 Committee of the Whole Report \(Item 4, Report No. 20\)](#)

[July 16, 2012 Zoning By-law Amendment File Z.03.024 and Draft Plan of Subdivision File 19T-03V05 \(Item 11, Report No. 29\)](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 ('PPS') provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides policies for appropriate development while ensuring that public health and safety, and the quality of the natural and built environment are protected. In accordance with Section 3(5) of the *Planning Act*, all land use decisions in Ontario "shall be consistent with" the PPS.

The Development is consistent with the PPS, specifically Section 1.1.3 to encourage development within Settlement Areas and the efficient use of land by supporting

intensification and redevelopment. The Development will efficiently use planned and existing infrastructure and services and will protect existing natural features and areas in accordance with Sections 1.6.6, 2.1.1 and 2.1.2 of the PPS.

The Subject Lands are vacant agricultural lands, abut the Purpleville Creek and are within the East Humber River watershed consisting of open space/natural areas, open space buffers and hazards lands. The Development will complete a phase of approved Draft Plan of Subdivision File 19T-03V05 located within the Settlement Area. The Development consists of compact building forms supporting the efficient use of land, and includes a 10 m buffer to the open space/natural area. In consideration of the above, the Development is consistent with the PPS.

The Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 ('Growth Plan') guides decision making on the development of land and includes encouraging compact built form, transit supportive communities, diverse land uses, and the flexibility to capitalize on new economic and employment opportunities while providing certainty for traditional industries. The Growth Plan encourages the concentration of population and employment growth within settlement areas and promotes the development of complete communities that offers a mix of jobs, local stores, services and housing types. In accordance with Section 3(5) of the *Planning Act*, Council's planning decisions shall conform to the Growth Plan.

The Development is located within a Settlement Area and Delineated Built-up Area providing residential lands with existing and planned municipal water and wastewater systems, in accordance with Section 2.2.1 of the Growth Plan. Specifically, the Subject Lands are located within the "Community Areas" and "Natural Areas and Countryside" of Schedule 1 - Urban Structure, in Volume 1 of Vaughan Official Plan 2010 ('VOP 2010') and is located within the Block 40/47 Planning Area. The Development makes efficient use of land by adding to the range of residential building forms that contribute to establishing a complete community in accordance with Sections 2.2.1.4 and 2.2.6.2 of the Growth Plan. In consideration of the above, the Development conforms to the Growth Plan.

The Development conforms to the York Region Official Plan 2010

The York Region Official Plan 2010 ('YROP') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" and "Regional Greenlands System" by the YROP. Section 5.0 of the YROP states that "Growth will also occur in new community areas...throughout the

Region.” Section 3.5.4 of the YROP, requires that “local municipal official plans and zoning by-laws permit a mix and range of housing types, lot sizes, unit sizes, functions, tenures and levels of affordability within each community.” It also states that “the mix and range of housing shall be consistent with Regional forecasts, and intensification and density requirements.”

Section 2.1.5 of the YROP requires local official plans to identify opportunities to integrate the “Regional Greenlands System” into community design and encourage remedial works and enhancement opportunities within the “Regional Greenlands System”. Section 2.1.7 of the YROP permits refinements to the boundary of the “Regional Greenlands System” through approved planning applications that are supported by technical studies such as a Master Environmental and Servicing Plan (‘MESP’). Through the Block 40/47 Plan and Secondary Plan the MESP demonstrated the opportunities for the integration and refinement of the Regional Greenlands System into the Block 40/47 community, including the Subject lands.

The Development will add to the range of housing forms in the community including semi-detached and townhouse dwellings, and will establish an internal pedestrian linkage to the public pedestrian walkways that connect to a neighbourhood park. The Development includes a 10 m wide buffer to protect the natural area. The Development conforms to the YROP.

The Development conforms to VOP 2010

The Subject Lands are located in a “Community Area” and “Natural Area and Countryside” on Schedule 1 - Urban Structure of VOP 2010, and are designated “Medium Density Residential/Commercial” and “Valley Land” by VOP 2010, Volume 2, Section 12.13 Block 40/47.

Section 12.13.2.13 of VOP 2010 amends Section 8.2.3 of Official Plan Amendment (‘OPA 600’, the previous Official Plan for the Subject Lands) requiring York Region to undertake an Environmental Impact Assessment (‘EIA’). The EIA is required to establish the preferred road alignment to eliminate the jog on Teston Road, realign the intersection of Pine Valley Drive and Teston Road, and secure the conveyance of the required lands to the Region. VOP 2010 authorizes the placing of the Holding Symbol “(H)” on the Subject Lands to undertake the EIA. The Teston Road EIA was completed and the project was cleared to proceed to preparing the detailed design in 2017. However, the lands required by York Region have not been conveyed by the Owner. Therefore, the lands will be zoned with the Holding Symbol “(H)” as further discussed in the Zoning section of this report.

The “Medium Density Residential/Commercial” designation permits semi-detached and townhouse dwelling units between 11 to 80 units per net residential hectare in accordance with Section 12.13.2.7 of VOP 2010. The Development yields a density of 24.9 units per hectare. The Development includes a 10 m wide buffer to the natural feature in accordance with the “Valley Lands” policies of VOP 2010. The Development conforms to VOP 2010.

Official Plan Amendment 15 does not apply to the Subject Lands

Official Plan Amendment 15 (‘OPA 15’) establishes development criteria for multiple lot developments in a Community Area by VOP 2010, Schedule 1 - Urban Structure, and are: designated “Low-Rise Residential” by VOP 2010, Schedule 13 - Land Use; or part of an “Established Large-Lot Neighbourhood” by VOP 2010, Schedule 1B - Areas Subject to Policy 9.1.2.3 - Established Large-Lot Neighbourhoods. The Subject Lands are located within a Community Area by VOP 2010, but are designated “Medium Density Residential/Commercial” by Policy 12.13 of VOP 2010. The development criteria in OPA 15 for multiple lot developments does not apply to the Subject Lands.

The Development conforms to the Block 40/47 Plan in accordance with Vaughan Official Plan 2010

Vaughan Council on June 24, 2014, approved the Block 40/47 Plan (‘Block Plan’), that includes the Subject Lands. The Block Plan provides the basis for the land uses, housing mix, development densities, environmental protection, servicing infrastructure, transportation (road) network, public transit, urban design, and phasing for the Block Plan in order to manage growth. The Development is providing a medium-density residential use as approved in the Block 40/47 Plan. The Development conforms to the Block Plan as required by VOP 2010.

The Draft Plan of Subdivision for the Subject Lands must be registered prior to final approval of the Development

The LPAT on April 6, 2016, approved Draft Plan of Subdivision File 19T-03V05 (‘Draft Plan’). The Subject Lands are located within Phase Four of the Draft Plan and must be registered prior to final approval of the Development. A condition to this effect is included in Attachment 1.

Amendments to Zoning By-law 1-88 are required to permit the Development

The Subject Lands are zoned “A Agricultural Zone” by Zoning By-law 1-88, as shown on Attachment 2. The Development is not permitted by the “A Agricultural Zone” and is contingent on the April 6, 2016, LPAT Decision to approve the implementing Zoning By-law for the Subject Lands.

The LPAT Decision conditionally approved the rezoning of the Subject Lands to “RT1(H) Residential Townhouse Zone” with the addition of the Holding Symbol “(H)”, “OS1 Open Space Conservation Zone” and “OS2 Open Space Park Zone” as shown on Attachment 3, with site-specific zoning exceptions to: definitions, lot standards, building height, permitted uses, and frontage onto a private street; in order to implement the Development shown on Attachments 3 to 7.

Approval of the implementing Zoning By-law by the LPAT is being withheld until the ‘MESP’ is completed and the modifications to the Zoning Amendment are to the satisfaction of the TRCA and the City. The final implementing Zoning By-law for the Zoning Amendment must be approved by the LPAT, in accordance with the LPAT Decision dated February 26, 2019 (File PL170640), prior to the execution of the Site Plan Letter of Undertaking. A condition to this effect is included in Attachment 1.

The Development will be zoned with the Holding Symbol “(H)”

York Region requires the Subject Lands be zoned with the Holding Symbol “(H)”. The implementing Zoning By-law to be forwarded to the LPAT will include the following condition, to be approved by York Region, prior to the Holding Symbol “(H)” being removed from the Subject Lands:

- i) Conveyance of sufficient lands, free of costs and encumbrances, along the Teston Road and Pine Valley Drive frontages as identified in the Teston Road Schedule C Class Environmental Assessment from Pine Valley Drive to Weston Road to accommodate the intersection realignment.

The Holding Symbol “(H)” can be removed from the Subject Land when the above noted condition is fulfilled.

The Development Planning Department supports the Development

Site Plan

The Development shown on Attachments 3 to 7 includes 2 semi-detached and 66 townhouse dwellings served by 6 m wide private common-element condominium roads and is accessed from Purpleville Creek Road. The Subject Lands abut Teston Road, however, no access is proposed to Teston Road due to the grade along this frontage.

The Subject Lands abut open space/buffer lands to the south and east. The dwelling units have private backyard amenity space and a common playground amenity space is proposed, as shown on Attachment 3. Each unit provides two parking spaces. Sixteen (16) visitor parking spaces are proposed throughout the Development, inclusive of one (1) barrier-free space. Pedestrian connections lead to the planned sidewalk on Purple

Creek Road, the future commercial development to the west, park to the south, and two community mailbox locations.

Landscape Plan

The Landscape Plan shown on Attachment 4 includes a landscape area abutting the driveway entrance into the Subject Lands and a 10 m wide open space buffer consisting of a variety of deciduous and coniferous trees and shrubs. Landscaping, including a tree in front of most dwellings, and privacy fencing or decks are proposed for the dwelling units.

The Tree Inventory and Assessment Plan ('TIAP') prepared by Strybos Barron King and dated September 2016 submitted in support of the Application identifies the removal of one (1) tree. Tree protection hoarding will be required to protect the trees in the open space buffer area. The Owner is required to enter into a Tree Protection Agreement with the City in accordance with the Council adopted Tree Protection By-law 52-2018 and shall quantify the value of the tree replacement using the Urban Design Tree Replacement Valuation outlined in the City's Tree Protection Protocol prior to the execution of the Site Plan Letter of Undertaking. A condition to this effect is included in Attachment 1. Compensation tree planting for the removal of one (1) tree will be not be required as outlined in the City's Tree Protection Protocol, as the Development includes additional tree plantings to compensate for the tree removal.

Building Elevations

The two-storey building elevations includes a combination of light and dark grey and brown brick, and stone and grey brick and vision glazing on the façades, as shown on Attachments 5 to 7. Prior to the execution of the Site Plan Letter of Undertaking, the final building elevations must be approved by the Development Planning Department. A condition to this effect is included in Attachment 1.

Sustainability Performance Metrics

The Development achieves an overall Sustainability Performance Metrics ('SPM') application score of 30 points. The Development is in proximity to open space lands and includes landscape and buffers as a transition to the open space. The Development includes pedestrian linkages to public sidewalks, a vista and a municipal park south of the Subject Lands. The Development is required to achieve a minimum application performance level score of 31 points to the satisfaction of the Development Planning Department.

The Development Planning Department is satisfied with the Development shown on Attachments 3 to 7, subject to the Recommendations of this report. Prior to the execution of the Site Plan Letter of Undertaking, the final site plan, building elevations, landscape plan, landscape details, landscape cost estimate, tree preservation plan, and SPM score must be approved to the satisfaction of the Development Planning Department. A condition to this effect is included in Attachment 1 to this report.

A commemorative plaque is incorporated into the Development, and the Subject Lands are clear of any concern for archaeological resources

A portion of the Subject Lands are located at 10733 Pine Valley Drive and contained the Purpleville Post Office and General Store and are listed in the Municipal Register ('Register') under Section 27 of the *Ontario Heritage Act*. The structure was to be relocated and restored in accordance with Draft Plan of Subdivision File 19T-03V05 (Gold Park Homes Inc. / 840999 Ontario Limited). However, the structure was largely destroyed in an August 2018 fire. Cultural Heritage staff on December 11, 2018, conducted a site visit and documented the remains of the structure.

The Subject Lands no longer retain their identified cultural heritage value and must be de-listed from the Register. The Owner shall submit an application to the Heritage Vaughan Committee to remove the Subject Lands from the Register, as specified by Section 27 of the *Ontario Heritage Act*. The recommendation by Heritage Vaughan must be ratified by Vaughan Council prior to the execution of the Site Plan Letter of Undertaking. A condition to this effect is included in Attachment 1.

The City of Vaughan Standards for Heritage Commemoration Plaques policy, Section 6.1.3.4 states, "commemorative plaque programs including plaques for sites is required where the cultural heritage resource may have been lost or where there are few vestiges of these resources." The Owner is required to erect a commemorative plaque in a location to the satisfaction of the City. A condition to this effect is included in Attachment 1 to this report.

The Subject Lands are cleared of any concern for archaeological resources. Standard conditions to this effect are identified in Attachment 1 to this report and shall be included in the implementing Site Plan Letter of Undertaking.

The Development Engineering Department has no objection to the Development, subject to the conditions in this report

The Development Engineering Department ('DE') has no objection to the Development subject to the Owner addressing the conditions in Attachment 1 to this report.

Road Network

Site access to the Development is proposed from the extension of Purple Creek Road and connecting to Pine Valley Drive. The extension of Purple Creek Road shall form part of the subdivision agreement and precede the Site Plan Letter of Undertaking.

Transportation Planning

The submitted Traffic Impact Study ('TIS') prepared by Cole Engineering Group Ltd. and dated July 21, 2017, states the access for the Development should have a right-of-way of 15.5 m with two-inbound and two-out bound lanes. The proposed access has a right-of-way width of 14.4 m with one-inbound and one-out bound lane. The drawings for the Development must be revised to show the recommended lane configuration, and the required traffic signs.

The DE Department concurs with the overall assessment in the TIS. The final truck maneuvering plan must be approval by the Fire and Rescue Services Department and the Environmental Services Department.

Municipal Services

The Owner has submitted a Stormwater Management Conformance Letter ('SMCL') and a Servicing Brief ('SB'), prepared by SCS Consulting Group Limited and dated April 3, 2018, and March 21, 2018, respectively. The SMCL and SB outline the existing downstream servicing was designed to accommodate the Development and was approved as part of the Block 40/47N Spine Servicing Agreement. The proposed sanitary and storm flows are consistent with the approved design, and the downstream infrastructure have the capacity to convey flows to the existing sanitary pump station and stormwater management facility.

Water Servicing

The Subject Lands are situated within Pressure District 7 ('PD7') of the York Water System. The Development is proposed to connect to the existing 400 mm watermain along Purple Creek Road, including a water meter chamber internal to the Subject Lands, as required by City standards. A proposed 200 mm watermain will service the site from the connection mentioned above, be looped internally and provide connections to each unit. The DE Department does not anticipate any water service constraints.

Sanitary Servicing

The proposed connection point for the Development is an existing control manhole connecting to a 200 mm local sanitary sewer and outlet to a 450 mm sanitary sewer collector within the Purple Creek Road right-of-way. Internal to the Development, a proposed private 200 mm sanitary sewer will provide service connections to the units.

The existing downstream infrastructure has the capacity to convey flows to the existing sanitary pump station.

Storm Servicing and Stormwater Management

The Development was contemplated during the design and construction of the existing Stormwater Management Pond ('SWM') Facility, SWM Pond 2, located south of the Subject Lands within Draft Plan of Subdivision 19T-06V10(W). The existing SWM Pond 2 was designed to provide quality, quantity and erosion control for the Development.

The proposed connection point for the Development is an existing control manhole within the Subject Lands connecting to a 900 mm storm sewer within the Purple Creek Road right-of-way. Internally, proposed 300 mm to 900 mm storm sewers will service the Subject Lands and have been designed to capture a 100-year storm event and convey the flows safely downstream to SWM Pond 2. The downstream infrastructure has the capacity to convey flows to the existing infrastructure.

A Clean Water Collector ('CWC') by-pass sewer is proposed to cross the south portion of the future commercial block to the west (Site Development File DA.19.001) and continue through the south-west corner of the Subject Lands where it will outlet to the adjacent valley land system. The CWC will convey external drainage from an existing wetland, agricultural lands, portions of the Pine Valley Drive and Teston Road rights-of-way and estate residential lots. The design and submission of the CWC will be addressed through a separate submission on behalf of the Block 40/47 Developers Group II Inc.

As a result of the CWC sewer alignment, the submitted site servicing plans and draft M-Plan for Draft Plan of Subdivision File 19T-03V05 (Gold Park Homes Inc., 840999 Ontario Ltd. and Prima Vista Estates Inc.) was revised as the size and shape of the Subject Lands and Block 5 (Vista/Open Space) to the south of the Subject Lands was modified. In addition, an easement plan(s) shall be prepared to the satisfaction of York Region and any other applicable agency and the appropriate condition(s) to this effect shall be included in the subdivision agreement and Site Plan Letter of Undertaking.

Grading

The grading plan submitted for the Development generally meets the City's Lot Grading Criteria of a minimum of 2% swale grades, with the exception of a minimum of 1.2% grade where there are grading constraints.

Environmental Site Assessment

The Owner has submitted a Phase I Environmental Site Assessments ('ESA') Report prepared by Soil Engineers Ltd. and dated October 14, 2014, and the associated reliance letter. The documentation concludes that the Subject Lands are suitable for the Development, which is acceptable to the DE Department.

Environmental Noise and Vibration

A preliminary noise report was submitted by Valcoustics Canada Ltd., dated March 26, 2018, and recommended an acoustic fence height of up to 3 metres adjacent to Teston Road, being a Regional Road. The City's maximum fence height is 2.5 metres and any acoustic barrier recommended to be higher shall incorporate a berm and/or retaining wall to make up the additional height. Certain exceptions to the height along a Regional road can be accommodated should the ownership, maintenance and replacement responsibilities be associated with the condominium corporation.

Draft Plan of Subdivision

The Owner shall enter into a subdivision agreement to create the lots and blocks in accordance with the M-Plan, and the agreement shall be executed and registered prior to the execution of Site Plan Letter of Undertaking. Construction of the extension of Purple Creek Road shall be incorporated within the subdivision agreement and precede the Site Plan Letter of Undertaking.

Easements

The servicing plan and draft M-Plan shall be revised to reflect the current re-alignment of the CWC on private property which outlets to lands owned by the TRCA, and to their satisfaction. Easement(s) shall be provided to York Region and any other agency as required.

Retaining Walls

The DE Department requires the acoustic fences and subsurface infrastructure be included on the final Plan of Condominium or situated within the Parcels of Tied Lands ('POTLs') of the proposed townhouse units. The future condominium corporation shall maintain and manage the acoustic fences and subsurface infrastructure, and shall reserve a right of entry onto the POTLs to carry out maintenance and replacement as required. These conditions shall be included in the declaration of the future condominium corporation. A condition to this effect will be included in the Site Plan Letter of Undertaking.

Draft Plan of Condominium and Part Lot Control Applications are required to implement the Development

Should the Application be approved, a Draft Plan of Condominium application is

required to establish the proposed condominium tenure and common elements of the Development, and to secure appropriate conditions of draft plan of condominium approval. A Part Lot Control Application will also be required to create individual lots tied to the common element condominium (POTLs) for future ownership.

Development Charges are applicable to the Development

The Financial Planning and Development Finance Department requires the Owner to pay all applicable development charges in accordance with the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board Development Charge By-laws. A standard condition to this effect will be included in the implementing Site Plan Letter of Undertaking.

The Environmental Services Department, Waste Management Division has no objection to the Development, subject to conditions

The Environmental Services Department, Waste Management Division has no objection to the Development subject to approval of the final truck maneuvering plan. The future condominium corporation will be responsible for waste collection. A condition to this effect is included in Attachment 1.

The Office of the Infrastructure Development Department, Real Estate Services and Parks Development Departments have no objections to the Development

The Office of the Infrastructure Development Department, Real Estate Services and Parks Development Departments have no objection to the Development as the Owner was a party to the Parks Agreement executed on October 17, 2017, that accounts for the Subject Lands. The Owner has provided a letter from the Block40/47 Landowner's Trustee that the Owner is in good standing with the Block 40/47 Landowner's Group. The City does not require any further parkland or cash-in-lieu of the dedication of parkland for the Application.

The Forestry Operations Division has no objection to the Development, subject to conditions

The Forestry Operations Division of the Transportation Services, Parks and Forestry Operations Department has no objection to the Development subject to the Owner informing the Forestry Operations Division once the tree protection measures have been installed for inspection and approval according to City specifications.

The Fire and Rescue Services Department has no objection to the Development

The Fire and Rescue Services Department has no objection to the Development, subject to approval of the final truck maneuvering plan and adequate provisions for fire safety and protection being provided in accordance with the Ontario Building Code.

The Toronto and Region Conservation Authority has no objection to the Development

The TRCA has no objection to the Development as their concerns and requirements have been addressed through the Application. The TRCA issued a permit for the final grading, construction, and restoration works for the Subject Lands on April 11, 2019.

The various utilities have no objection to the Development, subject to conditions

Hydro One, Enbridge Gas, Alectra Utilities Corporation, Bell Canada, Rogers Communications and Canada Post have no objections to the Development, subject to the Owner coordinating servicing connections, easements and locates with the note utilities prior to the commencement.

Financial Impact

There are no requirements for new funding associated with this report.

Broader Regional Impacts/Considerations

York Region has no objection to the Development, subject to the Owner dedicating land for the Teston Road widening through the registration of Draft Plan of Subdivision File 19T-03V05 and confirmation of the land transfer to York Region. A condition to this effect is included in Attachment 1.

Conclusion

Site Development File DA.18.029 has been reviewed in consideration of the applicable Provincial policies, the policies of YROP 2010 and VOP 2010, the requirements of Zoning By-law 1-88, comments from City Departments and external public agencies and the surrounding area context. The Development shown on Attachments 3 to 7 is consistent with Provincial policy and conforms to the YROP 2010 and VOP 2010. The Development is appropriate and compatible with the existing and permitted uses in the surrounding area. The LPAT must approve the implementing Zoning By-law and it must be in-effect prior to the execution of the Site Plan Letter of Undertaking for the Development.

Accordingly, the Development Planning Department supports the approval of Site Development File DA.18.029. Should Council approve the Application, conditions of approval are included in the Recommendation section of this report and Attachment 1.

For more information, please contact: Judy Jeffers, Planner, at extension 8645.

Attachments

1. Conditions of Site Plan Approval, Site Development File DA.18.029 (Prima Vista Estates Inc.)
2. Context and Location Map
3. Site Plan and Proposed Zoning
4. Landscape Plan
5. Building Elevations - Block1
6. Building Elevations - Block 3
7. Building Elevations - Block 6

Prepared by

Judy Jeffers, Planner, ext. 8645

Mark Antoine, Senior Planner, ext. 8212

Carmela Marrelli, Senior Manager of Development Planning, ext. 8791

Mauro Peverini, Director of Development Planning, ext. 8407

Attachment 1 – Conditions of Site Plan Approval
Site Development File DA.18.029
(Prima Vista Estates Inc.)

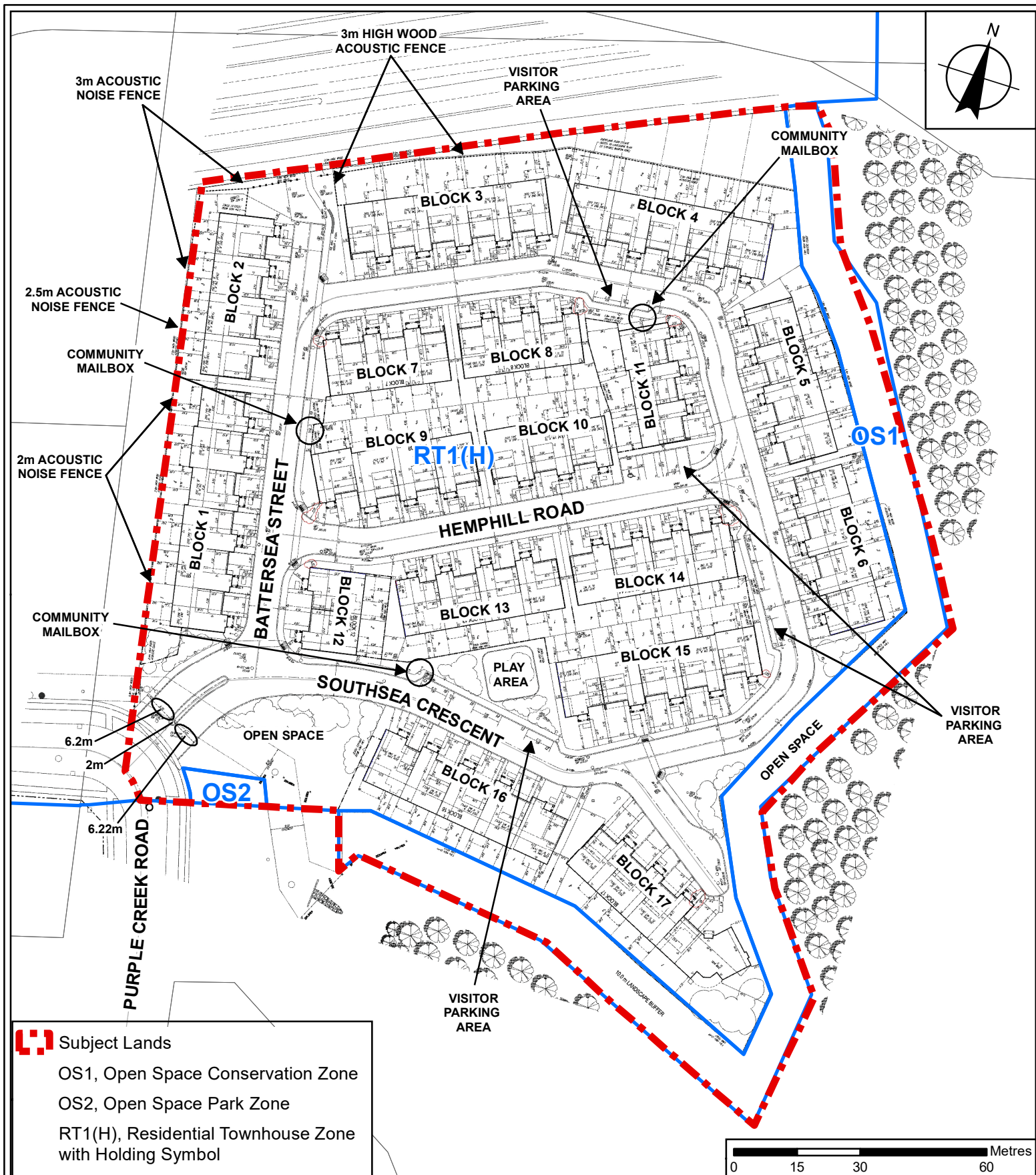
1. THAT prior to the execution of the Site Plan Letter of Undertaking:
 - a) The Development Planning Department shall approve the final site plan, building elevations, landscape plan, landscape details, landscape cost estimate, tree preservation plan, and sustainability performance metrics.
 - b) The Local Planning Appeal Tribunal shall approve the implementing zoning by-law for Zoning By-law Amendment File Z.03.024 and it shall be in-effect by.
 - c) The Owner shall enter into a Tree Protection Agreement with the City in accordance with the Council adopted Tree By-law 052-2018, and upon finalization of the landscape plan, shall quantify the value of tree replacements using the Urban Design Tree Replacement Valuation outlined in the City's Tree Protection Protocol. The Owner shall not remove trees without written approval by the City.
 - d) The Owner shall submit an application to de-list the Subject Lands from the Municipal Register and must proceed to Heritage Vaughan, where Heritage Vaughan's recommendation to de-list must be ratified by Vaughan Council.
 - e) The Development Engineering Department shall approve the final site plan, servicing plan, grading plan, erosion and sediment control plan, acoustic noise fence, Environmental Noise and Vibration Report, Traffic Impact Study and sustainability performance metrics.
 - f) The Owner shall revise the required plans, and if necessary, the implementing zoning by-law for Zoning By-law Amendment File Z.03.024, to provide for a right-of-way width of 15.5 m from Purple Creek Road with two in-bound and two out-bound lanes to the satisfaction of the City.
 - g) The Owner shall enter into a Subdivision Agreement to create the lots and blocks in accordance with the M-Plan. The Subdivision Agreement shall be executed and registered, and the M-Plan shall be registered prior to the execution of the Site Plan Letter of Undertaking. The construction of the extension of Purple Creek Road shall be incorporated within the subdivision agreement and precede the execution of the Site Plan Letter of Undertaking to the satisfaction of the Development Engineering Department.
 - h) The truck maneuvering plan shall be approved to the satisfaction of the Fire and Rescue Services and Environmental Services Departments.

Attachment 1 – Conditions of Site Plan Approval
Site Development File DA.18.029
(Prima Vista Estates Inc.)

- i) The Owner shall provide any required easements to the TRCA and York Region, and any other required agency or the City, including any required easements for the Clean Water Collector by-pass sewer.
 - j) The Owner shall satisfy all requirements of York Region, including the transfer of the Teston Road widening and the approval of the Traffic Impact Study and Transportation Mobility Plan.
 - k) The Owner shall satisfy all requirements from Hydro One, Enbridge Gas, Alectra Utilities Corporation, Bell Canada, Rogers Communications and Canada Post.
2. THAT the Site Plan Letter of Undertaking shall include the following provisions and/or warning clauses, to the satisfaction of the City:
- a) “Retaining walls and acoustic fences and subsurface infrastructure be shall be included on the final Plan of Condominium, or situated within Parcels of Tied Lands (‘POTLs’) of the proposed townhouse units fronting onto the common element condominium road and that the declaration of the future condominium corporation shall provide that the future condominium corporation shall maintain and manage the retaining walls and acoustic fences and subsurface infrastructure and reserve a right of entry onto the POTLs) to carry out maintenance and replacement as required.”
 - b) “The on-site waste collection shall be the responsibility of the future condominium.”
 - c) “The Owner shall contact the Forestry Operations Division of the Transportation Services, Parks and Forestry Operations Department once the tree protection measures have been installed for inspection and approval according to City specifications.”
 - d) “The Owner of the Development will be required to erect a commemorative plaque in a location to the satisfaction of the City”.
 - e) “The Owner shall agree to notify both the Ministry of Tourism, Culture and Sport and the City of Vaughan Development Planning Department immediately in the event that:
 - i) archaeological resources are found on the property during grading or construction activities, to which the Owner must cease all grading or construction activities; and

Attachment 1 – Conditions of Site Plan Approval
Site Development File DA.18.029
(Prima Vista Estates Inc.)

- ii) where human remains are encountered during grading or construction activities, the Owner must cease all grading or construction activities. The Owner shall contact York Region Police, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.”



Site Plan and Proposed Zoning

Location:
Part of Lot 25, Concession 6

Applicant:
Prima Vista Estates Inc.



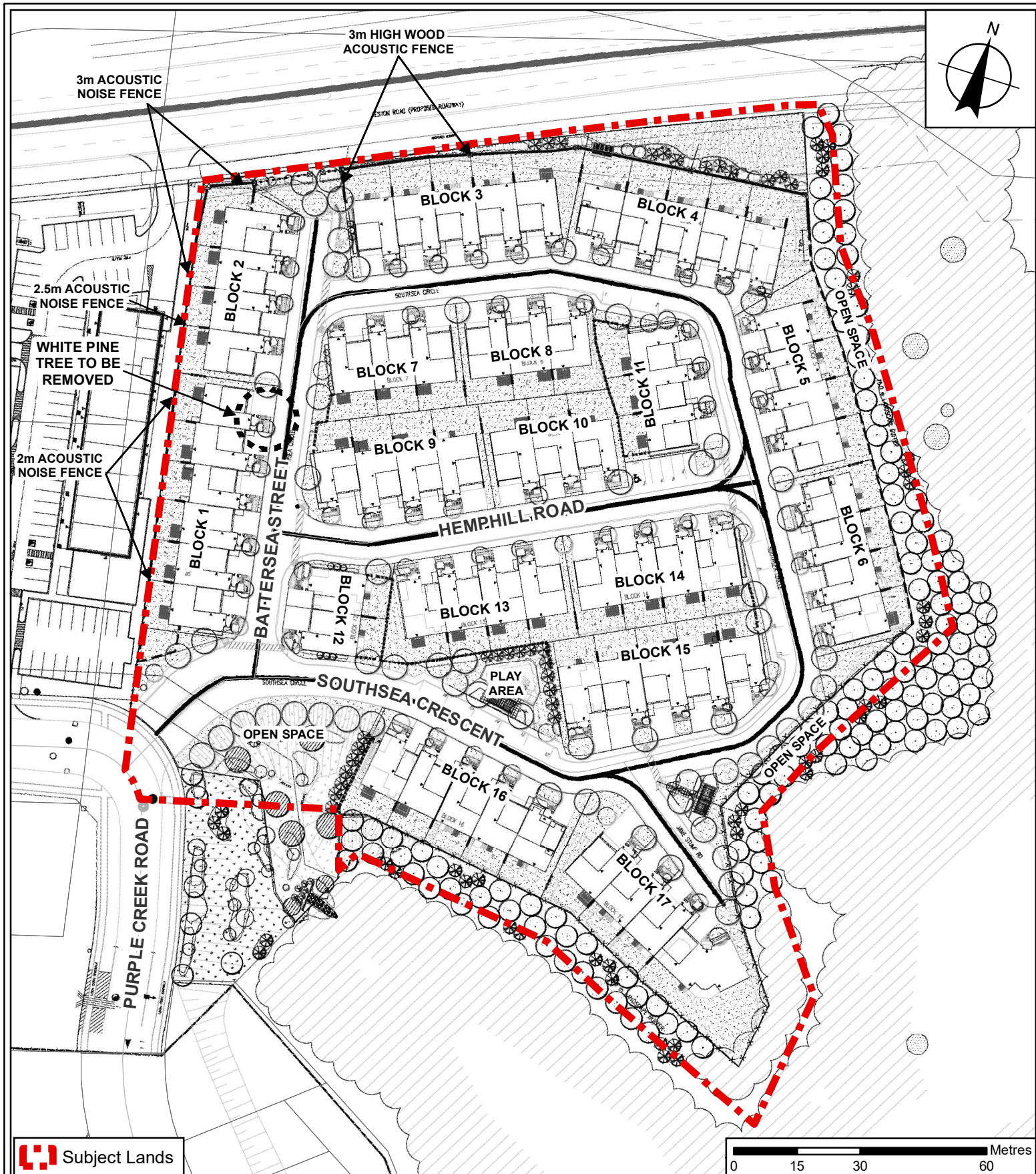
Attachment

File:
DA.18.029

Related Files:
Z.03.024 & 19T-03V05

Date:
May 20, 2020

3



Landscape Plan

Location:
Part of Lot 25, Concession 6

Applicant:
Prima Vista Estates Inc.



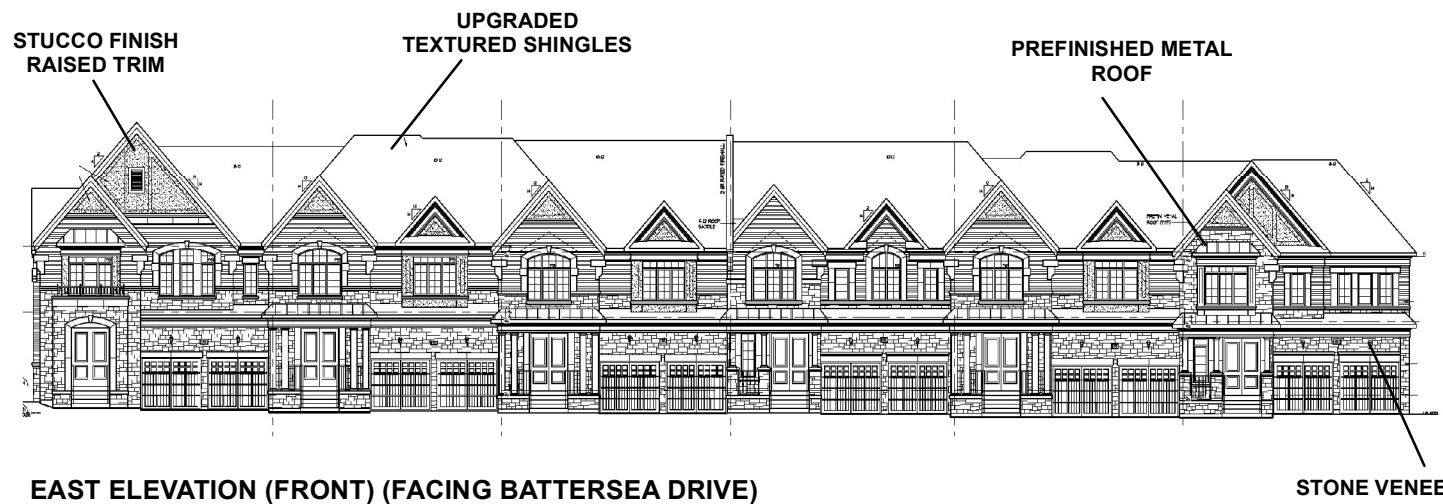
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DA.18.029

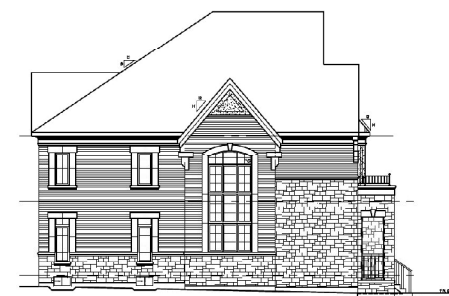
Related Files:
Z.03.024 & 19T-03V05

Date:
May 20, 2020

4



EAST ELEVATION (FRONT) (FACING BATTERSEA DRIVE)



SOUTH ELEVATION (LEFT)



WEST ELEVATION (REAR)



NORTH ELEVATION (RIGHT)

Not to Scale

Building Elevations - Block 1

Location:
Part of Lot 25, Concession 6

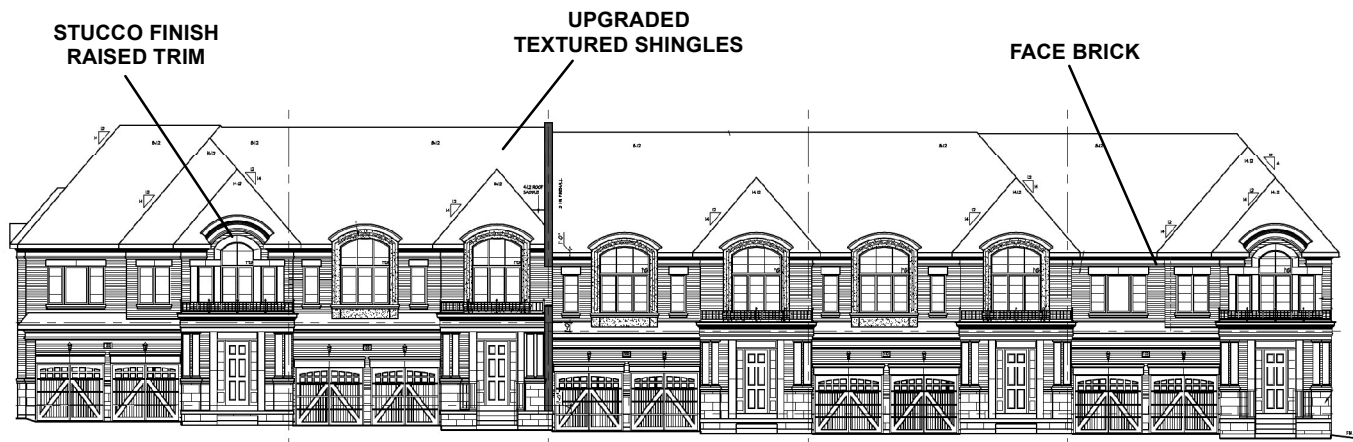
Applicant:
Prima Vista Estates Inc.



Attachment

File:
DA.18.029
Related File:
Z.03.024 & 19T-03V05
Date:
May 20, 2020

5



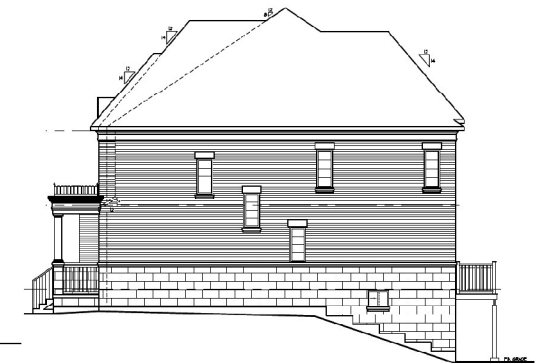
SOUTH (FRONT) (FACING SOUTHSEA CRESCENT)



WEST ELEVATION (LEFT)



NORTH ELEVATION (REAR)



EAST ELEVATION (RIGHT)

Not to Scale

Building Elevations - Block 3

Location:
Part of Lot 25, Concession 6

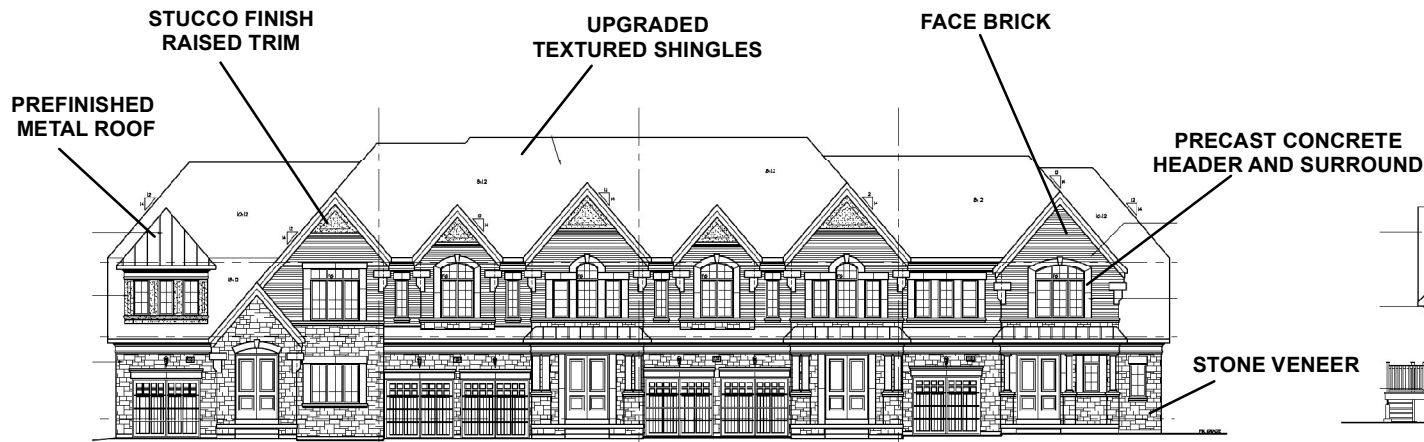
Applicant:
Prima Vista Estates Inc.



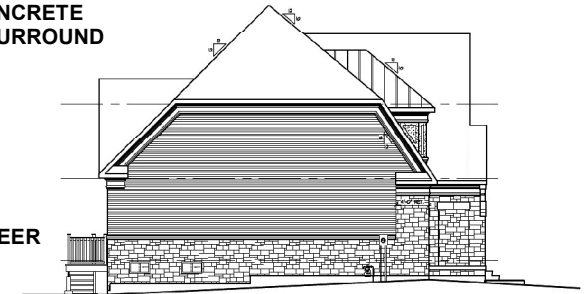
Attachment

File:
DA.18.029
Related File:
Z.03.024 & 19T-03V05
Date:
May 20, 2020

6



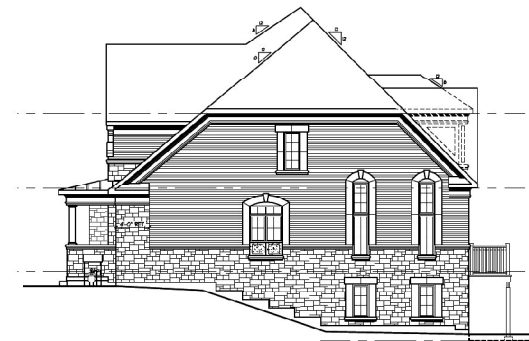
WEST (FRONT) (FACING SOUTHSEA CRESCENT)



NORTH ELEVATION (LEFT)



EAST ELEVATION (REAR)



SOUTH ELEVATION (RIGHT)

Not to Scale

Building Elevations - Block 6

Location:
Part of Lot 25, Concession 6

Applicant:
Prima Vista Estates Inc.



Attachment

File:
DA.18.029
Related File:
Z.03.024 & 19T-03V05
Date:
May 20, 2020

7

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD: 3

**TITLE: PRIMA VISTA ESTATES INC. AND 840999 ONTARIO LTD.
SITE DEVELOPMENT FILE DA.19.001
10699 AND 10733 PINE VALLEY DRIVE
VICINITY OF PINE VALLEY DRIVE AND TESTON ROAD**

FROM:

Bill Kiru, Acting Deputy City Manager, Planning and Growth Management

ACTION: DECISION DECISION

Purpose

To seek approval from the Committee of the Whole for Site Development File DA.19.001 (Prima Vista Estates Inc. and 840999 Ontario Ltd.) for the Subject Lands shown on Attachment 2. The Owner proposes a commercial plaza consisting of three buildings with a total gross floor area of 2,302 m² with 82 parking spaces, as shown on Attachments 3 to 8.

Report Highlights

- The Owner proposes to develop a commercial plaza consisting of three buildings with a total gross floor area of 2,302 m² and 82 parking spaces
- The Local Planning Appeal Tribunal on April 6, 2016, issued a decision (Case No. PL150868) conditionally approving Zoning By-law Amendment File Z.03.024 for the Subject Lands to permit the development, and withholding the final approval of the implementing zoning by-law subject to conditions
- The Development Planning Department supports the approval of the Site Development Application as the development is consistent with Provincial policies, conforms to the York Region Official Plan 2010 and City of Vaughan Official Plan 2010, and is compatible with the existing and planned land uses in the surrounding area

Recommendation

1. THAT Site Development File DA.19.001 (Prima Vista Estates Inc. and 840999 Ontario Ltd.) BE DRAFT APPROVED AND SUBJECT TO CONDITIONS included on Attachment 1, to the satisfaction of the Development Planning Department, to permit a commercial plaza consisting of three buildings with a total gross floor area of 2,302 m² served by 82 parking spaces.

Background

The subject lands (the 'Subject Lands') are municipally known as 10699 and 10733 Pine Valley Drive and are located east of Pine Valley Drive and south of Teston Road, as shown on Attachment 2. The Subject Lands are 0.74 ha in size and located within the Block 40/47 Planning Area.

A Site Development Application has been submitted to permit the Development

The Owner has submitted Site Development File DA.19.001 (the 'Application') for the Subject Lands to permit a commercial plaza consisting of three buildings with a total gross floor area ('GFA') of 2,302 m² served by 82 parking spaces (the 'Development'), as shown on Attachments 3 to 8. The Application consists of the following:

<u>Building</u>	<u>Land Use</u>	<u>Area (m²)</u>	<u>Coverage (%)</u>	<u>Height (m)</u>
	Site Area	7,404.7	-	-
	Total Building Coverage	1,716.6	23.18	-
	Landscaped Area	2,608.9	35.23	-
	Paved Area	3,079.2	41.59	-
		<u>GFA(m²)</u>		
A	Building: 1-Storey	325.4	-	9
B	Building: 1-Storey	869.9	--	9.3
C	Building: 2-Storeys	1,106.7	-	10
		<u>Use(m²)</u>		
B	Office	585.5	-	-
A, B + C	Shopping Centre	1,716.6	-	-
A + C	Patios	106	-	-
B	Outdoor Play Area	225.5	-	-

<u>Parking</u>	
<u>Minimum Required Parking</u>	<u>Proposed Parking</u>
6 spaces/100 m ² of GFA for a Shopping Centre Use @ 1,716.5 m ² = 103 spaces	3.3 spaces/100 m ² of GFA for a Shopping Centre Use @ 1,716.5m ² = 57 spaces
16 spaces/100 m ² of floor area for an Outdoor Patio Shopping Centre Use @ 106 m ² = 17 spaces	No parking required
3.5 spaces/100 m ² of GFA for an Office Use @ 585.5 m ² = 21 spaces	Minimum 3.5 Parking Spaces/100 m ² of GFA for an Office Use @ 585.5 m ² = 21 spaces
Total Required: 141 parking spaces	Total Proposed: 78 Parking Spaces (The Development includes 82 parking spaces.)

The Local Planning Appeal Tribunal must approve the Implementing Zoning By-law for the Subject Lands

The Ontario Municipal Board, now the Local Planning Appeal Tribunal ('LPAT') on April 6, 2016, issued a decision (Case No. PL150868) to conditionally approve Zoning By-law Amendment File Z.03.024 ('Zoning Amendment') for the Subject Lands. The Zoning Amendment rezoned the Subject Lands from "A Agricultural Zone" to "C4(H) Neighbourhood Commercial" with the addition of the Holding Symbol "(H)" as shown on Attachment 3, together with the site-specific zoning exceptions related to permitted uses, and parking, landscape, outdoor patio, and building setback requirements.

The LPAT is withholding the approval of the implementing Zoning By-law until such time that the Master Environmental Servicing Plan ('MESP') for the Block 40/47 Plan is completed and the modifications to the Zoning Amendment are met to the satisfaction of the Toronto and Region Conservation Authority ('TRCA') and the City. The process is being finalized for the LPAT to approve the implementing Zoning By-law for the Zoning Amendment. The final implementing Zoning By-law must be approved and in-effect by the LPAT prior to the execution of the Site Plan Letter of Undertaking for the Application. A condition to this effect is included in Attachment 1.

Previous Reports/Authority

The following links provide information related to this report:

[June 17, 2014 Block 40/47 Committee of the Whole Report \(Item 57, Report No. 30\)](#)

[May 15, 2015 Block 40/47 Committee of the Whole Report \(Item 4, Report No. 20\)](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 ('PPS') provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides policies for appropriate development while ensuring public health and safety, and the quality of the natural and built environment are protected. In accordance with Section 3(5) of the *Planning Act*, all land use decisions in Ontario "shall be consistent with" the PPS.

The Development is consistent with Sections 1.1.3 and 1.6.6 of the PPS regarding encouraging development within the Settlement Areas and the efficient use of land by supporting redevelopment and the efficient use of planned and existing infrastructure and services.

The Subject Lands are vacant agricultural lands located west of Purpleville Creek and are within the East Humber River watershed. The Development will complete a phase of an approved Draft Plan of Subdivision File 19T-03V05 located within the Settlement Area. The commercial uses contribute to a mix of land uses to support the surrounding community and economic activity. In consideration of the above, the Development is consistent with the PPS.

The Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 ('Growth Plan') guides decision making on the development of land and includes encouraging compact built form, transit supportive communities, diverse land uses, and the flexibility to capitalize on new economic and employment opportunities while providing certainty for traditional industries. The Growth Plan encourages the concentration of population and employment growth within settlement areas and promotes the development of complete communities that offers a mix of jobs, local stores, services and housing types. In accordance with Section 3(5) of the *Planning Act*, Council's planning decisions shall conform to the Growth Plan.

The Development is located within a Settlement Area and Delineated Built-up Area. The Subject Lands are located within the "Community Areas" of Schedule 1 - Urban Structure in Volume 1 of Vaughan Official Plan 2010 ('VOP 2010') and within the Block 40/47 Planning Area. The Development will provide convenient access to local stores

and services for the community in accordance with Section 2.2.1.4 of the Growth Plan. In consideration of the above, the Development conforms to the Growth Plan.

The Development conforms to the York Region Official Plan 2010

The York Region Official Plan 2010 ('YROP') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" by the YROP. Section 5.0 of the YROP states "Growth will also occur in new community areas...throughout the Region." Section 4.4.8 of the YROP requires "local municipalities plan comprehensively for all retail uses, including major retail uses, that are integrated and provided for within the community."

The Development is for a neighborhood commercial plaza to provide a range of retail uses and services such as a bank or financial institution, supermarket, pharmacy, eating establishment and a daycare to serve the community. The Development conforms to the YROP.

The Development conforms to VOP 2010

The Subject Lands are located in a "Community Area" and "Natural Area and Countryside" on Schedule 1 - Urban Structure of VOP 2010, and are designated "Medium Density Residential/Commercial" with a "Neighbourhood Commercial Centre" overlay designation by VOP 2010, Volume 2, Section 12.13 - Block 40/47.

Section 12.13.2.13 of VOP 2010 amends Section 8.2.3 of Official Plan Amendment ('OPA 600', the previous Official Plan for the Subject Lands) requiring York Region to undertake an Environmental Impact Assessment ('EIA'). The EIA is required to establish the preferred road alignment to eliminate the jog on Teston Road, realign the intersection of Pine Valley Drive and Teston Road, and secure the conveyance of the required lands to the Region. VOP 2010 authorizes the placing of the Holding Symbol "(H)" on the Subject Lands to undertake the EIA. The Teston Road EIA was completed and the project was cleared to proceed to preparing the detailed design in 2017. However, the lands required by York Region have not been conveyed by the Owner. Therefore, the lands will be zoned with the Holding Symbol "(H)" as further discussed in the Zoning section of this report.

The "Medium Density Residential/Commercial" with a "Neighbourhood Commercial Centre" overlay designation permits a range of retail uses including a food store, pharmacy, bank and financial institution, and restaurants where the total gross leasable area ('GLA') of the commercial centre cannot exceed 5,000 m². The Development provides for a range of retail uses with a gross floor area of 2,302 m². The Development conforms to VOP 2010.

The Development conforms to the Block 40/47 Plan, in accordance with Vaughan Official Plan 2010

Vaughan Council on June 24, 2014, approved the Block 40/47 Plan ('Block Plan'). The Subject Lands are located within the Block Plan area. The Block Plan provides the basis for the land uses, housing mix, development densities, environmental protection, servicing infrastructure, transportation (road) network, public transit, urban design, and phasing for Block 40/47 to manage growth. The Development conforms to the Block Plan as required by VOP 2010.

The Draft Plan of Subdivision for the Subject Lands must be registered prior to final approval of the Development

The LPAT on April 6, 2016, approved Draft Plan of Subdivision File 19T-03V05 ('Draft Plan'). The Subject Lands are located within phase four of the Draft Plan which must be registered prior to final approval of the Development. A condition to this effect is included in Attachment 1.

Amendments to Zoning By-law 1-88 are required to permit the Development

The Subject Lands are zoned "A Agricultural Zone" by Zoning By-law 1-88, as shown on Attachment 2. The Development is not permitted in the "A Agricultural Zone". The LPAT Decision conditionally approved the rezoning of the Subject Lands to "C4(H) Neighbourhood Commercial" with the addition of the Holding Symbol "(H)" as shown on Attachment 3, together with site-specific zoning exceptions related to permitted uses, parking requirements, landscape, outdoor patio, and setbacks, to implement the Development shown on Attachments 3 to 7.

Approval of the implementing Zoning By-law by the LPAT is being withheld until the 'MESP' is completed and the modifications to the Zoning Amendment are to the satisfaction of the TRCA and the City. The final implementing Zoning By-law for the Zoning Amendment must be approved by the LPAT, in accordance with the LPAT Decision dated February 26, 2019 (File PL170640), prior to the execution of the Site Plan Letter of Undertaking. A condition to this effect is included in Attachment 1.

The Development will be zoned with the Holding Symbol "(H)"

York Region requires the Subject Lands be zoned with the Holding Symbol "(H)". The implementing Zoning By-law to be forwarded to the LPAT for the Zoning Application will include the following condition, to be approved by York Region, prior to the Holding Symbol "(H)" being removed from the Subject Land:

- i) Conveyance of sufficient lands, free of costs and encumbrances, along the Teston Road and Pine Valley Drive frontages as identified in the Teston Road

Schedule C Class Environmental Assessment from Pine Valley Drive to Weston Road to accommodate the intersection realignment to the satisfaction of York Region.

The Holding Symbol “(H)” can be removed from the Subject Lands when the above noted condition has been fulfilled.

The Development Planning Department supports the Development

Site Plan

The Development shown on Attachments 3 to 8 includes 3 multi-unit commercial buildings with a total GFA of 2,302 m². The Development includes 3 outdoor patios along the Pine Valley Drive and Teston Road frontages, and an outdoor play area (for a day nursery use) south of Building “B”.

A drive-through is proposed to service Building “A”. Eighty-two (82) parking spaces inclusive of six (6) barrier-free spaces are proposed, accessed from Purple Creek Road and Teston Road. Pedestrian connections are provided throughout the Development between the buildings, parking, drive-through area and the community mailbox located to the south of Building “B”. The bike racks located northeast of Buildings “A” and “C”, and southeast of Building “C” are located along pedestrian connections.

Landscape Plan

The Landscape Plan shown on Attachment 4 consists of a variety of deciduous and coniferous trees and shrubs. Acoustic wood fencing ranging in height from 2 m to 2.5 m is proposed between the Subject Lands and the residential development to the east (Site Development File DA.18.029). Landscaping along the east property line will consist of eight (8) Red Oak, six (6) Sugar Maple and one (1) Autumn Blaze Maple all 4 m in height, six (6) Colorado Spruce coniferous trees measuring 1.75 m in height, and deciduous shrubs measuring 60 cm in height.

The corner entrance feature located at the Pine Valley Drive and Teston Road intersection will consist of two (2), 1.5 m high stone walls with 2.5 m high pillars at the end of each wall, connected by an overhead metal trellis. A concrete pavement pathway connects the public sidewalk to Building “A”. The Pine Valley Drive and Purpleville Creek Road intersection will consist of two (2), 0.9 m high wood rail fences and 2 m high pillars at the end of each fence.

The Tree Inventory and Assessment Plan (‘TIAP’) prepared by Strybos Barron King and dated September 2016 submitted in support of the Application identifies the removal of seven (7) trees, and two groupings of vegetation consisting of hedgerows and mixed

coniferous and deciduous trees. The Owner shall enter into a Tree Protection Agreement with the City, to identify the procedures and standards to protect public and private trees, prior to the execution of the Site Plan Letter of Undertaking. A condition to this effect is included in Attachment 1. Compensation tree planting for the proposed tree removals will be not be required in accordance with the City's Tree Protection Protocol, as the Development will include additional tree plantings to compensate for the seven (7) tree removals.

Building Elevations

Buildings "A" and "B" will be one-storey in height (8.9 m and 9.3 m respectively) and Building "C" will be two-storeys in height (10 m), as shown on Attachments 5 to 7. The building materials consists of a combination of light and dark grey and brown brick with vision and spandrel glazing on the façades.

Signage/Lighting

The building signage shown on Attachments 5 to 7 will be visible from Pine Valley Drive and Teston Road. A 7.4 m high pylon sign with a stone base, as shown on Attachment 8, will be located along both Pine Valley Drive and Teston Road. Lighting is provided on the buildings and within the landscaped area along the pedestrian walkways and the parking area. The Owner is required to provide wall-mounted lighting on Buildings "A" and "C".

Sustainability Performance Metrics

The Development achieves an overall application score of 35 points. The Development includes amenities such as convenience retail uses and pedestrian linkages to connect with the planned sidewalks on Pine Valley Drive and Teston Road. Trees and landscaping will be planted to replace the trees removed to facilitate the Development, and bird-friendly glazing will be used on the buildings. The Development is required to achieve a minimum application performance level score of 31.

The Development Planning Department is satisfied with the Development shown on Attachments 3 to 8, subject to the Recommendations of this report. Prior to the execution of the Site Plan Letter of Undertaking, the final site plan, building elevations, signage, lighting details, landscape plan, landscape details, landscape cost estimate and Tree Inventory and Assessment Plan must be approved to the satisfaction of the Development Planning Department. A condition to this effect is included in Attachment 1 to this report.

A commemorative plaque is incorporated into the Development, and the Subject Lands are clear of any concern for archaeological resources

A portion of the Subject Lands are located at 10733 Pine Valley Drive and contained the Purpleville Post Office and General Store, and are listed in the Municipal Register ('Register') under Section 27 of the *Ontario Heritage Act*. The structure was to be relocated and restored in accordance with Draft Plan of Subdivision File 19T-03V05 (Gold Park Homes Inc./ 840999 Ontario Limited). However, the structure was largely destroyed in an August 2018 fire. Cultural Heritage staff on December 11, 2018, conducted a site visit and documented the remains of the structure.

The Subject Lands no longer retain their identified cultural heritage value and must be de-listed from the Register. The Owner shall submit an application to the Heritage Vaughan Committee to remove the Subject Lands from the Register, as specified by Section 27 of the *Ontario Heritage Act*. The recommendation by Heritage Vaughan must be ratified by Vaughan Council prior to the execution of the Site Plan Letter of Undertaking. A condition to this effect is included in Attachment 1.

The City of Vaughan Standards for Heritage Commemoration Plaques policy, Section 6.1.3.4 states, "commemorative plaque programs including plaques for sites is required where the cultural heritage resource may have been lost or where there are few vestiges of these resources." The Owner is required to erect a commemorative plaque in a location as specified by the City. The Owner has proposed a commemorative plaque in the pillar at the corner of the Pine Valley Drive and Teston Road entry feature to the satisfaction of the City.

The Subject Lands are cleared of any concern for archaeological resources. Standard conditions to this effect are identified in Attachment 1 to this report and shall be included in the implementing Site Plan Letter of Undertaking.

The Development Engineering Department has no objection to the Development, subject to the conditions in this report

The Development Engineering Department ('DE') has no objection to the Development subject to the Owner addressing the conditions in Attachment 1 to this report.

Road Network

A full-moves access for the Development is proposed from the extension of Purple Creek Road that will connect to Pine Valley Drive. A right-in/right-out access will be provided from Teston Road. The extension of Purple Creek Road shall be part of the required subdivision agreement and precede the Site Plan Letter of Undertaking. The required lands for the realignment of the Teston Road and Pine Valley Drive intersection

shall be transferred to York Region and requires the registration of the subdivision agreement for Draft Plan of Subdivision File 19T-03V05. Access to the Subject Lands requires York Region approval.

Transportation Planning

The DE Department is satisfied with the findings of the Parking Justification Letters ('PJL') prepared by Cole Engineering Group Ltd. and dated November 7, 2019, and January 31, 2020, identifying the Development will include 83 parking spaces.

The Owner has submitted a Traffic Impact Study ('TIS') prepared by Cole Engineering Group Ltd. and dated July 21, 2017, and a Transportation Mobility Plan ('TMP') prepared by Cole Engineering Group Ltd. and dated December 2018. The DE Department generally accepts the findings of the TIS and TMP. The TIS and TMP require review and approval by York Region. A condition to this effect is included in Attachment 1.

Municipal Services

The Owner has submitted a Stormwater Management Conformance Letter ('SMCL') and a Servicing Brief ('SB'), prepared by SCS Consulting Group Limited and dated January 15, 2019, and December 20, 2018, respectively. The SMCL and SB state the existing downstream servicing was designed to accommodate the Development and approved as part of the Block 40/47N Spine Servicing Agreement. The proposed sanitary and storm flows are consistent with the approved design, and the downstream infrastructure have the capacity to convey flows to the existing sanitary pump station and stormwater management facility.

Water Servicing

The Subject Lands are situated within Pressure District 7 ('PD7') of the York Water System. The Development is proposing to connect to the existing 400 mm watermain along Purple Creek Road.

Sanitary Servicing

The proposed connection point for the Development is an existing control manhole connecting to a 200 mm local sanitary sewer out letting to a 450 mm sanitary sewer collector within the Purple Creek Road right-of-way.

Storm Servicing and Stormwater Management

The Development was contemplated during the design and construction of the existing Stormwater Management Pond ('SWM') Facility, SWM Pond 2, located south of the Subject Lands in Draft Plan of Subdivision File 19T-06V10 (Mosiak Pinewest Inc.). SWM Pond 2 was designed to provide quality, quantity and erosion control for the

Development. The proposed connection point for the Development is an existing control manhole within the Subject Lands that connects to a 900 mm storm sewer within the Purple Creek Road right-of-way. Internally, proposed 300 mm to 900 mm storm sewers will service the Subject Lands and have been designed to capture a 100-year storm event and convey the flows safely downstream to SWM Pond 2. The downstream infrastructure has the capacity to convey flows to the existing infrastructure.

A Clean Water Collector ('CWC') by-pass sewer is proposed to cross the south portion of the Subject Lands and continue through the south-west corner of the residential lands to the east (Site Development File DA.18.029) where it will outlet to the adjacent valley land system. The design and submission of the CWC will be addressed through a separate submission on behalf of the Block 40/47 Developers Group II Inc. An easement plan(s) shall be prepared in favour of York Region and any other agency as applicable and shall be included in the subdivision agreement and Site Plan Letter of Undertaking.

Environmental Site Assessment

The Owner has submitted Phase I Environmental Site Assessments ('ESA') Report prepared by Soil Engineers Ltd. and dated October 14, 2014, and the associated reliance letter. The documentation concludes that the Subject Lands are suitable for the Development, and is acceptable to the DE Department.

Draft Plan of Subdivision

The Owner shall enter into a subdivision agreement to create the lots and blocks consistent with the draft M-Plan, and the agreement shall be executed and registered prior to the execution of the Site Plan Letter of Undertaking. Construction of the extension of Purple Creek Road shall be incorporated within the subdivision agreement and precede any Site Plan Agreement or Letter of Undertaking. Conditions to this effect are included in Attachment 1.

Development Charges are applicable to the Development

The Financial Planning and Development Finance Department requires the Owner to pay all applicable development charges in accordance with the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board Development Charge By-laws. A standard condition to this effect will be included in the implementing Site Plan Letter of Undertaking.

The Environmental Services Department, Waste Management Division has no objection to the Development, subject to conditions

The Environmental Services Department, Waste Management Division has no objection to the Development subject to the Owner providing a waste storage room and loading pad both for Building “A”. A condition to this effect is included in Attachment 1.

The Office of the Infrastructure Development Department, Real Estate Services and Parks Development Departments have no objections to the Development

The Office of the Infrastructure Development Department, Real Estate Services and Parks Development Departments have no objection to the Development as the Owner was a party to the Parks Agreement executed on October 17, 2017, that accounts for the Subject Lands. The Owner has provided a letter from the Block40/47 Landowner’s Trustee that the Owner is in good standing with the Block 40/47 Landowner’s Group. The City does not require any further parkland or cash-in-lieu of the dedication of parkland for the Application.

The Forestry Operations Division has no objection to the Development, subject to conditions

The Forestry Operations Division of the Transportation Services, Parks and Forestry Operations Department has no objection to the Development subject to the Owner entering into a Tree Protection Agreement with the City, to identify the procedures and standards to protect public and private trees, prior to the execution of the Site Plan Letter of Undertaking. A condition to this effect is included in Attachment 1.

The Fire and Rescue Services Department has no objection to the Development

The Fire and Rescue Services Department has no objection to the Development, subject to the adequate provisions for fire safety and protection being provided in accordance with the Ontario Building Code.

The Toronto and Region Conservation Authority has no objection to the Development

The TRCA has no objection to the Development subject to Owner carrying out the recommendations of the Stormwater Management Conformance letter prepared by SCS Consulting Group Limited and dated January 15, 2019, and no vegetation removal between April 1 and August 31. A condition to this effect is included in Attachment 1. The TRCA issued a permit for the final grading, construction, and restoration works for the Subject Lands on April 11, 2019.

The various utilities have no objection to the Development, subject to conditions
Hydro One, Enbridge Gas, Alectra Utilities Corporation, Bell Canada, Rogers Communications and Canada Post have no objections to the Development, subject to the Owner coordinating servicing connections, easements and locates with the note utilities prior to the commencement.

Financial Impact

There are no requirements for new funding associated with this report.

Broader Regional Impacts/Considerations

York Region has no objection to the Development, subject to the Owner dedicating land for the Teston Road widening through the registration of Draft Plan of Subdivision File 19T-03V05 and confirmation of the land transfer to York Region. Also, the TIS and TMP require review and approval by York Region. A Condition to this effect is included in Attachment 1.

Conclusion

Site Development File DA.19.001 has been reviewed in consideration of the applicable Provincial policies, the policies of YROP 2010 and VOP 2010, the requirements of Zoning By-law 1-88, comments from City Departments and external public agencies and the surrounding area context. The Development shown on Attachments 3 to 8 is consistent with Provincial policy and conforms to the YROP 2010 and VOP 2010. The Development Planning Department is satisfied the Development is appropriate and compatible with the existing and permitted uses in the surrounding area. The implementing Zoning By-law 1-88 must be approved by the LPAT and in-effect prior to the execution of the Site Plan Letter of Undertaking for the Development.

Accordingly, the Development Planning Department supports the approval of Site Development File DA.19.001. Should Council approve the Application, conditions of approval are included in the Recommendation section of this report and Attachment 1.

For more information, please contact: Judy Jeffers, Planner, at extension 8645.

Attachments

1. Conditions of Site Plan Approval, Site Development File DA.19.001 (Prima Vista Estates Inc and 840999 Ontario Ltd.)
2. Context and Location Map
3. Site Plan and Proposed Zoning
4. Landscape Plan

5. Elevations - Building A
6. Elevations - Building B
7. Elevations - Building C
8. Pylon Signage

Prepared by

Judy Jeffers, Planner, ext. 8645

Mark Antoine, Senior Planner, ext. 8212

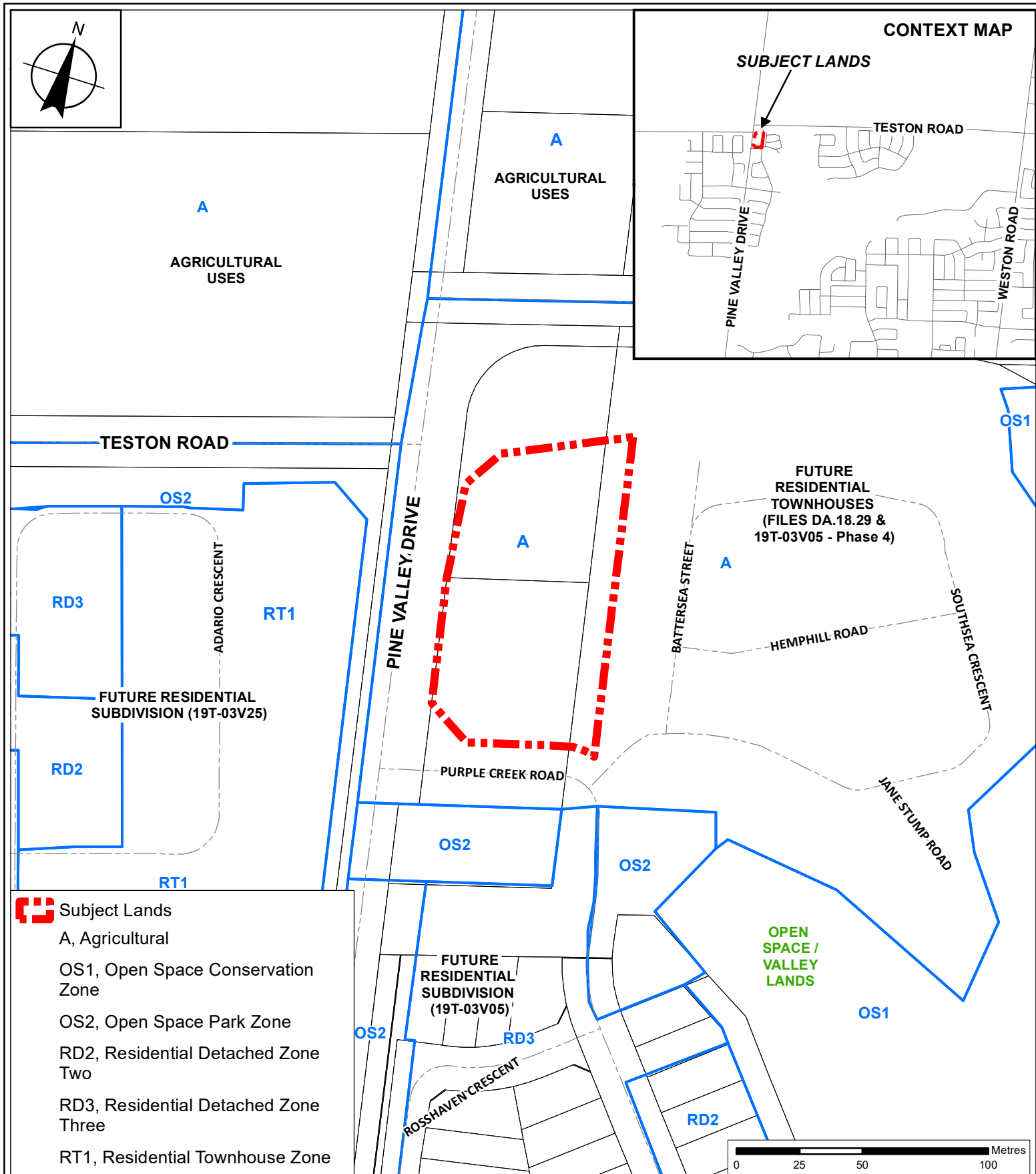
Carmela Marrelli, Senior Manager of Development Planning, ext. 8791

Mauro Peverini, Director of Development Planning, ext. 8407

Attachment 1 - Conditions of Site Plan Approval
Site Development File DA.19.001
(Prima Vista Estates Inc. and 840999 Ontario Ltd.)

1. THAT prior to the execution of the Site Plan Letter of Undertaking:
 - a) The Development Planning Department shall approve the final site plan, building elevations, signage, lighting, landscape plan, landscape details, landscape cost estimate, and Tree Inventory and Assessment Plan and Tree Protection Agreement.
 - b) The Local Planning Appeal Tribunal shall approve the implementing zoning by-law for Zoning By-law Amendment File Z.03.024 and it shall be in-effect by.
 - c) The Owner shall enter into a Tree Protection Agreement with the City in accordance with the Council adopted Tree By-law 052-2018, and upon finalization of the landscape plan, shall quantify the value of tree replacements using the Urban Design Tree Replacement Valuation outlined in the City's Tree Protection Protocol. The Owner shall not remove trees without written approval by the City.
 - d) The Owner shall submit an application to de-list the Subject Lands from the Municipal Register and must proceed to Heritage Vaughan, where Heritage Vaughan's recommendation to de-list must be ratified by Vaughan Council.
 - e) The Development Engineering Department shall approve the final site plan, servicing plan, grading plan, erosion and sediment control plan.
 - f) The Owner shall enter into a Subdivision Agreement to create the lots and blocks in accordance with the M-Plan. The Subdivision Agreement shall be executed and registered, and the M-Plan shall be registered prior to the execution of the Site Plan Letter of Undertaking. The construction of the extension of Purple Creek Road shall be incorporated within the subdivision agreement and precede the execution of the Site Plan Letter of Undertaking to the satisfaction of the Development Engineering Department.
 - g) The Environmental Services Department, Waste Management Division shall approve the final waste collection plan including the revised plans providing for a waste storage room and loading pad both for Building A.
 - h) The Owner shall satisfy all requirements of York Region, including the transfer of the Teston Road widening and the approval of the Traffic Impact Study prepared by Cole Engineering Group Ltd. and dated July 21, 2017, and the Transportation Mobility Plan prepared by Cole Engineering Group Ltd. and dated December 2019 to the satisfaction of York Region.

- i) The Owner shall satisfy all requirements from Hydro One, Enbridge Gas, Alectra Utilities Corporation, Bell Canada, Rogers Communications and Canada Post.
2. THAT the Site Plan Letter of Undertaking shall include the following provisions and/or warning clauses, to the satisfaction of the City:
- a) “The Owner shall agree to notify both the Ministry of Tourism, Culture and Sport and the City of Vaughan Development Planning Department immediately in the event that:
 - i) archaeological resources are found on the property during grading or construction activities, to which the Owner must cease all grading or construction activities; and
 - ii) where human remains are encountered during grading or construction activities, the Owner must cease all grading or construction activities. The Owner shall contact York Region Police, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.”
 - b) “That the Owner agrees to carry out, or cause to be carried out, the recommendations of the Stormwater Management Conformance letter prepared by SCS Consulting Limited and dated January 15, 2019 to the satisfaction of the Toronto and Region Conservation Authority.”
 - c) “The Owner shall agree that no vegetation removal will occur between April 1 and August 31 to the satisfaction of the Toronto and Region Conservation Authority.”



Context and Location Map

LOCATION: Part of Lot 25,
Concession 6

APPLICANT: Prima Vista Estates Inc. and
840999 Ontario Limited

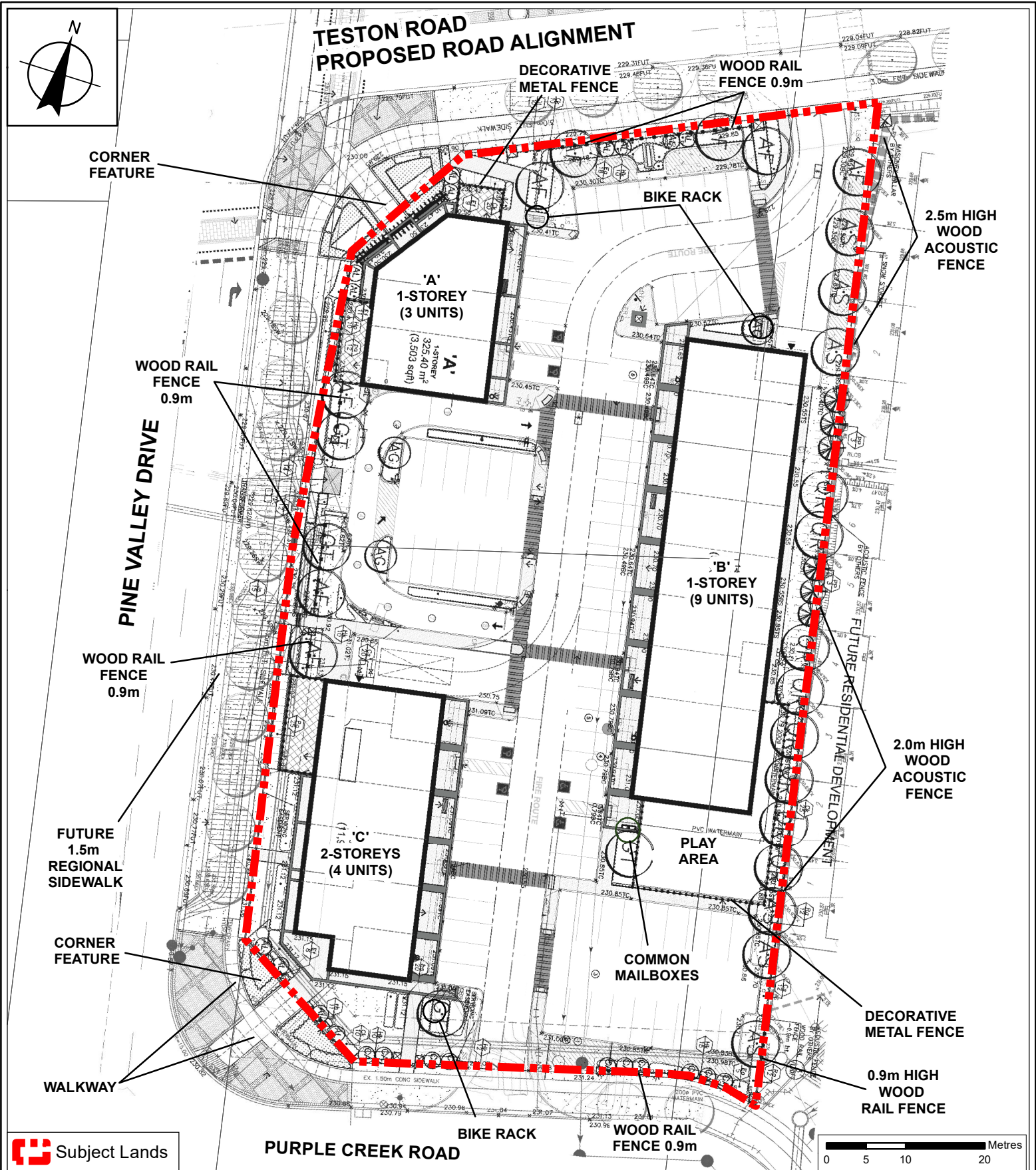


Attachment

FILE: DA.19.001

RELATED FILES:
Z.03.024, 19T-03V05
DATE: May 20, 2020

2



Landscape Plan

LOCATION: Part of Lot 25,
Concession 6

APPLICANT: Prima Vista Estates Inc. and
840999 Ontario Limited



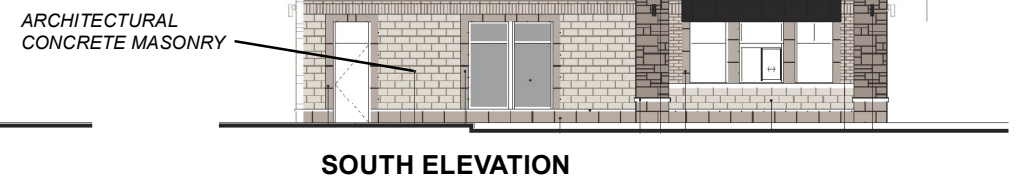
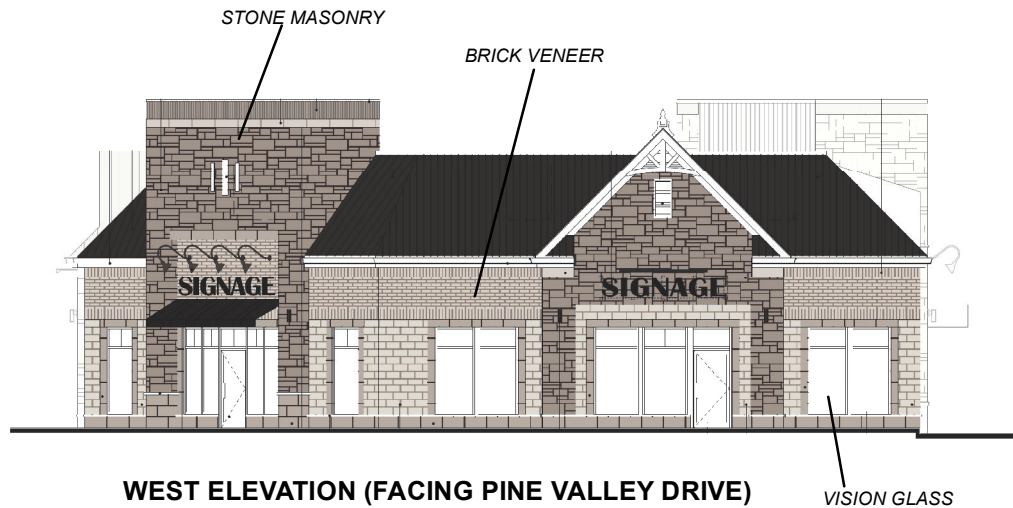
Attachment

FILE: DA.19.001

RELATED FILES:
Z.03.024, 19T-03V05

DATE: May 20, 2020

4



Not to Scale

Elevations - Building A

LOCATION:
Part of Lot 25, Concession 6

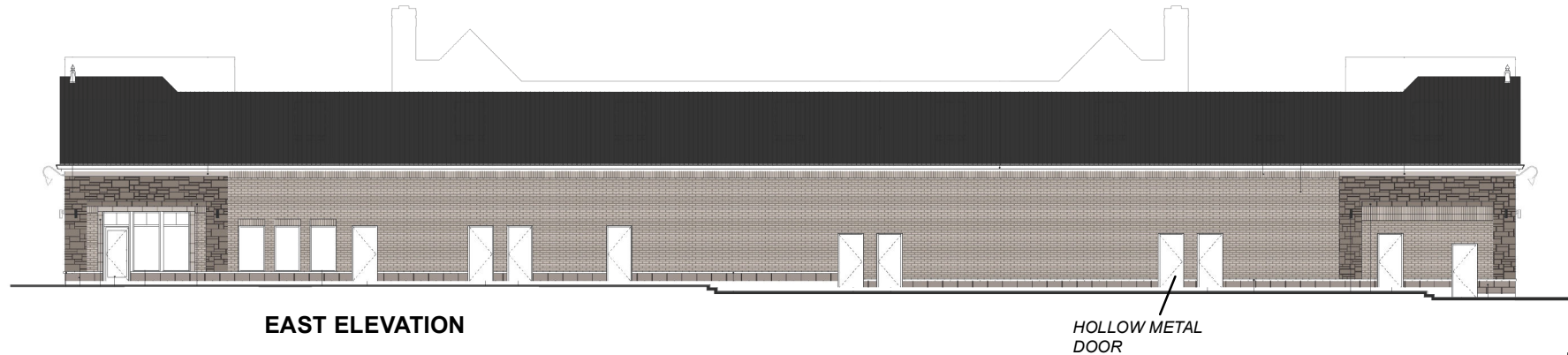
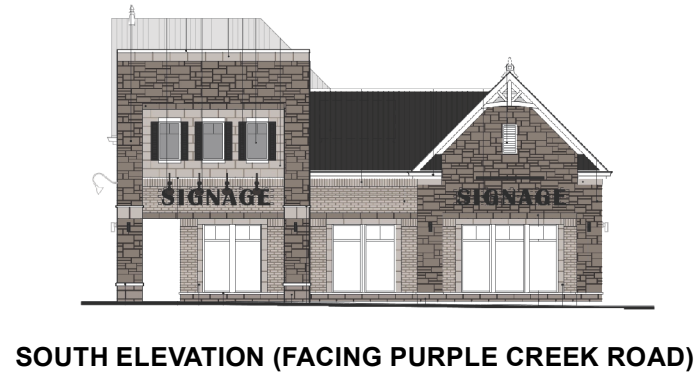
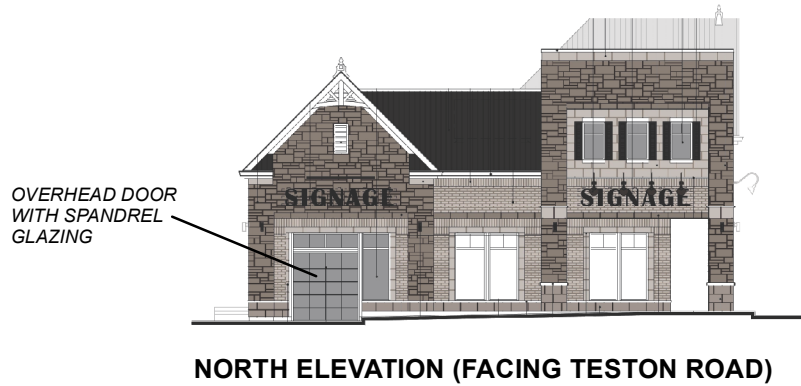
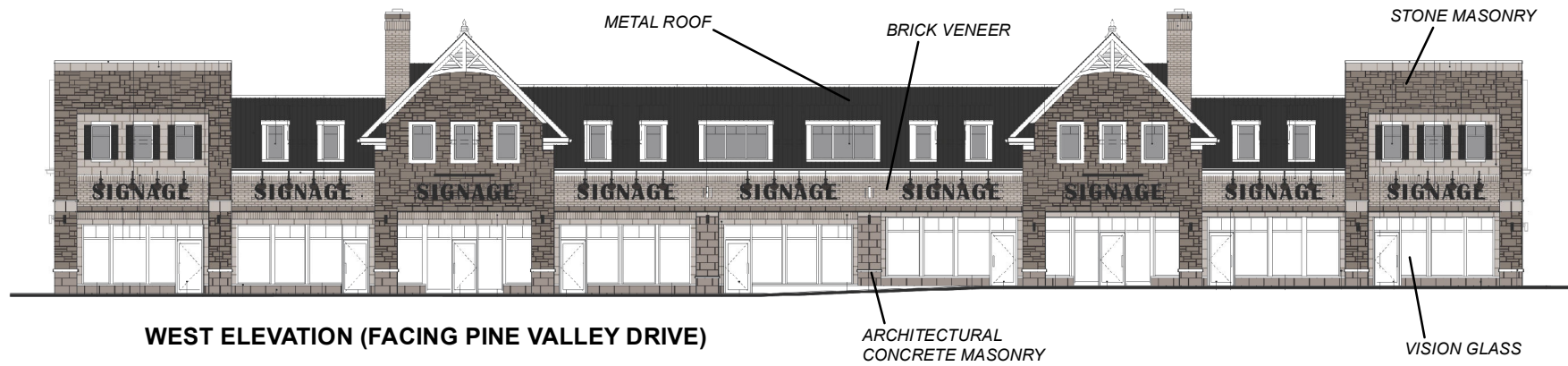
APPLICANT:
Prima Vista Estates Inc. and
840999 Ontario Limited



Attachment

FILE:
DA.19.001
RELATED FILES:
Z.03.024, 19T-03V05
DATE: May 20, 2020

5



Not to Scale

Elevations - Building B

LOCATION:
Part of Lot 25, Concession 6

APPLICANT:
Prima Vista Estates Inc. and
840999 Ontario Limited

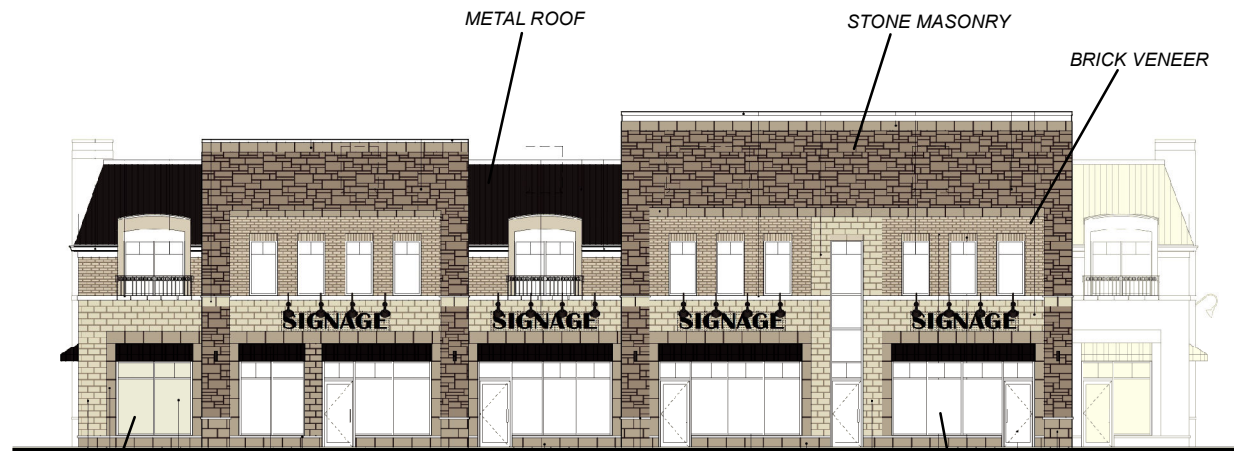


299

Attachment

FILE:
DA.19.001
RELATED FILES:
Z.03.024, 19T-03V05
DATE: May 20, 2020

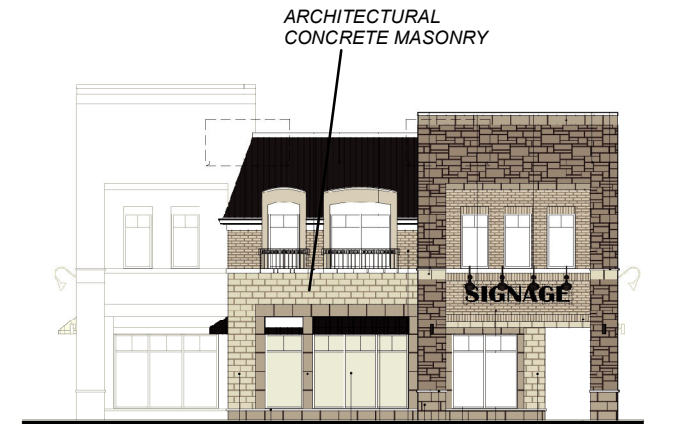
6



WEST ELEVATION (FACING PINE VALLEY DRIVE)

SPANDREL GLASS IN
ALUMINUM FRAMES

VISION GLASS



SOUTH ELEVATION (FACING PURPLE CREEK ROAD)



EAST ELEVATION



NORTH ELEVATION

Not to Scale

Elevations - Building C

LOCATION:
Part of Lot 25, Concession 6

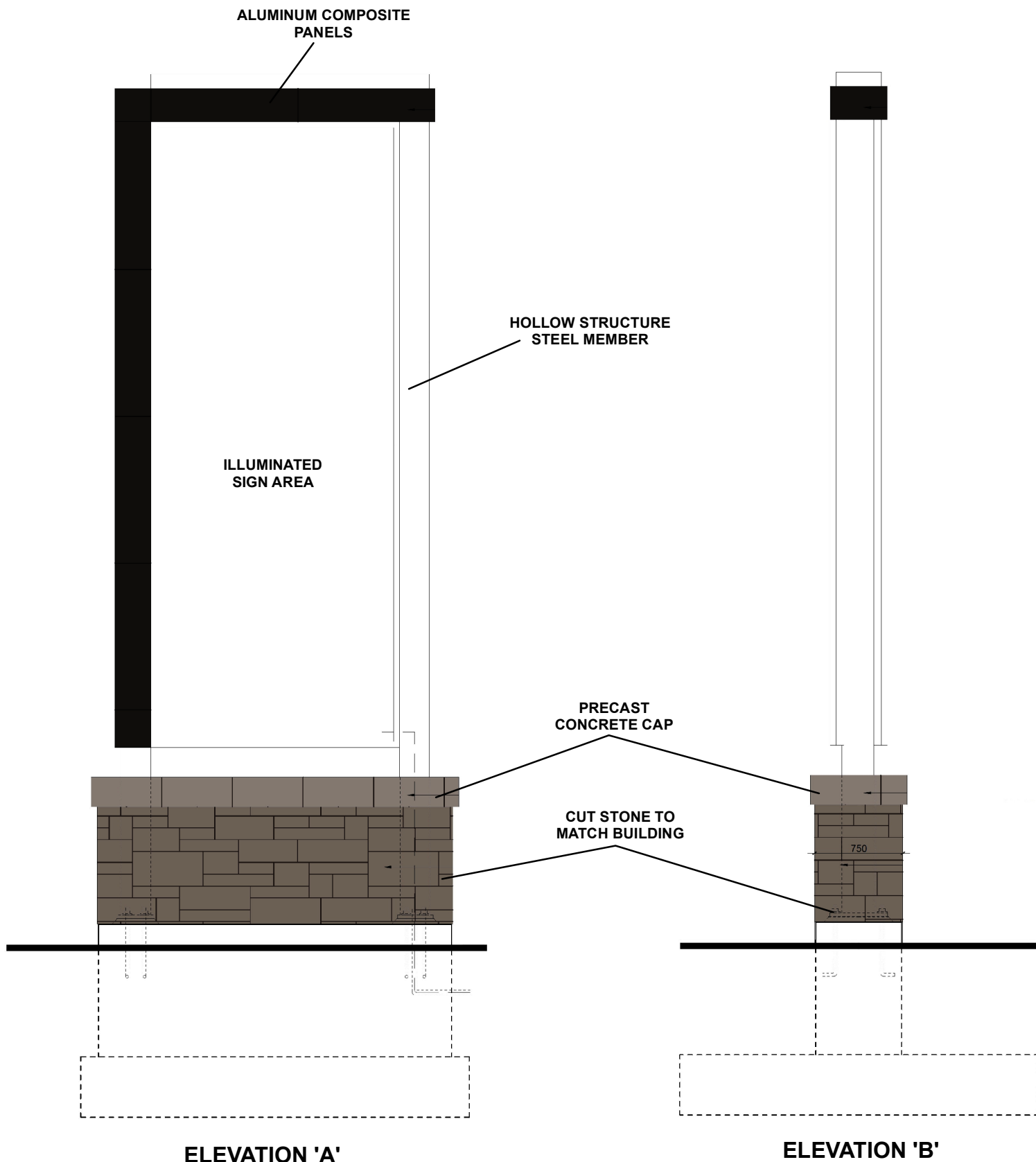
APPLICANT:
Prima Vista Estates Inc. and
840999 Ontario Limited



Attachment

FILE:
DA.19.001
RELATED FILES:
Z.03.024, 19T-03V05
DATE: May 20, 2020

7



Pylon Sign

LOCATION: Part of Lot 25,
Concession 6

APPLICANT: Prima Vista Estates Inc. and
840999 Ontario Limited



Attachment

FILE: DA.19.001
RELATED FILES:
Z.03.024, 19T-03V05
DATE: May 20, 2020

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

**TITLE: NOTIFICATION TO RATEPAYER ASSOCIATIONS FOR NEW
TELECOMMUNICATION FACILITIES**

FROM:

Bill Kiru, Acting Deputy City Manager, Planning and Growth Management

ACTION: FOR INFORMATION

Purpose

To respond to Council's motion of February 11, 2020, for Development Planning staff to report back to a future Committee of the Whole meeting with amendments to the City of Vaughan Telecommunication Facility Siting Protocol as it relates to sending notices to registered Ratepayer Associations.

Report Highlights

- Vaughan Council on October 19, 2016, approved the City of Vaughan Telecommunication Facility Siting Protocol that includes criteria to notify Registered Ratepayer Associations of applications for telecommunication facilities
- This report responds to Council's February 11, 2020, motion for staff to report back to a future Committee of the Whole meeting with amendments to the City of Vaughan Telecommunication Facility Siting Protocol as it relates to sending notices to registered Ratepayer Associations
- Improvements to the City's application circulation and notification procedures, including electronic notification by email, are recommended to improve notification to Ratepayer Associations of applications for telecommunication facilities
- The Development Planning Department does not recommend amendments to the City's Telecommunications Facilities Siting Protocol

Recommendations

1. THAT this report be RECEIVED as information in response to Council's motion regarding sending notification to Ratepayer Associations of applications for telecommunications facilities.

Background

The Committee of the Whole on January 28, 2020, considered the following motion:

“25. NEW BUSINESS - TELECOMMUNICATION TOWER -
CORNER OF RUTHERFORD ROAD AND WESTON ROAD -
WARD 3 The Committee of the Whole recommends that staff report back to a February meeting regarding exact measurements surrounding the tower located at the corner of Rutherford Road and Weston Road and confirmation that the Telecommunication Facility Siting Protocol was followed in Ward 3.”

The Development Planning Department prepared a report (Item 7, Report No. 4) considered by the Committee of the Whole on February 4, 2020, to confirm compliance of the approved telecommunications facility located at the northwest corner of Rutherford Road and Weston Road (Piazza Villagio Corp. - Site Development File DA.19.006) with the following:

- The City of Vaughan Telecommunication Facility Siting Protocol, approved by Vaughan Council on October 19, 2016
- The Innovation, Science and Economic Development Canada ('ISED') “CPC-2-0-03 - Radiocommunication and Broadcasting Antenna Systems – Client Procedures Circulars” ('ISED Criteria')

Council on February 11, 2020, amended and ratified the Committee of the Whole recommendation of February 4, 2020, for Item 7, Report No. 4, by adding the following:

“That staff report back to a future Committee of the Whole meeting with amendments to the City of Vaughan Telecommunication Facility Siting Protocol with regards to sending notices to registered ratepayer groups.”

Previous Reports/Authority

The following links provide information related to this report:

[September 7, 2016 Committee of the Whole and October 19, 2016 Council \(Item 2, Report No. 31\)](#)

[CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems](#)

[February 4, 2020 Committee of the Whole \(Item 7, Report No. 4\)](#)

Analysis and Options

Innovation, Science and Economic Development Canada ('ISED'), a federal agency governed by the Radiocommunication Act, is the approval authority for Telecommunication Facilities

The *Radiocommunication Act* designates ISED, formerly Industry Canada, as the approval authority for telecommunications towers and antenna facilities. Federal regulations are not subject to Provincial policies, including the *Planning Act* and the *Ontario Building Code Act*. Therefore, telecommunication towers and antenna facilities are exempt from municipal official plans, zoning by-law requirements, and site plan approval (i.e. no implementing Site Plan Agreement or Letter of Undertaking).

Proponents of telecommunications facilities are required to consult with municipalities. Public notification may also be required as discussed in this report. Municipalities can make a recommendation for a Proponent to obtain Municipal Concurrence consistent with the ISED Criteria.

Vaughan Council, on October 19, 2016, adopted the Protocol

Vaughan Council on June 7, 2011, resolved to appoint a Vaughan Telecommunications Facility Siting Task Force ('Task Force') comprised of Vaughan Councillors, industry experts and residents. The Task Force developed a comprehensive work plan to formulate a Findings Report with assistance from City staff. Vaughan Council, on January 24, 2014, approved the Findings Report and resolved that the Findings Report form the basis for developing a new City-wide Telecommunications Facility Siting Protocol (the 'Protocol').

Vaughan Council on October 19, 2016, approved the Protocol, replacing the existing Telecommunications Protocol from 2003 and incorporating 35 recommendations made by the Task Force in the Findings Report.

The Protocol provides Public Consultation and Notification Requirements in accordance with the ISEDC Criteria

Section 4 of the ISEDC Criteria permits municipalities to establish public notification requirements for proposed telecommunication facilities. Sections 9.1 and 9.2 of the Protocol includes public consultation and notification criteria for proposed telecommunication facilities including notice by regular mail to:

- all affected properties within 150 m (or 250 m in rural areas) (the 'Prescribed Distance')
- all affected Ratepayers Associations within the Prescribed Distance

Section 9.3 of the Protocol also requires the Proponent of a telecommunications facility to provide public notice in local print media.

The Protocol permits specific exemptions for public notification, subject to ISEDC and City criteria

Sections 4.1 and 4.2 of the Protocol includes the following exemptions from the requirement to consult with the City for proposed telecommunication facilities subject to ISEDC and City criteria:

- the maintenance of existing telecommunication facilities
- the addition, modification or replacement of a telecommunications facility, subject to the addition not exceeding 25% of the existing tower height
- non-tower structures (e.g. antennas, roof-top systems)
- temporary antenna systems (typically not more than three months)
- private telecommunication facilities that are less than 15 m in height
- telecommunication facilities located a minimum of 200 m away from a residential zone, and within lands zoned for employment and/or industrial uses

In the instances above, the Proponent of a proposed telecommunications facility is excluded by ISEDC and City criteria from the requirement to consult with the City and the public; however, they must satisfy technical requirements established in Section 7 of the ISEDC Criteria.

Section 4.3 of the Protocol provides the following specific exemptions to public consultation and notification for new telecommunication facilities based on the height of the proposed tower and its distance from lands zoned for residential uses, as shown on Attachment 1:

- A tower between 15 m and 30 m in height and located 150 m or more from any residential zone (Area “B” on Attachment 1)
- A tower between 30 m and 60 m in height and located 200 m or more from any residential zone (Areas “B” and “C” on Attachment 1)
- A tower 15 m or less in height and located 50 m or more from any residential zone (Area “D” on Attachment 1)

These exemptions are intended to encourage Proponents of proposed telecommunication facilities to voluntarily select sites located away from residential zones, as stated in Section 4.3 of the Protocol.

Affected Ratepayer Associations are electronically notified of all proposed telecommunication facilities in addition to the Public Notification Requirements, notwithstanding the Exemptions identified in the Protocol

The Development Planning Department, in the third quarter of 2019, implemented electronic circulation of development applications. This includes notification by email for all development applications through a “Request for Comment” to all City departments and external agencies. A “Notice of Application”, to affected Ratepayer Associations registered with the Office of the City Clerk, is also emailed.

Telecommunication facilities are exempt from the requirements of the *Planning Act*; however, the Development Planning Department uses the Site Development Application to process a request for a proposed telecommunications facility. Affected Ratepayer Associations are electronically circulated a “Notice of Application” for all proposed telecommunication facilities, notwithstanding the exemptions identified in Section 4.3 of the Protocol and in addition to the Public Notification Requirements of Section 9 of the Protocol.

The Development Planning Department will continue to notify affected Ratepayer Associations electronically of proposed telecommunications facilities

The Development Planning Department will continue to use electronic notifications to affected Ratepayer Associations for proposed telecommunication facilities. Improvements to ensure that affected Ratepayer Associations are notified include the following:

- Requesting confirmation of electronic “read receipts” for each email of a “Notice of Application” that is sent to the affected Ratepayer Association(s)
- Following up with the affected Ratepayer Association(s) by email approximately one-month prior to the date an application for a proposed telecommunication facility being considered by the Committee of a Whole Meeting, if the

Development Planning Department does not receive correspondence from the affected Ratepayer Association(s)

In consideration of the added notification procedures outlined in this report, affected Ratepayer Associations are appropriately notified of proposed telecommunications facilities and the Development Planning Department does not recommend any amendments to the Protocol.

Financial Impact

There are no requirements for new funding associated with this report.

Broader Regional Impacts/Considerations

Not Applicable.

Conclusion

Vaughan Council on October 19, 2016, approved the City of Vaughan Telecommunications Protocol including notification criteria to Ratepayer Associations registered with the Office of the City Clerk. The Development Planning Department circulates and provides notification of all applications for telecommunication facilities to affected registered Ratepayer Associations. Improved notification and circulation procedures include the electronic notification tracking and follow-up to affected Ratepayers Associations notified by email as discussed in this report. Accordingly, the Development Planning Department recommends no amendments to the city's Telecommunication Protocol are required and this report be received for information.

For more information, please contact Mark Antoine, Senior Planner, Development Planning Department, ext. 8212

Attachment

1. Section 4.3 of the Telecommunications Protocol - Specific Exemptions from the Requirements to Consult with the City and/or the Public

Prepared by

Mark Antoine, Senior Planner, ext. 8212

Carmela Marrelli, Senior Manager of Development Planning, ext. 8791

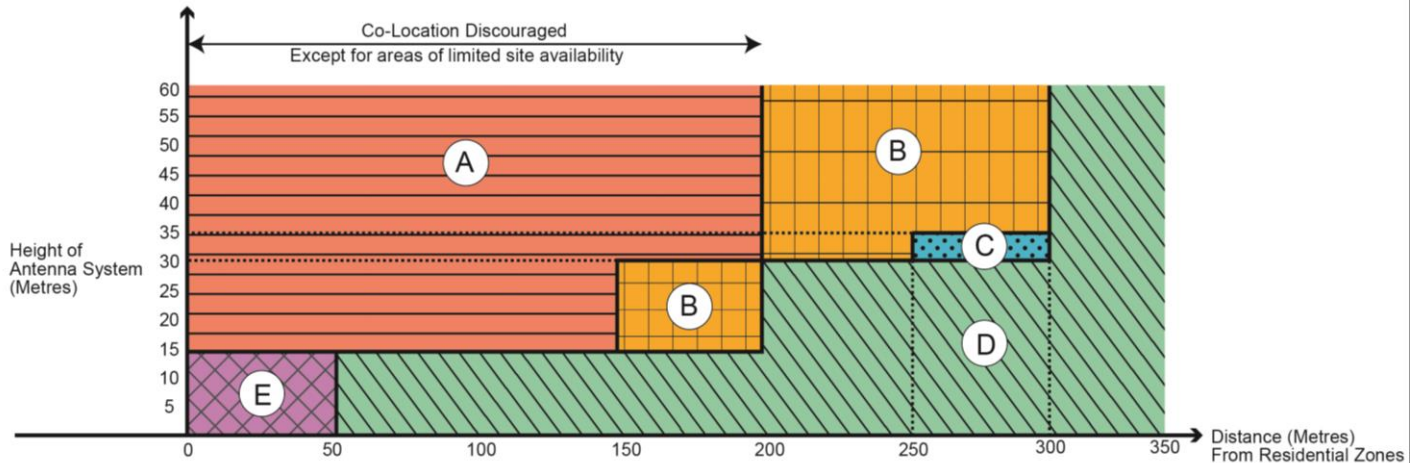
Mauro Peverini, Director of Development Planning, ext. 8407

ATTACHMENT 1 - Section 4.3 of the Telecommunications Protocol - Specific Exemptions from the Requirements to Consult with the City and/or the Public

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4.3 Specific Exemptions from the Requirements to Consult with the City and/or the Public

FIGURE 1: Antenna System siting application review process; modified review procedures to encourage Proponents to voluntarily select sites away from residential zones



Legend:

- Area "A": Full Review Process, Public Consultation, and Council Approval Required
- Area "B": Staff Review and Council Approval Required (No Public Consultation Required)
- Area "C": If Co-Located, Council Approval Not Required; If Single Carrier, Council Approval Required
- Area "D": Staff Review and Approval Required (No Council Approval Required)
- Area "E": Staff Review and Approval Required (No Council Approval Required) Public Notification Required

Explanatory Notes for Figure 1:

- a) Antenna Systems that meet the requirements of Area "A" as per Figure 1 require full public consultation, City review and approval by Vaughan Council. Antenna Systems that meet the requirements of "Area A" are as follows:
 - i. Antenna Systems that are higher than 15 m in height that are located within 0 and 150 m from any residential zone; or
 - ii. Antenna Systems that are higher than 30 m in height and are located at a distance between 150 m and 200 m from any residential zone.
- b) Antenna Systems that meet the requirements of Area "B" as per Figure 1 require City review and approval by Vaughan Council, but do not require Public Consultation. Antenna Systems that meet the requirements of "Area B" are as follows:

- i. Antenna Systems that are between 15 m and 30 m in height, and are located at a distance between 150 m and 200 m from any residential zone; or
 - ii. Antenna Systems that are higher than 30 m in height, and are located at a distance between 200 m and 250 m from any residential zone; or
 - iii. Antenna Systems that are higher than 35 m in height, and are located at a distance between 250 m and 300 m from any residential zone.
- c) Antenna Systems that meet the requirements of Area "C" as per Figure 1 may require approval by Vaughan Council dependent on the tower being co-located by multiple carriers, or occupied by a single carrier. Antenna Systems that meet the requirements of Area "C" are as follows:
 - i. Antenna Systems that are between 30 m and 35 m in height, located at a distance between 250 m and 300 m from any residential zone, and are occupied by a single carrier, the review process for Area "B" applies; or
 - ii. Antenna Systems that are between 30 m and 35 m in height, located at a distance between 250 m and 300 m from any residential zone, and are co-located on an existing tower, the review process for Area "D" applies.
- d) Antenna Systems that meet the requirements of Area "D" as per Figure 1 are exempt from Vaughan Council approval and public notification. Applications would be reviewed and granted concurrence/non-concurrence by the City. Antenna Systems that meet the requirements of Area "D" are as follows:
 - i. Antenna Systems equal to or lower than 15 m in height, and located at a distance between 50 m and 200 m from any residential zone; or
 - ii. Antenna Systems equal to or lower than 30 m in height, and located at a distance between 200 m and 300 m from any residential zone; or
 - iii. Antenna Systems, regardless of height, farther than 300 m from any residential zone.
- e) Antenna Systems that meet the requirements of Area "E" as per Figure 1 are exempt from Vaughan Council approval. Applications would be reviewed and granted concurrence/non-concurrence by the City. Public Notification is required as per the "Prescribed" Distance for Notification" in Section 9.2 and the "Notice Requirements" in Section 9.4. Proposals may be "bumped up" to Vaughan Council for a decision when a minimum of two (2) members of Council request in writing to the Development Planning Department through the City's application circulation process. Antenna Systems that meet the requirements of Area "E" are as follows:
 - i. Antenna Systems equal to or lower than 15 m in height, and located at a distance 50 m or less from any residential zone.

- f) This section does not apply if an Antenna System is proposed within a Heritage Conservation District. New Antenna Systems located within a Heritage Conservation District are subject to the full public consultation and review process, including approval by Vaughan Council.
- g) Figure 1 shall be reviewed by the City every two years to reflect the industry's new information, technology and standards.

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

**TITLE: REQUEST FOR COMMENTS: YORK REGION EVALUATION OF
EMPLOYMENT LAND CONVERSION REQUESTS**

FROM:

Bill Kiru, Acting Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek Council endorsement of City staff recommendations on the 30 employment land conversion requests submitted by landowners to York Region as part of the Region's 2041 Municipal Comprehensive Review.

Report Highlights

- The Region has received 71 employment land conversion requests and 30 of these are within Vaughan
- In March 2019, York Region Council endorsed criteria to be used when assessing employment land conversion requests
- Vaughan Staff also established criteria to assess the employment land conversion requests
- City staff are generally aligned with the Region's assessment of conversion requests

Recommendations

1. THAT Council support the conversion of employment area lands to allow non-employment uses, identified in Attachment 5 to this report, in the 2041 Regional Municipal Comprehensive Review for the following sites:
 - a. 4600 Steeles Ave West (ID 17)
 - b. Various landholdings in Concord GO Center Secondary Plan area (45, 65, 85, 115 Bowes Road and 1950 and 1970 Highway 7, Vaughan) (ID 1)
 - c. 163 and 175 Bowes Road (ID 16)
 - d. 140 Doughton Road (ID 21)
 - e. 130 Doughton Road (ID 28);
2. THAT Council not support the conversion of employment area lands to allow non-employment land uses, identified in Attachment 5 to this report, in the 2041 Regional Municipal Comprehensive Review for the following sites:
 - a. 233 Four Valley Drive and 1040-1080 Edgeley Boulevard (ID 3)
 - b. 11, 27 and 37 Jacob Keefer Parkway (ID 4)
 - c. 7625 Martin Grove Road and 211 Woodstream Boulevard (ID 5)
 - d. 661 and 681 Chrislea Road (ID 6)
 - e. Lots 26 to 35, Vaughan Concession 5 and Lot 1, King Concession 5 (3440 Kirby Road and 11720 Jane Street) (ID 7)
 - f. 8083 Jane Street (ID 8)
 - g. Part of Lot 14 and 15, Concession 5 (Anland) (ID 10)
 - h. 6241 Rutherford Road (ID 11)
 - i. 2739 Highway 7 (ID 12)
 - j. 2267 Highway 7 and 7700 Keele Street (ID 13)
 - k. 201 Millway Avenue (ID 15)
 - l. 7777 Keele St and 2160-2180 Highway 7 (ID 18)
 - m. 7171 Jane St. (ID 20)
 - n. 676 to 696 Westburne Drive (ID 22)
 - o. 2780 Highway 7 (ID 23)
 - p. 705 Applewood Crescent, 200, 207 & 225 Edgeley Boulevard, 10, 11, 38 & 27 Buttermill Avenue and 190 Millway Avenue (ID 24)
 - q. Part of Lots 4 and 5, Concession 9, South of Highway 7 (Adjacent) between Huntington Road and Highway 427 (ID 25)
 - r. 2104 Highway 7 (ID 26)
 - s. 80, 82 and 220 Doney Crescent (ID 27)
 - t. 7250 Keele Street (ID 29)
 - u. 20 Roysun Road (ID 30);

3. THAT Council not support the conversion of employment area lands to allow non-employment land uses because a conversion is not required for the request, identified in Attachment 5 to this report, in the 2041 Regional Municipal Comprehensive Review for the following sites:
 - a. 8821 Weston Road (ID 9)
 - b. 156 Chrislea Road and 15 Jevlan Drive (ID 14)
 - c. 31 Jevlan Drive and 172 Chrislea Road (ID 19); and
4. THAT this report and Council's decision be forwarded to York Region as Vaughan Council's input on the Region's review of employment conversion requests in the City of Vaughan, as part of the 2041 Municipal Comprehensive Review.

Background

Planning Act

The *Planning Act* sets the legislated rules for land use planning in Ontario, including the authority of the Province to identify matters of provincial interest through provincial policy statements.

The *Planning Act* identifies the uses permitted in areas of employment: manufacturing, warehousing, office, as well as retail and facilities that are associated with these uses. The *Planning Act* also requires municipal Councils to have regard for the adequate provision of employment opportunities and restricts the ability to remove lands from employment areas, unless the request to remove lands is made during a municipal comprehensive review.

Provincial Policy Statement (PPS)

The PPS requires municipalities to keep their official plans up to date with the PPS. All land use decisions of Council must be consistent with the PPS. Provincial policy requires York Region and the City of Vaughan to plan for employment and protect employment area lands. Section 1.3 of the PPS provides policy direction to promote economic development and protect employment areas by:

- i. providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
- ii. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

- iii. encouraging compact, mixed-use development that incorporates compatible employment uses to support livable and resilient communities; and
- iv. ensuring the necessary infrastructure is provided to support current and projected needs.

Protection of employment lands is further reinforced in Section 1.3.2, specifically by allowing planning authorities to convert employment areas to non-employment areas only through a municipal comprehensive review, only where it has been demonstrated that the land is not required for employment purposes in the long term, and that there is a need for conversion. The following policies apply:

- i. protecting and preserving employment areas for current and future uses;
- ii. within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility. Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas;
- iii. protecting employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations; and
- iv. providing the opportunity to plan for (but not designate lands) beyond 25 years for the long-term protection of employment lands.

Growth Plan 2019

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan 2019) builds on the policy foundation of the PPS with planning policies that manage employment lands in the Greater Golden Horseshoe. Municipalities are required to bring their Official Plans into conformity with the Growth Plan 2019, and municipal planning authorities' decisions related to planning matters must conform with this Plan.

The updated Growth Plan 2019 provides employment forecasts to 2041 that upper-tier municipalities must plan for. The Growth Plan 2019 policies address a range of employment land matters including protection of employment lands. Some of these protections include:

- a) protecting employment lands from introducing sensitive non-employment uses (i.e. residential and retail);
- b) establishing a structure for employment by identifying where specific types of employment uses should be directed;
- c) identifying employment lands in upper-tier and lower-tier official plans;

- d) minimize and mitigate adverse impacts on industrial and manufacturing;
- e) identifying provincially significant employment zones; and
- f) promoting intensification and higher densities in employment lands to encourage active transportation.

The Growth Plan 2019 now requires the assessment of employment land conversion requests to occur through a Regional Municipal Comprehensive Review (MCR) and the designation of employment areas in the Region's Official Plan.

York Region Official Plan

The Regional MCR is now underway and conversion requests are being evaluated. Assessing employment conversion requests through an MCR is an important component of planning for employment lands at a regional level. Now that the Regional MCR is underway, it is appropriate for conversion requests to be considered comprehensively with the Regional land budget exercise.

York Region is forecasted to grow to 790,000 jobs by 2031 with approximately 266,100 of those jobs located in Vaughan by 2031. The updated Growth Plan 2019 requires York Region to designate employment areas in the York Region Official Plan (YROP) to help accommodate these jobs.

The YROP is required to conform to the Growth Plan 2019. The Vaughan Official Plan in turn is required by the *Planning Act* and Growth Plan 2019 to conform to the YROP.

Vaughan Official Plan 2010

The Official Plan Review is underway, and the City is required to produce a plan that conforms to the Region's updated Official Plan

The City of Vaughan is undertaking its Official Plan Review, which has two purposes: to conform with the updated Regional Official Plan and to review the policies of Vaughan Official Plan 2010 (VOP 2010). Any employment lands that are identified through the Regional MCR must be reflected in the City's updated Official Plan policies and schedules.

VOP 2010 was developed with the objective of protecting Employment Areas to promote the long-term health of the industrial, manufacturing, and warehousing sectors. Vaughan Metropolitan Centre was planned to attract major office developments.

Employment areas are major drivers of economic activity within York Region

Emerging evidence indicates that the City's employment lands will be critical to the future economic health of both the Region and the City.

On May 9, 2019, York Region staff brought forward a "Planning for Employment Background Report" to Regional Council which gave an overview and analysis of key findings and recent employment trends. These include:

- Employment areas continue to be major drivers of economic activity
- York Region has developed into a top destination in the Greater Golden Horseshoe and Canada for business across a number of industries
- York Region is also the home to the largest technology sector concentration in Canada
- York Region is well positioned to withstand the impacts of automation, which will likely create additional jobs in the long term
- Regional Centres and Corridors make the backbone of the Region's urban structure and support a range of employment opportunities
- Major office employment is projected to grow exponentially compared to all employment types
- Work environments that are accessible by transit and have access to amenities are necessary to attract and retain new employees
- Protection of employment areas is vital
- Higher densities in employment areas will be fueled by increasing office uses and intensification
- Retail locations will continue to be valuable as their role continues to shift

Vaughan is positioned to lead and respond to the trends identified above. Vaughan's supply of employment lands facilitates the Region's future employment growth: it accounts for 40% of the total vacant employment lands in York Region. The employment areas within the City of Vaughan are strategically located, with access to two national rail networks, the TTC subway, three 400-series highways, GO train and bus rapid transit service. Access to transportation infrastructure, corridors, and gateways is critical for employment lands. This is especially true with industrial development. The City is also in close proximity to the Toronto Pearson International Airport. Toronto Pearson contributes roughly \$42 billion annually to Ontario's economy, or about 6.3% of GDP, and piloted the Pearson Eco-business Zone with Partners in Project Green.

The Economic Development and Employment Sectors Study (EDESS) updates Vaughan's Economic Development Strategy (EDS) with new action plans to meet Vaughan's employment needs in the face of an evolving marketplace

The premise of the employment policies within the YROP and VOP are informed by a number of strategic plans and business plans. In addition to the Vaughan 2010 Economic Development Strategy: *Building a Gateway to Tomorrow's Economy*, the City recently completed its inaugural Business Satisfaction and Needs Survey, the Economic Development and Employment Sectors Study (EDESS) and prepared a Strategic Business Plan with alignments to the 2018-2022 Term of Council Service Excellence Strategic Plan.

The findings of the Economic Development and Employment Sector Study (EDESS) in particular are critical to updating employment land policies through the Official Plan Review. The trends and needs identified will be used in the policy development process to guide the outcome of those recommendations.

Employment areas are critical to the economic prosperity of the City of Vaughan

To position itself for sustained growth, the City will have to anticipate and respond to the evolving needs of businesses. The EDESS identifies employment lands which accommodate a significant share of the municipality's businesses and employment sectors as crucial to Vaughan's economic development potential. These include sectors like manufacturing, construction, wholesale trade, professional, scientific and technical services, and transportation warehousing. Construction, wholesale trade, scientific and technical service sectors alone accounted for 55% of the City's job growth over the last ten years.

Phase 1 of EDESS provided the following recommendations:

1. Ensure that employment lands are well adapted to structural changes occurring in the evolving macro-economy
2. Provide stronger direction regarding employment-supportive uses in employment areas
3. Explore opportunities for intensification of employment lands
4. Undertake regular and ongoing monitoring of employment land supply and demand to assist with longer-term land use planning and land needs
5. Undertake a detailed employment lands competitiveness analysis

A critical factor for employment lands is the need for a variety of parcel sizes to accommodate a diverse number of employers. The City needs to ensure there is sufficient supply and market choice of employment lands to continue to be a competitive and attractive location for all employment sectors. The EDESS identified Vaughan as having a healthy supply of small to medium sized parcels, but there is a limited number of large vacant land parcels. Large employment lands are needed to accommodate and attract large-scale industrial employers such as manufacturers and distribution centres. The EDESS further identified that the City will need to provide a greater number of larger serviced industrial sites to remain competitive.

The City of Vaughan contains strategically valuable Employment Areas in York Region

The City's employment lands accommodated 67% of the City's jobs as of 2017, according to the EDESS. Vaughan's employment areas are expected to accommodate approximately 52% of the City's total employment growth until 2024 (11,800 jobs). Vaughan's employment base is expected to increase by 22,700 jobs, resulting in 261,000 jobs in 2024.

In York Region, Vaughan has the largest supply of vacant employment lands, accounting for 40% of the total vacant net inventory, a total of 1,042 net hectares. In addition, of all the local municipalities within York Region, the City of Vaughan has the largest portion of developed employment lands. The EDESS also made the following key findings:

1. York Region has 17% of the GTHA's developed employment lands
2. 50% of York Region's employment lands are located within the City of Vaughan
3. In 2017, 54% of York Region's employment was located in the Region's employment lands
4. York Region has an average employment density of 70 jobs per net hectare which is relatively high compared to the GTHA Average
5. Maintaining an appropriate supply of employment areas is critical to provide employers flexibility over the long term and attracting skilled and talented employees

To support the Region's continued employment growth, York Region's "Planning for Employment Background Report" identified that York Region needs to continue to protect employment areas in order to accommodate the needs of employers and increased demand for warehouse and distribution facilities.

As e-Commerce continues to grow, there is a strong demand for logistics and warehouse facilities. Employment areas in strategic locations along highway corridors and intermodal facilities are important assets for the Region's economy to grow. Of Vaughan's 2017 employment base within employment lands: 38% is located within the Concord /CN Railway Lands, 27% is located within the Highway 400 Industrial District, 25% is located within the Highway 407 Industrial District and 10% is located within the Highway 427 Industrial District. Large parcels of employment lands at strategic locations will support the goods movement sector which is an integral part of York Region's economy.

Previous Reports/Authority

NA

Analysis and Options

The Growth Plan 2019 has given York Region new responsibilities in planning for employment to be addressed through their Municipal Comprehensive Review

York Region is now required to designate and set density targets for employment areas in the Regional Official Plan (ROP) and assess requests for employment land conversions (Growth Plan 2019). These are new Regional responsibilities. Previously, employment designations were only included in local Official Plans.

The Growth Plan contains five tests for Employment Land Conversions

The Growth Plan 2019 contains requirements for the conversion of employment lands through Policy 2.2.5.9, chief among them that conversions may only be permitted through a municipal comprehensive review. During this process, a request must pass the five tests in the Growth Plan 2019. The five tests are:

1. There is a need for the conversion (Growth Plan 2.2.5.9 a).
2. The lands are not required over the horizon of the Growth Plan for the employment purposes for which they are designated (Growth Plan 2.2.5.9 b).
3. The municipality will maintain sufficient employment lands to accommodate forecasted employment growth, to the horizon of the Growth Plan (Growth Plan 2.2.5.9.c).
4. Non-employment uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets and other policies in the Growth Plan (Growth Plan 2.2.5.9 d).

5. There are existing or planned infrastructure and public service facilities to accommodate the non-employment uses (e.g. sewage, water, energy, transportation) (Growth Plan 2.2.5.9 e).

York Region developed conversion criteria based on Growth Plan 2019 conversion criteria

On March 7, 2019, Regional Council endorsed the draft Regional employment land conversion criteria, which have been applied by Regional staff to analyze the employment conversion requests within York Region. The Regional criteria (Attachment 1) build on the five conversion tests provided in the Growth Plan 2019 to support a comprehensive and equitable review process. Existing policies in York Region and other Ontario municipalities informed the development of the Region's criteria and were refined through consultation with local municipal staff.

The Region's criteria will assist with assessing employment conversion requests in the context of the Region's employment areas. The Region's criteria address Regional objectives to ensure a diverse and adequate supply of employment lands and protect employment areas adjacent to major transportation corridors such as the 400 series highways, and CP and CN rail corridors. City staff has continued to engage with regional staff throughout the employment conversion evaluation process.

The Region has provided 14 separate employment conversion criteria which were organized into five theme areas: Supply, Viability, Access, Infrastructure and Region-Wide Interests. These five themes represent core principles that are considered during the review of each employment conversion request. Further detail on each theme is listed below:

- **Supply** – Preserving an adequate and diverse supply of employment lands and protecting lands planned beyond the 2041 planning horizon. The Region's criteria will preserve large-size employment parcels and prohibit employment area conversion in largely vacant employment areas in order to meet the future needs of businesses.
- **Viability** – The ability of the employment area to operate and sustain success over the long-term. The Region's criteria prohibit the consideration of requests if the site is entirely surrounded by lands designated and intended to remain designated for employment purposes.
- **Access** – The location of the site, specifically, if the site will be valuable for goods movement purposes, and if the site has access to major transportation infrastructure.

- **Infrastructure** – Recognizes and considers the importance of ensuring high quality public services and infrastructure systems are available to residents and employers.
- **Region-Wide Interests** – Ensures that local or regional municipal planning objectives are not compromised, and consideration is made for potential issues that cross regional boundaries.

Overall, the Region has received 71 site-specific employment land conversion requests with 30 requests located within Vaughan. Staff will continue to engage with York Region staff during their assessment of final recommendations for each conversion request, the Region's employment forecast, policy updates, and designation of employment areas in the Regional Official Plan.

York Region has undertaken a review of the conversion requests received

On October 10, 2019, Regional staff updated Regional Council on the Employment Area Conversion Process. The report addressed work completed to-date, outlined the preliminary results of Regional staff's Phase 1 review of requests submitted to that date, set a cut-off for requests to be received as of November 29, 2019, and outlined next steps in the process. The next step in the review of conversion requests for the Region was a Phase 2 review of all requests received up to the November 29, 2019 cut-off date.

The Phase 1 process included one-on-one meetings with applicants seeking a conversion request with Regional and local planning staff. As part of these Phase 1 discussions, at each meeting, staff clarified the evaluation process, and noted that consideration of requests would continue in Phase 2 to consider the range of employment uses and potential for more sensitive uses.

Phase 2 of the employment area conversion evaluation process included a broader analysis of employment lands, their implications on the land budget and infrastructure, as well as the employment context within Regional and Local structure. Following the completion of Phase 2, York Region staff provided results of the final assessment and preliminary recommendations to Regional Council on March 12, 2020.

The Region has requested local Council to provide endorsed positions on Employment Land Conversion Requests

As part of the next steps discussed in the October 19, 2019 report, Regional staff requested local municipal comments to help inform the review process. The

recommendations contained in this report will be forwarded to Regional Council as Vaughan Council's input to-date on the conversion requests forming part of the MCR.

City staff have prepared additional criteria to provide Council with local context for Employment Land Conversion Requests

Unwise employment land conversions present a risk to local municipalities. Employment land conversion requests are typically submitted to pursue uses that would not be permitted in employment areas, such as residential or major retail. There are inherent risks associated with these types of conversions. The approval of an employment area conversion could contribute to the destabilization of the adjacent employment lands by introducing a non-compatible use and creating expectations that the surrounding area may be converted in the next Municipal Comprehensive Review. This could result in disinvestment and the decline of the area, resulting in the loss of productive businesses, business parks, and physical decline.

City-based conversion criteria highlight the importance of community building and ensuring quality residential development and viable employment areas. The criteria are set out below.

Local Criteria to Assess Employment Land Conversion Requests

1. The conversion involves the introduction of a sensitive use (i.e. residential) into an area that is predominated by uses that are incompatible with sensitive uses.
2. The conversion is located close to major public infrastructure that, either individually or cumulatively, provides a further level of incompatibility (e.g. rail yards, major highways).
3. The conversion is in an area that would constitute an unplanned expansion of a defined secondary plan area that is either approved or identified as an area requiring a secondary plan.
4. The conversion is located in an area where its approval would constitute piecemeal planning, potentially prejudicing the future of the current uses and creating expectations of further conversions.
5. The conversion is located in an area that is deficient in the appropriate urban design/streetscape and services, (e.g. for residential) such as walkability, parks, community level retail and amenities, schools and community facilities.

6. The conversion area is part of a logical planning unit. In this case, the conversion request is considered to be premature and identifies the need for a comprehensive planning exercise to establish the long-term future (e.g. via a secondary plan) to confirm the appropriate uses and densities, and ensure that all the required infrastructure (e.g. internal roads and accesses, water, sewers, stormwater management), services and amenities are in place to support the community.

To maintain integrity of local community planning, employment land conversions should be assessed in a comprehensive manner

An issue that is not well addressed in the Growth Plan 2019 employment conversion criteria is the impact that employment land conversions can have on local planning. The ability to introduce retail and more particularly residential uses into employment areas entirely on the basis of the Growth Plan 2019 conversion criteria is highly problematic. Local municipalities plan employment areas and residential communities holistically, not on the basis of one-off site-specific approvals. It is assumed that the local planning system will absorb and adapt to the conversions and maintain the integrity of community planning and all the considerations this would entail. This would include the avoidance of incompatible uses, connections to transit, the provision of community services such as parks, community centres, schools, shopping, and foremost an attractive and highly livable community environment.

Granting approval on the basis of the level of information provided in a typical employment land conversion request is risky from a community development perspective given the over-arching objective in the Growth Plan 2019 to build complete communities. Building complete communities requires a comprehensive community planning process that examines logical planning areas and allows for the provision of required services and amenities and may result in the creation of a new community area or form the logical extension of an existing community planning area.

While the Growth Plan 2019 criteria are important considerations, local municipalities also need to examine the impacts of all conversions on the overall community planning regime, especially since the need for such conversions is difficult to demonstrate. The City should only support conversions that are strategically beneficial to the City and its current and future residents and businesses. As such, this is a lens that staff have applied to the requests that have been received by York Region for the City of Vaughan in developing responses to the Region's request for comment.

Piecemeal development creates a number of challenges that need to be considered as part of the conversion requests

Staff have identified several sites as constituting piecemeal development through the review of the employment land conversion requests. Piecemeal development is an important consideration in this process, and the following description provides background to this consideration.

The challenge of piecemeal development is particularly acute in the employment land conversion process. The following provides a breakdown of this process:

1. Conversions only occur during a municipal comprehensive review (MCR), which can only happen every five or ten years (as required by the *Planning Act*);
2. If a conversion is approved at the edge of an employment area, the surrounding area needs to be studied to determine the necessary land uses, amenities, roads, and other elements that would make a viable community area;
3. Those elements identified through study cannot be approved until the next MCR, which may occur five or ten years in the future; and
4. The lands approved for conversion are effectively isolated from any community attributes that may exist nearby or would have no planned community elements that could be approved until the next MCR.

Piecemeal development can risk creating residential areas that are isolated from larger community areas, lacking walkability, schools, parks, and other community amenities. It is critical that areas being considered for residential uses, particularly those being considered for higher density development, be considered in the context of the wider area that support complete community objectives.

There are areas of strategic importance to the City of Vaughan that could be affected by several conversion requests, and requests in these areas should be considered in light of major corporate objectives

Several clusters of conversion requests have become clear since the request process closed. Near the Vaughan Metropolitan Centre (VMC), Keele St./Highway 7, and the Concord GO Centre Secondary Plan (Mobility Hub Study) Area, concentrated numbers of requests merit consideration of the wider implications that they would have on city building in Vaughan. These clusters are discussed below.

While there is no demonstrated need for any employment land conversions, conversion requests may best be understood as a means for advancing the City's corporate

objectives, such as securing a GO station or advancing the success of the current VMC Secondary Plan. The approval of certain sites will therefore support important corporate objectives.

Adjacent to the VMC – North side of Portage Parkway between Jane Street and Applewood Crescent – Conversion of land is not supported

There are two employment land conversion requests outside the northern boundary of the Vaughan Metropolitan Centre Secondary Plan (VMCSP). They are on the north side of Portage Parkway between Jane and Applewood Crescent (Attachment 5, ID 15 and ID 24) and together propose over 10 hectares of mixed-use residential uses. One of the requests consists of multiple properties that extend a significant length along the north side of Portage Parkway between Applewood Crescent and Millway Avenue. The other is a single site on the north side of Portage Parkway between Millway Avenue and Jane Street. Both are requesting employment land conversion to allow for mixed-use development including residential uses. These lands are part of the employment area known as Vaughan 400. The following outlines the main points that were considered in this review:

- Approximately 70% of mixed-use lands in the VMC remain vacant.
- The Vaughan 400 employment area (that these lands are part of) has the highest and fastest growing number of jobs of any employment area in the City.
- Portage Parkway is identified in the City's Official Plan as a truck route to bypass Highway 7.
- Portage Parkway has been a logical boundary between the VMC and the Vaughan 400 employment area since the VMC's inception.
- Residential growth is significantly out-pacing job growth within the Highway 7 intensification corridor.

The following points outline why staff does not support these conversion requests:

- VMC residential targets are being met and there is no need for additional residential lands.
- Conversion of lands north of Portage Parkway for residential uses will destabilize the surrounding employment lands, which are part of the largest and fastest growing employment area in the City.
- There is no existing east/west road north of the lands that are proposed for conversion, therefore this would create an unclear boundary between residential and employment lands.

- Portage Parkway is an appropriate boundary between residential and non-residential lands because it is a truck route and follows existing property lines.
- The subject lands are important employment lands and can be considered for further intensification for employment purposes.

Staff are undertaking further study to determine the future of the VMC

The City will be undertaking a review and update of the VMCSPP. As part of the update, an analysis of potential boundary expansion of the VMCSPP area will be undertaken to assess the benefits and drawbacks related to the potential expansion areas. Boundary expansion does not necessarily mean expanding residential uses but can consider intensification for both residential and employment uses.

Adjacent to the VMC – South of Highway 7, east of Maplecrete Road and west of Creditstone Road – Conversion of lands is supported

Staff is recommending the conversion of two sites east of Maplecrete Road and west of Creditstone Road, which are to the south and east of the VMC (Attachment 3, ID 21 and ID 28). The requests are supportable based on local and regional criteria.

Currently, the eastern boundary of the VMC is partly delineated by an unbuilt planned-for local road south of Highway 7, through the centre of a block. It is not a logical planning boundary such as a major collector road and does not follow existing property lines. This boundary has led to implementation issues: it has created split land use permissions on the block south of Highway 7, and inconsistently bisects properties.

These conversions will create a more logical employment area boundary on Doughton Road, an existing minor collector, where they each have frontage. This will also be consistent with land use permissions that share property lines immediately north of these properties, where the VMCSPP is in effect. As mentioned earlier, the VMCSPP update has identified this area to examine potential boundary expansion of the VMCSPP, which will ensure appropriate study and planning will take place for land uses in the area.

Near Keele Street and Highway 7, conversion of lands is not supported

There are four large conversion requests centered around Keele Street and Highway 7. Together they constitute a large portion of the employment lands between Bowes Road and the Rail Yard on the Highway 7 axis. Individually, they would constitute piecemeal

development as they propose development of sensitive uses (residential) in an area with several compatibility issues.

Two of the requests are immediately adjacent to the CN McMillan Yard and have spur lines leading directly to those properties. The other two requests located in the northeast of Keele Street and Highway 7 intersection are within and at the edge of a large employment block.

Granting these conversion requests would destabilize that employment area by creating a condition where more conversions may be expected. This would in turn push up land values and rents, driving out long term employers.

Support for these requests is considered premature on the basis that they are part of a currently functioning employment area that is not needed to accommodate future population growth by the City or Region. Instead, it is an important node of employment activity.

Given the risk of putting unplanned residential community in the area, these conversion requests should not be supported.

***Within the Concord GO Centre Secondary Plan (Mobility Hub Study) Area,
Conversion of lands is supported***

The Concord GO Centre Secondary Plan (Mobility Hub Study) is currently underway and will support the case for the corporate priority of attracting a GO station. The underlying studies that support the Mobility Hub Study will determine the appropriate land uses. The “market-based approach” to the delivery of the station is currently being explored. The study will include the accommodation of the GO station and its infrastructure to inform the future Transit Project Assessment.

The study needs to maintain momentum in order to achieve the priority of attracting a GO station. A change in the scope will jeopardize the achievement of this objective by adding another level of complexity given the premature nature of the conversion requests around Keele Street and Highway 7. For this reason, conversion requests for the lands east of Bowes Road and in the Concord GO Centre Secondary Plan MHS Area are recommended for consideration.

City of Vaughan staff identified employment land conversion requests that do not require an employment land conversion

Select sites within the City of Vaughan have been submitted to be considered for an employment land conversion to allow more flexibility to the permitted use and excludes more sensitive uses. Increased flexibility in the permitted uses for these sites can be accommodated within the City's existing employment lands framework. Therefore, City staff found that the following employment land conversion requests do not require an employment land conversion, and are recommending that these conversion requests are not supported:

- 8821 Weston Road (ID 9)
- 156 Chrislea Road and 15 Jevlan Drive (ID 14)
- 31 Jevlan Drive and 172 Chrislea Road (ID 19)

Financial Impact

There are no direct financial implications to the City as a result of this report. There are potential indirect financial implication and economic implications which could result from the conversion of employment lands.

Broader Regional Impacts/Considerations

The Growth Plan 2019 now requires the assessment of employment land conversion requests to occur through a Regional MCR, and the designation of employment areas in the Region's Official Plan. The Regional MCR is underway and requests for employment land conversion will be considered comprehensively with the Region's land budget exercise. Of the 71 employment land conversion requests, 30 are in the City of Vaughan: the most in the Region. The City of Vaughan's employment land conversion requests could therefore have major implications on the Region's employment lands and overall land budget.

Conclusion

City staff have evaluated the 30 conversion requests originating in the City and have provided Council with recommendations on their disposition. Out of the 30 conversion requests evaluated, staff have identified three requests that do not require an employment conversion. Of the remaining 27 requests evaluated, staff recommend support for five requests and do not recommend support for 22 requests. These requests, particularly in areas of strategic importance identified in this report, could have substantial and long-term impacts on the viability of the employment lands in the City, which form the backbone of Vaughan's economic success and potentially impact the City's community planning process. Utilizing the strengths of Vaughan's infrastructure

assets to support businesses operating in Vaughan will ensure long-term economic stability and growth.

For more information, please contact: Fausto Filipetto, Manager of Long-Range Planning, extension 8699

Attachments

1. York Region Conversion Criteria
2. City of Vaughan Conversion Criteria
3. Map of All Conversion Requests in the City of Vaughan
4. Summary Table of Staff Recommendations
5. Staff Recommendations for each Request

Prepared by

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Fausto Filipetto, Manager of Long-Range Planning, extension 8699

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YORK REGION CONVERSION CRITERIA

	Criteria
1	The following employment areas will not be considered for conversion as they have not yet had the opportunity to develop due to servicing constraints or have recently been brought into the urban boundary to accommodate employment land employment growth to 2031: Keswick Business Park, Queensville, Highway 404 (ROPA 1), ROPA 3, and Highway 400 North (ROPA 52).
2	The employment area will not be considered for conversion if the entire perimeter of the site is surrounded by lands designated for employment uses and is not viable to continue as an employment area.
3	The lands are not required over the horizon of the Growth Plan for the employment purposes for which they are designated (Growth Plan 2.2.5.9 b).
4	The Region and local municipality will maintain sufficient employment lands to accommodate forecasted employment growth, including sufficient employment land employment growth, to the horizon of the Growth Plan (modified Growth Plan 2.2.5.9.c).
5	Non-employment uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets and other policies in the Growth Plan (modified Growth Plan 2.2.5.9 d).
6	There are existing or planned infrastructure and public service facilities to accommodate the non-employment uses (e.g. sewage, water, energy, transportation) (modified Growth Plan 2.2.5.9 e).
7	There is a need for the conversion (GP 2.2.5.9 a)
8	The conversion will not destabilize or adversely affect current or future viability and/or identity of the employment area with regards to: a) Hindering the operation or expansion of existing or future businesses b) Maintaining lands abutting or in proximity to the conversion site for employment purposes over the long term c) Attracting a broad range of employment opportunities and maintaining clusters of business and economic activities d) Providing appropriate buffering of employment uses from non-employment uses.
9	Cross-jurisdictional issues have been addressed
10	The conversion to a non-employment use is compatible with the surrounding uses such as existing employment uses, residential or other sensitive land uses and will mitigate existing and/or potential land use conflicts.

ATTACHMENT 1

11	Conversion of the site would not compromise the Region's and/or local municipality's supply of large sized employment area sites (i.e. 10 ha or greater) which allow for a range uses including but not limited to land extensive uses such as manufacturing, warehousing, distribution and logistics.
12	The site offers limited development potential for employment land uses due to factors including size, configuration, access and physical conditions
13	The proposed site is not visible from or adjacent to 400-series highways, or is not located in proximity to existing or planned highways and interchanges, intermodal facilities, airports and does not have access to rail corridors
14	The proposed conversion to a non-employment use does not compromise any other planning policy objectives of the Region or local municipality.

CITY OF VAUGHAN – LOCAL CRITERIA TO ASSESS EMPLOYMENT LAND CONVERSION REQUESTS

	Criteria
1	The conversion involves the introduction of a sensitive use (i.e. residential) into an area that is predominated by uses that are incompatible with sensitive uses
2	The conversion is located close to major public infrastructure that, either individually or cumulatively, provides a further level of incompatibility (e.g. rail yards, major highways)
3	The conversion is in an area that would constitute an unplanned expansion of a defined secondary plan area that is either approved or identified as an area requiring a secondary plan
4	The conversion is located in area where its approval would constitute piece-meal planning, potentially prejudicing the future of the current uses and creating expectations of further conversions
5	The conversion is located in an area that is deficient in the appropriate ambience and services, (e.g. for residential) such as walkability, parks, community level retail and amenities, schools and community facilities
6	The conversion area is part of a logical planning unit, which would speak to prematurity and the need for a comprehensive planning exercise to establish the long-term future (secondary plan) and confirm the appropriate uses and densities; and ensure that all the required infrastructure (e.g. internal roads and accesses , water, sewers, stormwater management) , services and amenities are in place to support the community

MAP OF ALL CONVERSION REQUESTS IN THE CITY OF VAUGHAN



 Employment Conversions

SUMMARY TABLE OF STAFF RECOMMENDATIONS

ID	Address	Nature of Request	Applicant / Owner	Recommendations
1	45, 65, 85, 115 Bowes Road and 1950 and 1970 Highway 7	A request to re-designate lands from "Employment Commercial Mixed-Use "to "Mixed-Use Commercial/Residential".	Brookvalley Project Management Inc.	Support the conversion of lands identified within Deferral Area A in VOP 2010 to continue to pursue a GO station at this location through the Concord GO Mobility Hub Study.
2	11421 Weston Road; Part of Lot 30, Concession 5	A request to re-designate lands to allow mixed-use permissions (including residential use) beyond employment uses permitted by the City of Vaughan OPA 637.	Western Point Builders Inc.	Withdrawn.
3	233 Four Valley Drive and 1040-1080 Edgeley Boulevard	A request to re-designate employment land to support mixed-use development on site, including residential.	Typhon Group	Do not support the request for conversion.
4	11, 27 and 37 Jacob Keefer Parkway	A request to permit residential use on the subject lands currently designated as "Employment Commercial Mixed-use" in the 2010 Vaughan Official Plan.	Robvit Developments Inc. / Alvit Developments Inc.	Do not support the request for conversion.
5	7625 Martin Grove Road and 211 Woodstream Boulevard	A request to re-designate lands from employment uses to mid-rise mixed-use.	716051 Ontario Limited & 1214420 Ontario Limited	Do not support the request for conversion.
6	661 and 681 Chrislea Road	A request to re-designate subject lands from Employment use to High-Rise Mixed Use.	Battcorp Holdings (Vaughan) Ltd. (Battista)	Do not support the request for conversion.
7	Lots 26 to 35, Vaughan Concession 5 & Lot 1, King Concession 5 (3440 Kirby Road and 11720 Jane Street)	A request to re-designate the subject lands from employment to residential uses.	Vaughan 400 North Landowners Group Inc.	Do not support the request for conversion.
8	8083 Jane Street	A request to re-designate lands from "Prestige and General Employment" to high density residential, office and commercial uses.	Chris Barnett	Do not support the request for conversion.

ID	Address	Nature of Request	Applicant / Owner	Recommendations
9	8821 Weston Road	A request to re-designate subject lands from "Prestige Employment" to "Employment Commercial – Mixed use".	Kevin Bechard (Weston Consulting) / Andrew Zappone	Do not support the request for conversion.
10	Part of Lot 14 and 15, Concession 5	A request to re-designate the subject lands from employment to residential/ mixed-uses.	Vaughan Mills Mixed Use Centre Landowners Group	Do not support the request for conversion.
11	6241 Rutherford Road	A request to convert employment lands from the current "Prestige Employment" designation to facilitate the development of a banquet hall.	Di Poce Management Limited	Do not support the request for conversion.
12	2739 Highway 7	A request to convert employment lands to allow residential uses	2276771 Ontario Inc.	Do not support the request for conversion.
13	2267 Highway 7 and 7700 Keele Street	A request to convert employment lands to permit residential uses.	Humphries Planning Group	Do not support the request for conversion.
14	156 Chrislea Road and 15 Jevlan Drive	A request to allow greater flexibility in the permitted uses including more retail and service commercial type uses.	FDF Investments Ltd and Playacor Holdings Ltd.	Do not support the request for conversion.
15	201 Millway Avenue	A request to re-designate lands from "Prestige Employment" to include employment, commercial and residential mixed uses.	John Zipay and Associates	Do not support the request for conversion.
16	163 and 175 Bowes Road	A request to convert the subject employment lands to permit residential and commercial uses.	Weston Consulting	Support the conversion of lands identified within Deferral Area A in Vaughan Official Plan 2010 to allow the City to continue to pursue a GO station at this location through the Concord GO Mobility Hub Study.
17	4600 Steeles Ave West	A request to re-designate "Employment Commercial Mixed Use" lands to facilitate mixed use development on site.	MHBC	Support the request for conversion.

ID	Address	Nature of Request	Applicant / Owner	Recommendations
18	7777 Keele St and 2160-2180 Highway 7	A request to convert the subject employment lands to permit residential and commercial uses.	MHBC	Do not support the request for conversion.
19	31 Jevlan Drive and 172 Chrislea Road	A request to broaden land permission to allow for a greater range of development opportunities on the subject lands.	Glen Schnarr & Associates Inc.	Do not support the request for conversion.
20	7171 Jane Street	Request that lands be re-designated from their current employment designation to a mixed-use designation permitting higher density residential and commercial uses.	Stellarbridge Management Inc.	Do not support the request for conversion.
21	140 Doughton Road	Request to convert the subject lands from "General Employment" to "Station Precinct" and include the subject property in the Vaughan Metropolitan Centre Secondary Plan boundary.	Weston Consulting	Support the request for conversion.
22	676 to 696 Westburne Drive	To redesignate the lands to allow for mixed used high density residential.	KLM	Do not support the request for conversion.
23	2780 Highway 7	To redesignate the lands from "Employment Commercial Mixed Use" to allow residential uses.	Evans Planning Inc.	Do not support the request for conversion.
24	705 Applewood Crescent, 200, 207 & 225 Edgeley Boulevard, 10, 11, 38 & 27 Buttermilk Avenue and 190 Millway Avenue	To redesignate the lands to create a mixed-use transitional area from the Vaughan Metropolitan Centre.	MGP	Do not support the request for conversion.
25	Part of Lots 4 and 5, Concession 9, South of Highway 7 (Adjacent) between Huntington Road and Highway 427	To redesignate the lands to allow for mixed-use high-density/residential development.	KLM Planning Partners	Do not support the request for conversion.

ID	Address	Nature of Request	Applicant / Owner	Recommendations
26	2104 Highway 7	To redesignate the subject lands to allow for a more diverse mix of land uses.	Weston Consulting	Do not support the request for conversion.
27	80, 82 and 220 Doney Crescent	To consider the entire area north of Doney Crescent south of Highway 7 and west of Keele Street to be included in the conversion.	Doney 80 Corp and Doney Hill Holdings	Do not support the request for conversion.
28	130 Doughton Road	To redesignate the lands to a "Station Precinct Designation" to permit residential and major retail uses.	KLM Planning Partners	Support the request for conversion.
29	7250 Keele Street	To redesignate the lands to permit greater retail uses on the property.	Weston Consulting	Do not support the request for conversion.
30	20 Roysun Road	To redesignate the lands to allow a more diverse mix of land uses including residential.	Weston Consulting	Do not support the request for conversion.

STAFF RECOMMENDATIONS FOR EACH REQUEST

ID	Applicant	Address
1	Brookvalley Project Management Inc.	45, 65, 85, 115 Bowes Road and 1950 and 1970 Highway 7

Location

The subject property is bounded by Highway 7 to the south and Bowes Road to the west.

Request

To re-designate lands from "Employment Commercial Mixed-Use" to "Mixed-Use Commercial/Residential".

Staff Recommendation

Support the conversion of lands identified within Deferral Area A in VOP 2010 to continue to pursue a GO station at this location through the Concord GO Mobility Hub Study.

**Staff Comment**

- The City is currently undertaking a Mobility Hub Study for this area to support the case for the corporate priority of attracting a GO station. The supporting studies undertaken through the Mobility Hub Study will determine the appropriate land uses.
- The lands are currently within Deferral Area A as identified in the Concord Go Centre Secondary Plan, Volume 2 of Vaughan Official Plan 2010.
- The lands form part of a logical planning unit identified by the Concord Go Centre Secondary Plan that is currently being planned.

ID	Applicant	Address
2	Western Point Builders Inc.	11421 Weston Road; Part of Lot 30, Concession 5

Location

The subject property is located in the southeast quadrant of Kirby Road and Weston Road.

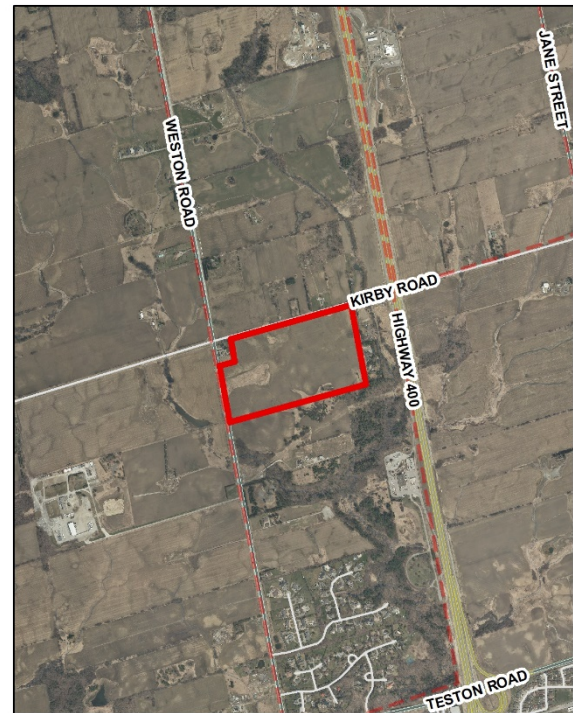
Request

A request to re-designate lands to allow mixed-use permissions (including residential use) beyond employment uses permitted by the City of Vaughan OPA 637.

WITHDRAWN.

Staff Recommendation

Not applicable.



Staff Comment

Not applicable.

ID	Applicant	Address
3	Typhon Group	233 Four Valley Drive and 1040-1080 Edgeley Boulevard

Location

The property is located in the southeast quadrant of Bass Pro Mills Drive and Edgeley Boulevard.

Request

A request to re-designate employment land to support mixed-use development on site, including residential.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- The site is part of a larger employment area.
- The site has strong potential as employment lands.
- The lands are located in proximity to the Highway 400 which provides a further level of incompatibility with sensitive uses.
- The conversion would introduce sensitive uses to an area that is predominated by uses that are incompatible with sensitive uses.
- A conversion at this site will potentially create expectations of further conversions in the area.
- The land is located in an area that is deficient in the appropriate ambience and services. The land does not have sidewalks, parks, schools or community facilities.
- The conversion would constitute an unplanned expansion of a defined secondary plan area. The land is outside the Vaughan Mills Centre Secondary Plan area.

ID	Applicant	Address
4	Robvit Developments Inc.	11, 27 and 37 Jacob Keefer Parkway

Location

The subject property is located at the southeast corner of Rutherford Road and Jacob Keefer Parkway.

Request

A request to permit residential use on the subject lands currently designated as "Employment Commercial Mixed-Use" in the 2010 Vaughan Official Plan.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- The site is bounded on three sides by industrial uses. As per the Region's Criteria, the approval of the request may destabilize or adversely affect current or future viability and/or identity of the employment area.
- The conversion will potentially prejudice the future of the current uses and create expectations of further conversion.
- The site has strong potential as employment lands. The surrounding employment area would require a Mobility Hub Study centred on the Rutherford GO Station, which could be identified in a future Municipal Comprehensive Review.

ID	Applicant	Address
5	716051 Ontario Limited & 1214420 Ontario Limited	7625 Martin Grove Road and 211 Woodstream Boulevard

Location

The subject property is located south of Highway 7, east of Martin Grove Road on the north and south sides of Woodstream Boulevard.

Request

A request to re-designate lands from employment uses to mid-rise mixed-use.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- The larger employment planning unit, of which the site is a part, is not being examined for other uses. A conversion would constitute piecemeal planning.
- The site is almost entirely bounded by employment uses (with institutional uses to the south). The requested conversion is located in an area where its approval would constitute piece-meal planning and will potentially prejudice the future of the current uses and create expectations of further conversion.
- The site has strong potential as employment lands.
- The requested conversion would introduce of sensitive uses to an area that is predominated by uses that are incompatible with sensitive uses.

ID	Applicant	Address
6	Battcorp Holdings (Vaughan) Ltd.	661 and 681 Chrislea Road

Location

The subject property is located in the southwest quadrant of Langstaff Road and Highway 400.

Request

A request to re-designate subject lands from Employment use to High-Rise Mixed Use.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- The site is almost entirely surrounded by industrial uses. Permitting non-employment uses can potentially introduce compatibility issues with surrounding employment uses.
- The site is located in proximity to the Highway 400 and abuts a ramp to the highway which provides a further level of incompatibility with sensitive uses.
- The site is located in an area where its approval would constitute piece-meal planning and will potentially prejudice the future of the current uses and create expectations of further conversion. As per the Region's Criteria, the approval of the request may destabilize or adversely affect current or future viability and/or identity of the employment area.
- The site is considered as a viable functioning employment land.
- The site is located in an area that is deficient in the appropriate ambience and services. The land does not have sidewalks, parks, schools or community facilities.

ID	Applicant	Address
7	Vaughan 400 North Landowners Group Inc.	3440 Kirby Road and 11720 Jane Street

Location

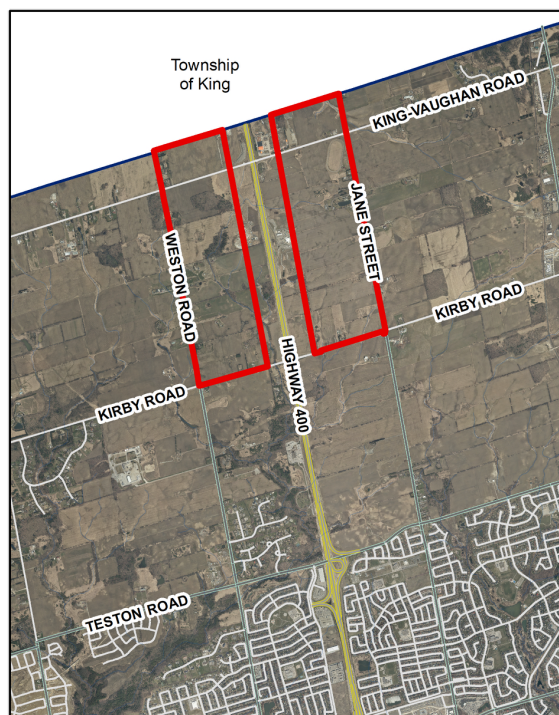
The subject lands are located on the east and west sides of Highway 400.

Request

A request to re-designate the subject lands from employment to residential uses.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- The lands form part of Vaughan's 400 North Employment Area (known Regionally as ROPA 52). As per the Region's Criteria, employment areas within ROPA 52 will not be considered for conversion as the lands were brought into the urban boundary to accommodate employment growth to 2031 and have not yet had the opportunity to properly develop due to servicing constraints.
- The lands are 291 hectares of prime employment land and represent some of the largest vacant employment lands in the Region. As per the Region's Criteria, conversion of a site that is 10 hectares or greater would compromise the Region's and the City's supply of large sized employment area sites and limit the range of potential employment uses within the City (i.e. manufacturing, warehousing, distribution).
- The lands have access to and are located in proximity to the Highway 400 which provides a further level of incompatibility with sensitive uses. The site is also adjacent to a potential interchange between Highway 400 and the GTA West Corridor.

ID	Applicant	Address
8	Chris Barnett	8083 Jane Street

Location

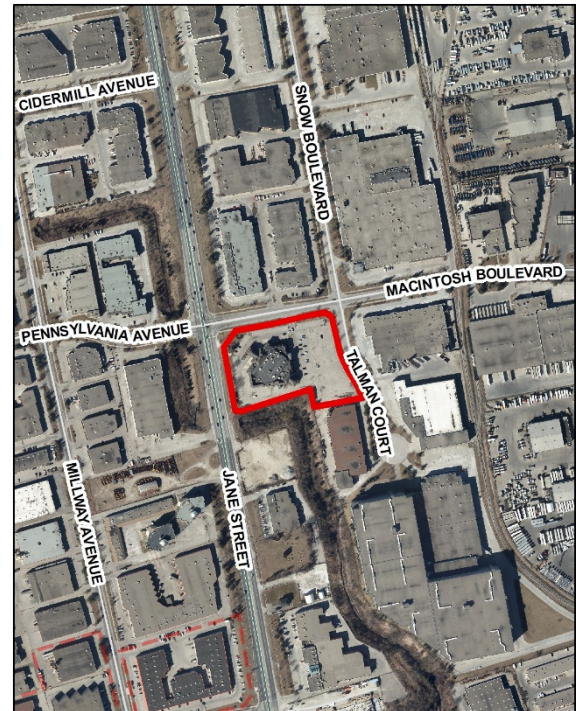
The subject lands are located at the southeast corner of Jane Street and Macintosh Boulevard.

Request

To re-designate lands from “Prestige and General Employment” to high density residential, office, and commercial uses.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- The land is entirely surrounded by employment uses. As per the Region’s Criteria, and employment area will not be considered for conversion if the entire perimeter of the site is surrounded by employment uses. Permitting non-employment uses can potentially introduce compatibility issues with surrounding employment uses.
- The lands form part of a logical employment planning unit.
- As identified in previous reports to Council, Jane Street requires a comprehensive review through a corridor study.

ID	Applicant/Agent	Address
9	Andrew Zappone/Kevin Bechard	8821 Weston Road

Location

The subject lands are located south of Rutherford Road, north of Langstaff Road, on the east side of Weston Road and west of Highway 400.

Request

A request to re-designate the subject lands from “Prestige Employment” to “Employment Commercial – Mixed Use”.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- The request received by the applicant proposes changing the designation of the site to “Employment Commercial – Mixed Use”. Staff opinion is that a conversion is not required because the “Employment Commercial – Mixed Use” designation is considered an employment land designation.
- This is a site-specific request that can proceed through the regular development review process.

ID	Applicant	Address
10	Vaughan Mills Mixed Use Centres Landowners Group	Part of Lot 14 and 15, Concession 5 (Anland)

Location

The subject property is located in the southeast quadrant of Rutherford Road and Weston Road

Request

A request to re-designate the subject lands from employment to residential/ mixed-uses.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- The lands represent 39 hectares of prime employment land. As per the Region's Criteria, conversion of a site that is 10 hectares or greater would compromise the Region's and the City's supply of large sized employment area sites and limit the range of potential employment uses within the City (i.e. manufacturing, warehousing, distribution).
- The site has strong potential as employment lands.
- The lands have access to and are located in proximity to the Highway 400 which provides a further level of incompatibility with sensitive uses.

ID	Applicant	Address
11	Di Poce Management Limited	6241 Rutherford Road

Location

The subject property is located on the south side of Rutherford Road, to the west of Highway 27.

Request

A request to convert employment lands from the current “Prestige Employment” designation to facilitate the development of a banquet hall.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- The site is entirely surrounded by employment uses. As per the Region’s Criteria, an employment area will not be considered for conversion if the entire perimeter of the site is surrounded by employment uses. Permitting non-employment uses can potentially introduce compatibility issues with surrounding employment uses.
- The site should be maintained as employment. There may be opportunity through the Region’s review of their employment policy framework to identify more permissive employment uses.

ID	Applicant	Address
12	N/A	2739 Highway 7

Location

The subject lands are bounded by Highway 7 to the north and Costa Road to east.

Request

To convert employment lands to allow residential uses.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- The land is entirely surrounded by employment uses. As per the Region's Criteria, a site will not be considered for conversion if the entire perimeter of the site is surrounded by employment uses. Permitting non-employment uses can potentially introduce compatibility issues with surrounding employment uses.
- The requested conversion would introduce sensitive uses to an area that is predominated by uses that are incompatible with sensitive uses.
- The land is in proximity to the Vaughan Metropolitan Centre Secondary Plan area. The conversion would constitute an unplanned expansion of a defined secondary plan area.

ID	Applicant	Address
13	Humphries Planning Group	2267 Highway 7 and 7700 Keele Street

Location

The subject lands are bounded by Highway 7 to the north and Keele Street to the east.

Request

To convert employment lands to permit residential uses.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- A conversion at this location would set a precedent for further conversion requests in the surrounding stable employment area of which it is part. The employment uses are in proximity to the CN MacMillan Rail Yard. As per the Region's Criteria, the approval of the request may destabilize or adversely affect current or future viability and/or identity of the employment area.
- The lands form part of a logical employment planning unit.
- This land is not an appropriate place to put a community. This area is deficient in services and amenities that would be required to create a livable and attractive environment for residents - it is currently an isolated area; future residents would not have access to community facilities or amenities.
- Highway 7 to the north and Keele Street to the east are solid boundaries that separate the heavy employment uses surrounding the site from the adjacent residential uses to the east (the Concord West Community).
- A conversion at this location introduces compatibility issues in proximity to the CN rail yard. CN will likely object to this request.
- The site is part of an MTSA (Keele BRT Station, MTSA 14) area that serves an important function of providing transit to an employment area.
- Current permissions in VOP 2010 already meet and exceed MTSA density objectives.
- See Analysis and Options subsection of this report titled "Keele Street/Highway 7".

ID	Applicant	Address
14	FDF Investments Ltd and Playacor Holdings Ltd.	156 Chrislea Road and 15 Jevlan Drive

Location

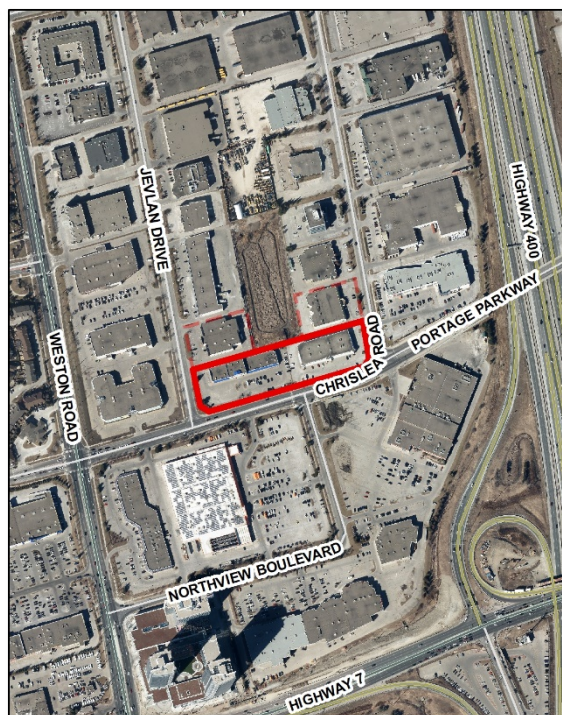
The subject property is bounded by Jevlan drive to the west, Chrislea Road to the south and east.

Request

A request to allow greater flexibility in the permitted uses including more retail and service commercial type uses.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- Staff opinion is that a conversion is not required because the “Employment Commercial Mixed-Use” designation is considered an employment land designation.
- This is a site-specific request that can proceed through the regular development review process.

ID	Applicant	Address
15	John Zipay and Associates	201 Millway Avenue

Location

The subject lands are located at the northwest corner of Portage Parkway and Jane Street.

Request

To re-designate lands from “Prestige Employment” to include employment, commercial and residential mixed uses.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

See Analysis and Options subsection of this report titled “Adjacent to the VMC – North side of Portage Parkway between Jane Street and Applewood Crescent, Conversion of land is not supported”.

ID	Applicant	Address
16	Weston Consulting	163 and 175 Bowes Road

Location

Located southeast of Oster Lane and Bowes Road.

Request

To convert the subject employment lands to permit residential and commercial uses.

Staff Recommendation

Support the conversion of lands identified within Deferral Area A in VOP 2010 to continue to pursue a GO station at this location through the Concord GO Mobility Hub Study .



Staff Comment

- The subject lands are partially within Deferral Area A in the Concord GO Centre Secondary Plan, Volume 2 of Vaughan Official Plan 2010, as identified by York Region.
- The City is currently undertaking the Concord GO Mobility Hub Study (MHS) to determine the future land uses within the study area.
- The portion of the lands outside the Concord GO MHS should remain employment lands.
- The underlying studies that support the MHS will determine the appropriate land uses. The “market-based approach” to the delivery of the station is currently being explored. The study will include the accommodation of the GO station and its infrastructure to inform the future Transit Project Assessment.
- The lands form part of a logical planning unit which is currently part of a developing Secondary Plan study.

ID	Applicant	Address
17	MHBC	4600 Steeles Avenue West

Location

The subject property is at the northeast corner of Islington and Steeles Avenue

Request

A request to re-designate "Employment Commercial Mixed Use" lands to facilitate mixed use development on site.

Staff Recommendation

Support the request for conversion.



Staff Comment

- The request is supportable based on Regional and local criteria.
- The area forms a logical planning unit; the site is surrounded by residential areas, with the rail corridor forming a logical border to the employment area east of the request.
- The site is a logical extension of compatible residential uses to the west and south.

ID	Applicant	Address
18	MHBC	7777 Keele St and 2160-2180 Highway 7

Location

Located north of and fronting onto Highway 7 between Keele Street and Bowes Road.

Request

To convert the subject employment lands to permit residential and commercial uses.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- The lands form part of a logical employment planning unit.
- The conversion is located in an area where its approval would constitute piece-meal planning and will potentially prejudice the future of the current uses and create expectations of further conversion. As per the Region's Criteria, the approval of the request may destabilize or adversely affect the current or future viability and/or identity of the employment area.
- The location of the subject lands is deficient in amenities and isolated as a potential community.
- The site is located on the edge of an established large employment area and is almost entirely surrounded by employment uses. Permitting non-employment uses can potentially introduce compatibility issues with surrounding employment uses.
- The subject lands are adjacent to major industrial uses and in proximity the CN MacMillan Rail Yards.
- The site is part of an MTSA (Keele BRT Station, MTSA 14) area that serves an important function of providing transit to an employment area.
- Current permissions in VOP 2010 already meet and exceed MTSA density objectives.
- Highway 7 is a logical boundary between the closest residential area, Concord West to the south, and the broader employment area that the subject lands are a part of.
- The conversion would constitute an unplanned expansion of a defined secondary plan area.
- See Analysis and Options subsection of this report titled "Keele Street/Highway 7".

ID	Applicant	Address
19	Glen Schnarr & Associates Inc.	31 Jevlan Drive and 172 Chrislea Road

Location

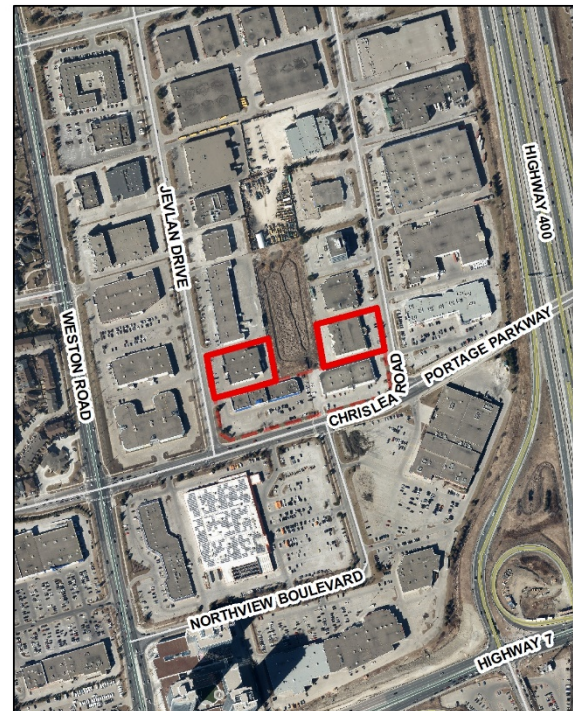
The subject lands are located on the north of Chrislea Road, south of Carlauren Road, east of Jevlan drive and west of Chrislea Road.

Request

A request to broaden land permission to allow for a greater range of development opportunities on the subject lands.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- Staff opinion is that a conversion is not required because the “Employment Commercial Mixed-Use” designation is considered an employment land designation.
- This is a site-specific request that can proceed through the regular development review process.

ID	Applicant	Address
20	Stellarbridge Management Inc.	7171 Jane Street

Location

The subject property is located on the east side of Jane Street and south of Highway 407.

Request

Request that lands be re-designated from their current employment designation to a mixed-use designation permitting higher density residential and commercial uses.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- There is a health and safety hazard with large scale residential development on a single road access site. Furthermore, there is increased risk for this site as it is adjacent to a major rail line that conveys significant amount of hazardous goods at grade.
- The land is entirely surrounded by employment uses. As per the Region's Criteria, an employment area will not be considered for conversion if the entire perimeter of the site is surrounded by employment uses. Permitting non-employment uses can potentially introduce compatibility issues with surrounding employment uses.
- The lands are adjacent to employment uses (including a large recycling facility) and in proximity to the Highway 407, the CN MacMillan Rail Yard and a major east-west rail corridor with a high volume of rail traffic which provides a further level of incompatibility with sensitive uses.
- The land is located in an area that is deficient in the appropriate ambience and services. Community facilities and amenities are over 1 kilometre away from the subject lands.
- The site has strong potential as employment lands.
- Vehicle access to the site is by a right-in/right-out and would likely not receive signalized access due to proximity to other signalized intersections.

ID	Applicant	Address
21	Weston Consulting	140 Doughton Road

Location

The subject property is located south of Highway 7 between Maplecrete Road and Creditstone Road.

Request

Convert the subject lands from “General Employment” to “Station Precinct” and include the subject property in the Vaughan Metropolitan Centre Secondary Plan boundary.

Staff Recommendation

Support the request for conversion.



Staff Comment

- The request is supportable based on Regional and local criteria.
- See Analysis and Options subsection of this report titled “Adjacent to the VMC – South of Highway 7, east of Maplecrete Road and west of Creditstone Road, Conversion of lands is supported”.

ID	Applicant	Address
22	KLM	676 to 696 Westburne Drive

Location

The subject property is located west of Westburne Drive and south of Rutherford Road.

Request

To redesignate the lands to allow for mixed used high density residential.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- The land is entirely surrounded by industrial uses. As per the Region's Criteria, an employment area will not be considered for conversion if the entire perimeter of the site is surrounded by employment uses as permitting non-employment uses can potentially introduce compatibility issues with surrounding employment uses.
- The requested conversion would introduce sensitive uses to an area that is predominated by uses that are incompatible with sensitive uses.
- A conversion will potentially prejudice the future of the current uses and create expectations of further conversion. As per the Region's Criteria, the approval of the request may destabilize or adversely affect the current or future viability and/or identity of the employment area.
- The lands form part of a logical employment planning unit.
- The site will require a Mobility Hub Study centred on the Rutherford GO Station which could be identified in a future Municipal Comprehensive Review.

ID	Applicant	Address
23	Evans Planning Inc.	2780 Highway 7

Location

The subject property is located on the northeast corner of Highway 7 and Creditstone Road

Request

To redesignate the lands from “Employment Commercial Mixed Use” to allow residential uses.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- The site is located at the entrance of a cul-de-sac that leads to a Regional waste dump facility. The lands are within 800 metres of the CN MacMillan Rail Yard which provides a further level of incompatibility with sensitive uses.
- The requested conversion is located in an area where its approval would constitute piece-meal planning and will potentially prejudice the future of the current uses and create expectations of further conversion. As per the Region’s Criteria, the approval of the request may destabilize or adversely affect the current or future viability and/or identity of the employment area.
- The request is part of a logical planning unit.
- The land is outside of and adjacent to the Vaughan Metropolitan Centre Secondary Plan area. The conversion would constitute an unplanned expansion of a defined secondary plan area.

ID	Applicant	Address
24	MGP	705 Applewood Crescent, 200, 207 & 225 Edgeley Boulevard, 10, 11, 38 & 27 Buttermilk Avenue and 190 Millway Avenue

Location

The subject property is north of Portage Parkway and west of Jane Street ("Portage Lands").

Request

To redesignate the lands to create a mixed-use transitional area from the Vaughan Metropolitan Centre.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

See Analysis and Options subsection of this report titled "Adjacent to the VMC – North side of Portage Parkway between Jane Street and Applewood Crescent, Conversion of land is not supported".

ID	Applicant	Address
25	KLM Planning Partners	Part of Lots 4 and 5, Concession 9, South of Highway 7 (Adjacent) between Huntington Road and Highway 427

Location

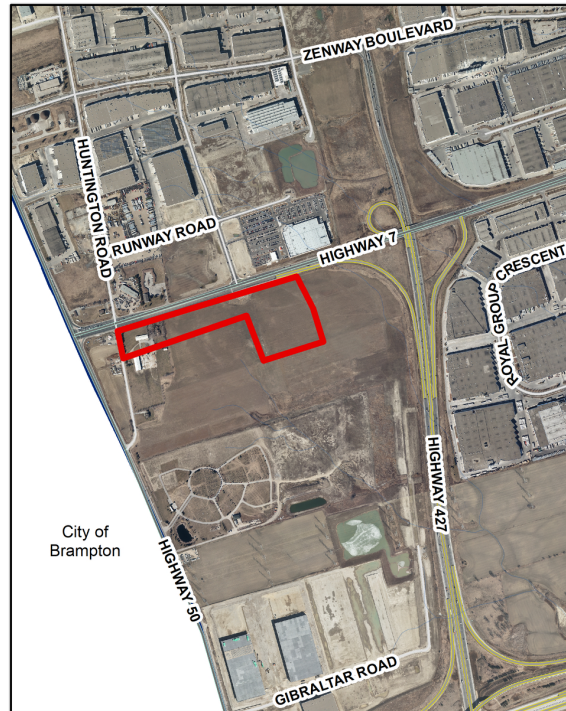
The subject property is located on the south side of Regional Road 7 and east of Huntington Road

Request

To redesignate the lands to allow for mixed-use high-density/residential development.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- There are no nearby communities. The closest residential area is 1 km away in Brampton.
- This site is one of the few remaining vacant employment lands with direct access to both Highway 7 and Highway 427 and is directly adjacent to Highway 427 with good visibility from the highway.
- The site is located in the centre of a larger employment area and would constitute the introduction of a sensitive use and result in compatibility issues in an area predominated by employment uses.
- The requested conversion is located in an area where its approval would constitute piece-meal planning and will potentially prejudice the future of the current uses and create expectations of further conversion. As per the Region's Criteria, the approval of the request may destabilize or adversely affect the current or future viability and/or identity of the employment area.
- The land is located in an area that is deficient in the appropriate ambience and services. The land does not have parks, schools or community facilities.
- The site has strong potential as employment lands. The site is one of the few remaining vacant employment lands in this employment area.

ID	Applicant	Address
26	Weston Consulting	2104 Highway 7

Location

The subject property is located on the north side of Highway 7, east of Keele Street and west of Bowes Road.

Request

To redesignate the subject lands to allow for a more diverse mix of land uses.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- The lands form part of a logical employment planning unit.
- The conversion is located in an area where its approval would constitute piece-meal planning and will potentially prejudice the future of the current uses and create expectations of further conversion. As per the Region's Criteria, the approval of the request may destabilize or adversely affect the current or future viability and/or identity of the employment area.
- The location of the subject lands is deficient in amenities and isolated as a potential community.
- The site is located on the edge of an established large employment area and is almost entirely surrounded by employment uses. Permitting non-employment uses can potentially introduce compatibility issues with surrounding employment uses.
- The subject lands are adjacent to major industrial uses and in proximity the CN MacMillan Rail Yards.
- The conversion would constitute an unplanned expansion of a defined secondary plan area.
- The site is part of an MTSA area that serves an important function of providing transit to an employment area.
- Current permissions in VOP 2010 already meet and exceed MTSA density objectives.
- Highway 7 is a logical boundary between the closest residential area, Concord West to the south, and the broader employment area of which the subject lands are a part.
- See Analysis and Options subsection of this report titled "Keele Street/Highway 7".

ID	Applicant	Address
27	Doney 80 Corp and Doney Hill Holdings	80, 82 and 220 Doney Crescent

Location

The subject property is located south of Highway 7 and west of Keele Street.

Request

To consider the entire area north of Doney Crescent south of Highway 7 and west of Keele Street to be included in the conversion

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- A conversion at this site would set a precedent for further conversion requests in the surrounding stable employment areas in which the site is located. The site is in proximity to the CN MacMillan Rail Yard. As per the Region's Criteria, the approval of the request may destabilize or adversely affect the current or future viability and/or identity of the employment area.
- The lands form part of a logical employment planning unit.
- This land is not an appropriate place to put a community. This area is deficient in services and amenities that would be required to create a livable and attractive environment for residents. It is currently an isolated area. Future residents would not have access to community facilities or amenities.
- Highway 7 to the north and Keele Street to the east are solid boundaries that separate the heavy employment uses surrounding the site from the adjacent residential uses to the east (the Concord West Community).
- A conversion at this location introduces compatibility issues in proximity to the CN rail yard. CN will likely object to this request.
- See Analysis and Options subsection of this report titled "Keele Street/Highway 7".

ID	Applicant s	Address
28	KLM Planning Partners	130 Doughton Road

Location

The subject property is located to the south of Highway 7.

Request

To redesignate the lands to a “Station Precinct” Designation to permit residential and major retail uses.

Staff Recommendation

Support the request for conversion.



Staff Comment

- The request is supportable based on Regional and local criteria.
- See Analysis and Options subsection of this report titled “Adjacent to the VMC – South of Highway 7, east of Maplecrete Road and west of Creditstone Road, Conversion of lands is supported”.

ID	Applicant	Address
29	Weston Consulting	7250 Keele Street

Location

The subject property is located north of Highway 407

Request

To redesignate the lands to permit greater retail uses on the property.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- The land is entirely surrounded by employment uses. As per the Region's Criteria, and employment area will not be considered for conversion if the entire perimeter of the site is surrounded by employment uses. Permitting non-employment uses can potentially introduce compatibility issues with surrounding employment uses.
- The lands are near major industrial uses and in proximity to the CN MacMillan Rail Yard spur line which provides a further level of incompatibility with sensitive uses.
- The requested conversion will potentially prejudice the future of the current uses and create expectations of further conversion. As per the Region's Criteria, the approval of the request may destabilize or adversely affect the current or future viability and/or identity of the employment area.
- There is an opportunity for a limited expansion of permissions for retail.

ID	Applicant	Address
30	Weston Consulting	20 Roysun Road

Location

The subject property is located west of Martin Grove Road and south of Highway 7.

Request

To redesignate the lands to allow a more diverse mix of land uses including residential.

Staff Recommendation

Do not support the request for conversion.



Staff Comment

- The site is surrounded on three sides by stable employment uses and it is part of a larger employment area. It is a viable employment site with access to three roads. As per the Region's Criteria, the approval of the request may destabilize or adversely affect the current or future viability and/or identity of the employment area.
- The requested conversion would introduce sensitive uses to an area that is predominated by uses that are incompatible with sensitive uses.
- A conversion will potentially prejudice the future of the current uses and create expectations of further conversion.

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

**TITLE: PROCLAMATION REQUEST – NATIONAL POLLINATOR WEEK
AND FLIGHT OF THE MONARCHS DAY**

FROM:

BILL KIRU, ACTING DEPUTY CITY MANAGER, PLANNING AND GROWTH
MANAGEMENT

ACTION: DECISION

Purpose

To seek Council adoption of Proclamation requests for both National Pollinator Week and Flight of the Monarchs Day.

Report Highlights

- Both of the Proclamations support the Mayors' Monarch Pledge adopted by Council on March 20, 2018
- In 2018, Council proclaimed June 18 to 24, 2018 as National Pollinator Week
- The City is committed to protecting pollinators and educating its citizens on the importance of pollinators and their habitat
- Mayor Maurizio Bevilacqua is listed under the Leadership Circle on the National Wildlife Federation's website, for taking eight or more actions to protect the Monarch butterfly

Recommendations

1. THAT National Pollinator Week be proclaimed on an annual basis in June, as designated by Pollinator Partnership Canada;
2. THAT Flight of the Monarchs Day be proclaimed on an annual basis on a date in August, as designated by Toronto and Region Conservation Authority; and

3. THAT the Proclamations be posted on the City's website and staff be directed to promote the above-noted Proclamations, as appropriate.

Background

A week in June is declared National Pollinator Week

On March 20, 2018, Council adopted a resolution committing to the Mayors' Monarch Pledge (Pledge) of the National Wildlife Federation (NWF). The Pledge requires that municipalities fulfill yearly actions. These actions can include increasing the amount of habitat for pollinators, launching public communication efforts to encourage citizens to plant their own pollinator gardens, and developing partnerships with community groups and agencies to identify larger restoration planting sites. In 2018, the City committed to five of the twenty-five actions identified by the NWF and in 2019, the City increased its commitment to fulfilling nine actions.

A recommendation from the Pledge included issuing a proclamation to raise awareness about the decline of the Monarch butterfly and the species' need for habitat. To fulfill this recommendation, on June 19, 2018, Council adopted the proclamation that June 18-24, 2018 be National Pollinator Week, in support of Pollinator Partnership Canada's (P2C) National Pollinator Week.

P2C is a registered not-for-profit organization in Canada dedicated to the protection and promotion of pollinators and their ecosystems. Every year, P2C declares a week in June as National Pollinator Week and recommends municipalities proclaim a "City Pollinator Week". P2C also promotes this initiative through their ecoregional planting guides, community initiatives and research. P2C encourages municipalities to get involved and provides resources that can be utilized in education and promotion campaigns.

City staff continue to work towards fulfilling the Pledge

In 2019, the City of Vaughan committed to nine actions under the Pledge, including planting native milkweed and nectar plants on City properties in order to increase the amount of habitat for pollinators, launching public communication efforts to encourage citizens to plant their own pollinator gardens, and developing partnerships with community groups and agencies to identify larger restoration planting sites. Each year, City staff report on the actions to the NWF. In 2020, the City will continue to fulfill the nine actions and in future years will work toward achieving additional actions. Refer to the City's Pollinator Projects website for a description of the nine actions, at the following link:

https://www.vaughan.ca/cityhall/environmental_sustainability/Pages/Pollinator-Projects.aspx

Mayor Maurizio Bevilacqua, representing the City, has been listed in the [Leadership Circle](#) on the NWF website, for taking eight or more actions to help protect and create Monarch butterfly habitat. The listing can be found at the following link:

<https://www.nwf.org/MayorsMonarchPledge/Signatories>

The Monarch Nation program is promoting Flight of the Monarchs Day

Monarch Nation is a program of Toronto and Region Conservation Authority (TRCA) which brings together a number of partners/stakeholders with a focus to ensure Canadian children are knowledgeable about species at risk and informed about how to support Canadian wildlife. Through Monarch Nation, TRCA is leading the Flight of the Monarchs Day, a national campaign that will provide an opportunity to increase community awareness related to species at risk while engaging new communities in the work of habitat restoration. In order to promote the event, TRCA has requested that municipal governments proclaim August 22, 2020 as Flight of the Monarchs Day. TRCA will provide participating municipalities with a toolkit containing resources and examples of activities to promote the initiative

Previous Reports/Authority

Previous reports considered by City Council regarding the Monarch butterfly and other pollinator programs can be found at the following links:

On March 20, 2018 Council adopted the Mayors' Monarch Pledge.

[Council Meeting Extract – March 20, 2018](#)

On June 19, 2018 Council adopted a Pollinator Week Proclamation to affirm the City's commitment to the Mayors' Monarch Pledge.

[Council Meeting Extract – June 19, 2018](#)

Analysis and Options

The 2018 Pollinator Week Proclamation does not include the recommendation to proclaim Pollinator Week on an annual basis. An annual proclamation of Pollinator Week demonstrates the City's commitment to protecting pollinators and educating the public on the importance of pollinators and their habitat. The dates in June are determined by Pollinator Partnership Canada, each year, and the City of Vaughan will align Pollinator Week with these dates. An updated Pollinator Week Proclamation is appended as Attachment 1.

By proclaiming Flight of the Monarchs Day, the City will focus awareness on the Monarch butterfly. This is the first year TRCA has organized the Flight of the Monarchs Day and depending on its success, TRCA is likely to repeat the campaign on an annual basis. The City will align targeted outreach and activities with TRCA each year. By supporting this initiative, the City is meeting the actions of the Mayors' Monarch Pledge. The Flight of the Monarchs Day Proclamation is appended as Attachment 2.

Staff will provide pollinator-related education and activities

In the weeks leading up to Pollinator Week and Flight of the Monarchs Day, Environmental Sustainability staff will provide citizens with educational resources and at-home activities via the Environmental Sustainability website. In addition, staff will collaborate with other City departments to provide educational resources to showcase on their respective websites. Corporate and Strategic Communications have been engaged to determine the feasibility of utilizing social media platforms and other digital channels for promotion.

Staff propose to have a booth at various City events, such as Environmental Days and Concerts in the Park, to promote the City's pollinator projects and hand out pollinator-friendly seed packets. Also, staff secured a free booth at the Woodbridge Farmers Market on August 20, 2020 to provide Monarch-specific education and a hands-on activity for kids. Communication strategies will be adjusted, as needed. In future years, staff will work with community groups to organize pollinator garden planting events to align with Pollinator Week and will continue to work with TRCA to determine programming for Flight of the Monarchs Day.

Proclamations align with Green Directions Vaughan 2019

On December 17, 2019, Green Directions Vaughan, the City's community sustainability plan, was adopted by Council. Actions within Green Directions Vaughan direct staff to improve greenspace as community amenities and promote habitat condition for wildlife, and to promote green infrastructure, including pollinator habitat, to build resilience based on the effects of climate change. By proclaiming Pollinator Week and Flight of the Monarchs Day, the City is taking steps to meet the actions within Green Directions Vaughan.

Financial Impact

Staff will utilize existing operating budgets for the materials needed for activities and displays and to supplement promotion, such as social media advertisements.

Broader Regional Impacts/Considerations

York Region was declared the first Monarch Friendly Region in Canada at the May 11, 2017 Committee of the Whole Meeting. A link is provided below:

<https://www.york.ca/wps/wcm/connect/yorkpublic/93d84de9-6227-4907-9d82-54c0841cb7cc/may+11+greening+ex.pdf?MOD=AJPERES>

Conclusion

Proclaiming a week in June as Pollinator Week and a day in August as Flight of the Monarchs Day meet multiple actions in the Pledge and demonstrates the City's commitment to these environmental sustainability initiatives. These initiatives provide opportunities to celebrate biological diversity and educate citizens and City staff on the importance of pollinators. The Proclamations support actions in Green Directions Vaughan to improve greenspace and support wildlife habitat.

For more information, contact Alanna MacKenzie, Sustainability Coordinator, ext. 8941.

Attachments

1. City of Vaughan Pollinator Week Proclamation
2. City of Vaughan Flight of the Monarchs Day Proclamation

Prepared by

Alanna MacKenzie, Sustainability Coordinator, ext. 8941

Ruth Rendon, Senior Environmental Planner, ext. 8104

Tony Iacobelli, Acting Director, Policy Planning and Environmental Sustainability, ext. 8630

City of Vaughan

WHEREAS, pollinator species such as birds and insects are essential partners of farmers in producing much of our food supply; and

WHEREAS, pollination plays a vital role in the health of our forests and grasslands, which provide forage, fish and wildlife, timber, water, mineral resources, and recreational opportunities as well as enhanced economic development opportunities for communities; and

WHEREAS, pollinator species provide significant environmental benefits that are necessary for maintaining healthy, biodiverse ecosystems; and

WHEREAS, the City of Vaughan has managed wildlife habitats and public lands such as city forests, grasslands, and parks for decades; and

WHEREAS, the Province of Ontario provides agricultural producers with conservation assistance to promote wise conservation stewardship, including the protection and maintenance of pollinators and their habitats on working lands and wildlands; and

NOW, THEREFORE, I, Mayor Maurizio Bevilacqua, Mayor of the City of Vaughan, in support of Pollinator Partnership Canada, do hereby proclaim the week of June 22-28, 2020 as

City Pollinator Week

throughout the City of Vaughan and urge all citizens to recognize this observance.

The City of Vaughan will recognize a week in June, to be determined by Pollinator Partnership Canada, as City Pollinator Week on an annual basis.

Thank you for helping pollinators!





Flight of the Monarchs Day

WHEREAS, Monarch butterflies are one of the most iconic and cherished insects in North America. Their epic 5,000-kilometre migration from eastern Canada to the forests of central Mexico begins in late August each year.

WHEREAS, In 2013, the eastern population of Monarch butterflies dropped by 95 per cent, the smallest recorded population since the mid-1990s. Since 2013, the population has rebounded, thanks in part to the collective efforts of thousands of individuals, groups and communities across Canada, but the Monarch's future remains in serious peril.

WHEREAS, Flight of the Monarchs Day is an opportunity to celebrate the growing movement to protect monarch butterflies and the astonishing phenomenon of their migration as their epic journey southward begins.

NOW, THEREFORE, I Mayor Maurizio Bevilacqua, Mayor of the City of Vaughan, do hereby proclaim August 22, 2020 as Flight of the Monarchs Day.

The City of Vaughan will recognize a date in August, to be determined by Monarch Nation, as Flight of the Monarchs Day, on an annual basis.



Supported by:



Environment and
Climate Change Canada

Environnement et
Changement climatique Canada

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Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

TITLE: BUILDING PERMIT FEES ANNUAL FINANCIAL REPORT 2019

FROM:

Bill Kiru, Acting Deputy City Manager, Planning and Growth Management

ACTION: FOR INFORMATION

Purpose

To provide Council with the Building Permit Fees Annual Financial Report for 2019, as required by the Building Code.

Report Highlights

- Building permit revenues collected in 2019 were \$11,650,665
- Direct and Indirect costs in 2019 were \$12,023,882

Recommendations

1. THAT the Building Permit Fees Annual Financial Report for 2019 be received for information.

Background

The Building Code requires that a financial report be prepared annually to provide information on the following matters:

- i. Total Fees Collected (12-month period);
- ii. Direct Costs of delivering services (Review of permit applications and inspections of buildings);
- iii. Indirect Costs of delivering services (Support and Overhead Costs); and
- iv. The account balance for the Building Standards Service Continuity Reserve as established by Council.

To comply with the Building Code, the Building Permit Fees Annual Financial Report has been prepared for 2019 and is based on unaudited information.

Previous Reports/Authority

Not applicable.

Analysis and Options

This report has been prepared in coordination with Financial Planning and Development Finance Department staff. It is based on Council's previous approvals respecting the Watson and Associates Activity Based Costing Methodology for User Fees Report, and the establishment of the Building Standards Service Continuity Reserve.

The Building Standards Service Continuity Reserve was established to stabilize fluctuations in permit revenues resulting from changes or variations in construction activity. The stabilization of permit revenues allows the Building Standards Department (BSD) to meet its legislated requirements; thereby ensuring continuity of service delivery without impacting the general tax base.

In order to develop a sustainable financial model for the BSD, a comprehensive building permit fee study was carried out by Watson and Associates in 2017/2018 to ensure fees achieve full cost recovery of direct and indirect costs associated with the delivery of services in the BSD (building permits and inspection services). The study benchmarked Vaughan's building permit fees with other comparable GTA municipalities to maintain market competitiveness.

Financial Impact

The Building Permit Fees Annual Financial Report shows a total revenue of \$11,650,665 for building permit fees collected in 2019 and a combined total of direct and indirect costs of \$12,023,882. Due to the shortfall, the BSD was required to draw \$373,217 from the Building Standards Service Continuity Reserve to fund the net shortfall between revenues and full costs. The 2019 closing balance in the Building Standards Service Continuity Reserve is \$12,233,461.

Broader Regional Impacts/Considerations

Not applicable.

Conclusion

The Building Permit Fees Annual Financial Report shows a total revenue of \$11,650,665 for building permit fees collected in 2019 and a combined total of direct and indirect costs of \$12,023,882. A draw of \$373,217 from the Building Standards Service Continuity Reserve funded the net shortfall between revenues and full costs.

The 2019 closing balance in the Building Standards Service Continuity Reserve is \$12,233,461.

For more information, please contact: Ben Pucci, Director of Building Standards.

Attachments

1. 2019 Building Permit Fees Annual Financial Report

Prepared by

Ben Pucci, Director of Building Standards

City of Vaughan
Ontario Building Code Act
Building Standards Service Continuity Reserve
2019 Annual Actual Report - Unaudited
(For the Period January 1, 2019 to December 31, 2019)

ONTARIO BUILDING CODE - REVENUES

Total Fees Collected	\$ (11,650,665)
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ONTARIO BUILDING CODE - EXPENSES

Direct Costs		\$ 8,069,793
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Indirect Costs		\$ 3,954,089
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TOTAL DIRECT & INDIRECT COST	\$ 12,023,882
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CONTRIBUTION TO/(FROM) BUILDING STANDARDS CONTINUITY RESERVE	\$ (373,217)
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NET BALANCE	<div style="border-top: 1px solid black; border-bottom: 3px double black; display: inline-block; padding: 2px 10px;">\$ -</div>
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BUILDING STANDARDS SERVICE CONTINUITY RESERVE

Opening Balance		\$ 12,847,968
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Transfer to / (Withdrawal from) Reserve:		\$ (373,216)
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Transfer to / (Withdrawal from) Reserve - Capital		\$ (502,764)
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Interest Earned		\$ 261,474
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<u>CLOSING BALANCE RESERVE</u>	<div style="border-top: 1px solid black; border-bottom: 3px double black; display: inline-block; padding: 2px 10px;">\$ 12,233,461</div>
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Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): 1

**TITLE: INSTALL AND MAINTAIN INFRASTRUCTURE WITHIN
CANADIAN PACIFIC RAILWAY LANDS – BLOCK 61**

FROM:

Bill Kiru, Acting Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek Council approval to enter into the necessary agreements with the Canadian Pacific Railway to provide for the installation and maintenance of municipal infrastructure crossings and encroachments of the railway tracks and lands, in conjunction with the approved subdivisions, thereby facilitating development in Block 61.

Report Highlights

- The servicing scheme for approved subdivisions within Block 61 requires the installation of municipal watermain and wastewater sewer crossings of railway tracks and the installation of a municipal stormwater outlet on railway lands
- The proposed municipal infrastructure on railway lands is planned to be constructed in conjunction with the construction of the various residential subdivisions
- Canadian Pacific Railway has approved the installation of the required infrastructure subject to executing an agreement with the City to establish the construction and maintenance responsibilities
- The Developers in Block 61 have committed to fund the full cost of and construct the requisite infrastructure. The Subdivision Agreements for the respective developments will secure the necessary funding for the works

Recommendation

1. That a By-law be enacted authorizing the Mayor and the City Clerk to execute the necessary Agreement(s) with Canadian Pacific Railway to facilitate the installation of municipal infrastructure within railway lands.

Background

The approved residential subdivisions in Block 61 require crossings and encroachments of the Canadian Pacific Railway corridor to provide water, wastewater and stormwater servicing

The subdivisions within Block 61 subject to this report include Nashville Heights Phase 4B (File: 19T-15V006) in Block 61 West and Barons East (File: 19T-17V008) in Block 61 East. The Draft Plan of Subdivision applications for 19T-15V006 and 19T-17V008 were approved by Council in March 2017 and June 2018, respectively.

The stormwater servicing scheme for the Block 61 West lands includes the construction of a municipal stormwater management pond and accompanying stormwater channel on the south side of Major Mackenzie Drive. The pond and channel are proposed to convey stormwater flow to a tributary of the East Robinson Creek through the existing CPR drainage swale and culvert crossing the rail tracks. This stormwater servicing scheme will require a stormwater outlet consisting of a combined municipal stormwater management pond and channel outlet to be located within the CPR corridor to facilitate a safe conveyance of municipal stormwater to East Robinson Creek.

The water and wastewater servicing scheme for the Barons East subdivision includes the construction of a municipal watermain and wastewater sewer to connect to the respective existing municipal water and wastewater systems in Block 61 West. The CPR corridor bisects the Block 61 East and West lands. This servicing scheme will require a municipal watermain and wastewater sewer crossing of the CPR tracks south of Nashville Road.

Previous Reports/Authority

N/A

Analysis and Options

The installation of the pond and channel outlet within the rail corridor drainage swale will safely allow the flow of stormwater to the East Robinson Creek

The lands south of Major Mackenzie Drive and north of the rail corridor, where the municipal stormwater management pond and channel are proposed to be located, is currently an open field. The existing railway drainage swale was constructed by CPR, within their corridor, to mitigate the impacts of overland stormwater flow from the current open space lands owned by the railway. The rail drainage swale directs captured stormwater across the width of the existing open space lands and flows easterly to a tributary of East Robinson Creek. The proposed municipal stormwater management pond and channel has been designed to capture the stormwater flow from Block 61 West and to control the outlet of that flow to the East Robinson Creek tributary through the existing CPR drainage swale.

The stormwater discharge from the municipal stormwater management pond and channel will be controlled to pre-development flow rates to avoid impacts on the railway drainage system, including reconstruction of the swale and downstream culverts. However, as the open space lands will be fully occupied by the new municipal stormwater management pond and channel, the flows need to be discharged at a common point thereby increasing the potential for erosion damage of the CPR swale. A 5 metre by 5 metre municipal outlet for the pond and channel, consisting of rip-rap stone, is required to mitigate the erosion risk and potential damage to the existing CPR swale.

The installation of the watermain and wastewater sewer crossing the rail tracks will efficiently facilitate the growth of lands adjoining Nashville Road within Block 61 East

Currently, there are no municipal wastewater sewers on Nashville Road. The Block 61 East lands, adjacent to Nashville Road, are primarily being serviced through private facilities (septic tanks). The Barons East lands are designated by Schedule 1 of Vaughan Official Plan (VOP) 2010, within the Urban Boundary, as a 'Community Area', necessitating that the lands be serviced by municipal wastewater sewers per Section 8.2.1.3 of VOP 2010. There were two (2) options for the Barons East lands to connect to the existing municipal wastewater network; the first consisting of constructing a new 1.5 kilometre municipal sewer on Nashville Road to the Stevenson Avenue Pumping Station, and the second consisting of a new 50 metre (0.05 kilometre) municipal sewer from the Barons East lands to the Block 61 West municipal network.

The Barons East lands are proposed to obtain municipal water servicing by connecting to an existing municipal watermain on Nashville Road. To ensure water quality within the future municipal watermain traversing the Barons East lands, without the need for

additional infrastructure, a secondary water servicing connection is encouraged to prevent standing water concerns. There were two (2) options for the Barons East lands to facilitate a secondary connection to the existing municipal water network; the first consisting of constructing a new municipal main to the existing Whisper Lane watermain, and the second consisting of a new municipal main from the Barons East lands to the Block 61 West municipal water network.

The wastewater and water connections of the Barons East lands to Block 61 West are the most cost effective with the least amount of impacts to the surrounding community.

Canadian Pacific Railway is prepared to allow for the proposed works to be installed, subject to a commitment from the City

CPR staff have advised of their approval to allow the municipal wastewater sewer, watermain and stormwater outlet to be installed within their corridor subject to the City agreeing to construct, maintain and repair the works. The necessary arrangements between CPR and the City, with respect to the works, must be in place in June 2020 so the works can be completed in conjunction with the construction of the respective subdivisions.

Various Agreements will be required between the parties in order to facilitate the requisite works

Several agreements will need to be executed amongst the parties to facilitate the construction of the wastewater sewer, watermain and stormwater outlet on CPR lands. First, the Developers of the respective subdivisions will need to execute subdivision agreements with the City and provide the City with a letter of credit for the value of the works. With this in place, the City can then initiate and execute the necessary agreements with CPR to construct, maintain and repair the works. The detailed design and construction of the works will be completed by the Developers of the respective subdivisions.

Financial Impact

The Developers of the 19T-15V006 and 19T-16V010 subdivisions have made a commitment to fully fund and construct the wastewater sewer, watermain and stormwater outlet at an estimated cost of \$199,400 inclusive of applicable taxes and administration recovery.

The Developers of the affected subdivisions will need to execute a subdivision agreement for their respective developments with the City to secure the necessary funds prior to any works being initiated.

Broader Regional Impacts/Considerations

The proposed stormwater servicing scheme for Block 61 West has been reviewed and approved by the Toronto and Region Conservation Authority. The Regional reconstruction of Major Mackenzie Drive has been completed in the area adjacent to the municipal stormwater pond and channel.

The proposed wastewater servicing scheme for the Barons East lands can be accommodated by the Regional trunk sewer. The water servicing scheme for the Barons East lands does not impact Regional interests.

Conclusion

The stormwater servicing scheme for Block 61 West necessitates a municipal stormwater outlet to be located within the CPR corridor to facilitate the safe conveyance of stormwater to the East Robinson Creek. The water and wastewater servicing scheme for new development in Block 61 East necessitates a municipal watermain and wastewater sewer crossing of the CPR tracks south of Nashville Road. The Developers of the respective subdivisions have committed to fund the full cost of and construct the requisite works within the CPR corridor. Several agreements will need to be executed between the City and CPR to facilitate these works.

For more information please contact Frank Suppa, Director, Development Engineering, Extension 8255

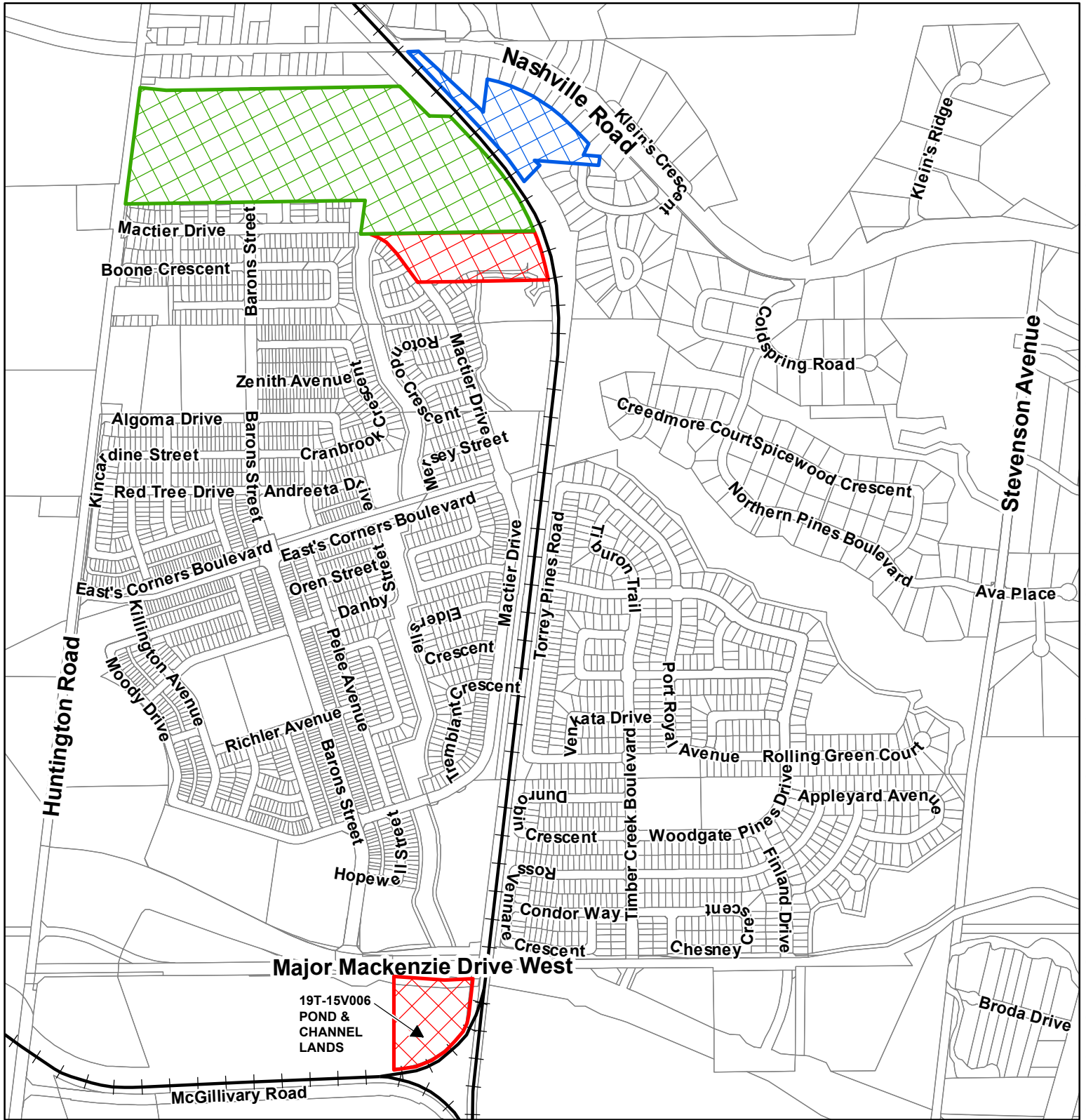
Attachments

1. Location Map – Block 61 Subdivisions
2. Location Map – Future Sanitary and Watermain Crossing
3. Location Map – Future Stormwater Outlet

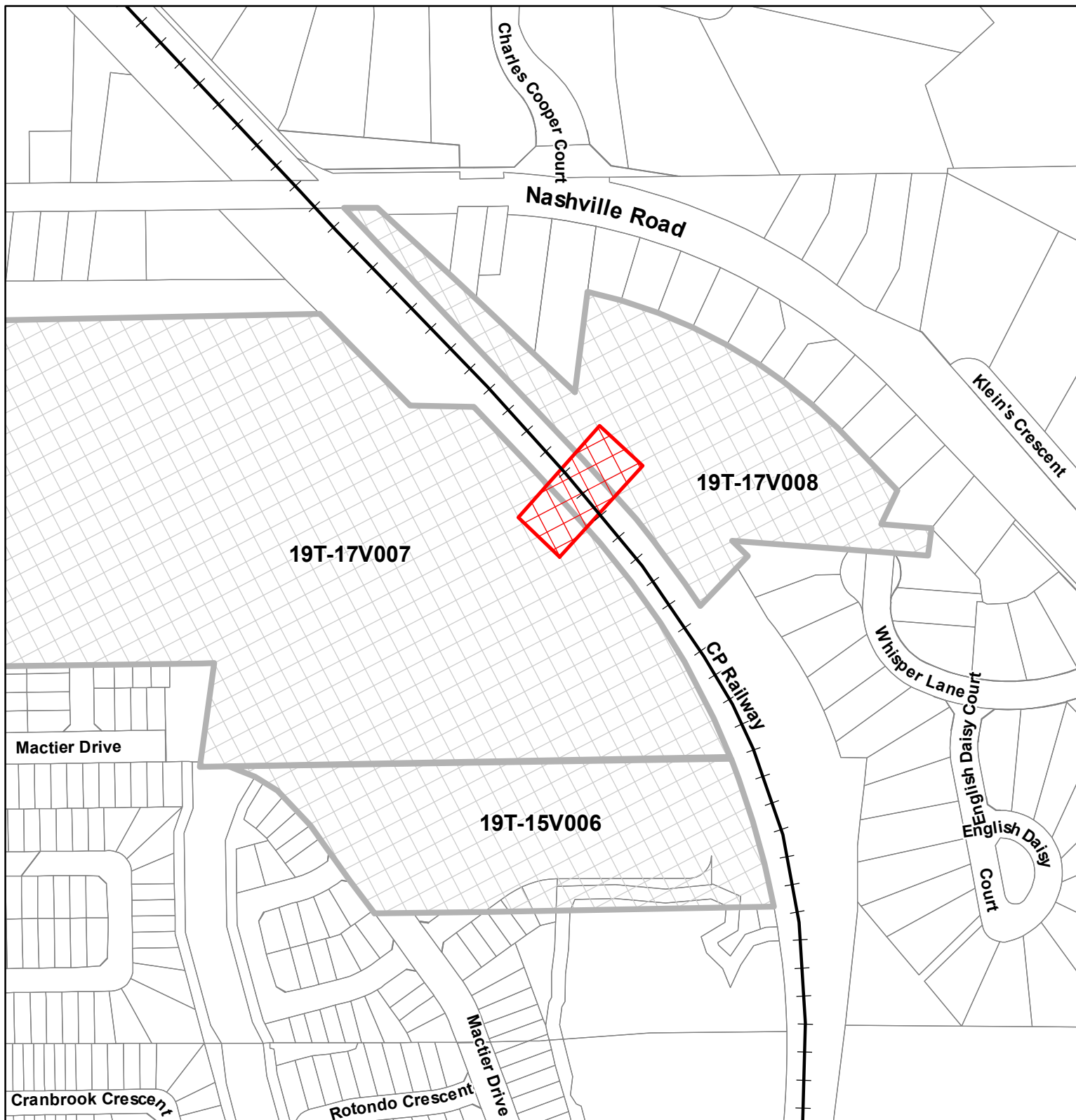
Prepared by

Ary Rezvanifar, Development Engineering Lead, Development Engineering
Extension 8855

ATTACHMENT No.1



ATTACHMENT No.2



LOCATION MAP
BLOCK 61 CPR INFRASTRUCTURE AGREEMENT
FUTURE SANITARY AND WATERMAIN CROSSING
 LOCATION: Part of Lot 25, Concession 9

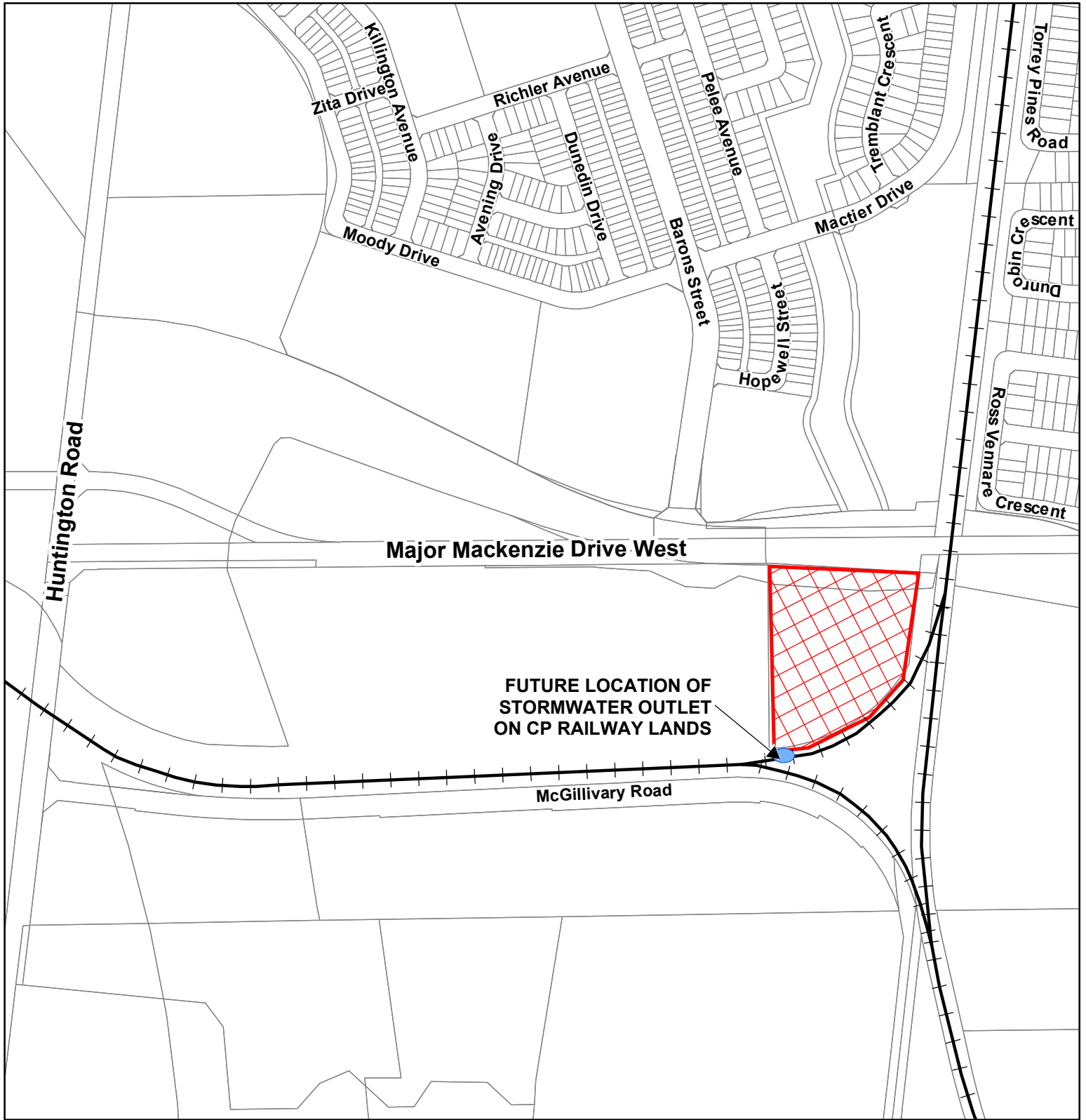
Legend

 LOCATION OF FUTURE WATERMAIN AND
SANITARY SEWER SUBSURFACE CROSSING



NOT TO SCALE

ATTACHMENT No.3



LOCATION MAP
BLOCK 61 CPR INFRASTRUCTURE AGREEMENT
FUTURE STORMWATER OUTLET
 LOCATION: Part of Lot 20, Concession 9

Legend

 FUTURE STORMWATER POND AND CHANNEL LANDS



NOT TO SCALE

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

TITLE: METROLINX ACTIVITIES UPDATE – SPRING 2020

FROM:

Nick Spensieri, Deputy City Manager, Infrastructure Development

ACTION: FOR INFORMATION

Purpose

To provide a status overview of recent Metrolinx activities in Vaughan related to Metrolinx's GO Expansion project, 2041 Regional Transportation Plan, and the Yonge North Subway Extension.

Report Highlights

- Rutherford Road Grade Separation and GO Station expansion work is well underway and on schedule
- Maple GO station improvement project is expected to be awarded by Metrolinx in Fall 2020, with construction completion scheduled for Winter 2022
- McNaughton Grade Separation is needed to enable the GO expansion service levels and the first Public Open House was held on February 29, 2020
- City staff are monitoring the work being undertaken by Metrolinx and the Block 27 Landowner's Group in delivering the Kirby GO station
- The Concord GO Centre Mobility Hub Study and Transportation Master Plan are on schedule
- 2041 RTP – Advancing Transit Priorities Report was finalized, and an annual review framework was set up to update priorities as needed
- Yonge North Subway Extension (YNSE) is being developed to allow for implementation using a public/private partnership

Recommendations

1. That Council receive this report for information.

Background

Rutherford Road Grade Separation and GO station expansion work is well underway

The detour road between Westburne Drive and Peter Rupert Avenue is complete and will be in place until the grade separation construction is complete which is scheduled for Spring 2022. Drilling work alongside Rutherford Road will begin to facilitate the construction of a retaining wall for the Rutherford Road underpass. Efforts to minimize impacts from drilling and equipment will be made by the contractors. The grade separation and parking structure are anticipated to open in 2022.

Staff have been working with Metrolinx to finalize the Maple GO station improvement project, which includes construction of new and improved transportation infrastructure

Improvements at Maple GO station include a new second track and platform to accommodate two-way, all-day service, better pedestrian and cyclist connectivity, additional satellite parking, an upgraded bus loop and pick-up/drop-off facility. Two pedestrian tunnels have already been installed in order to connect commuters to a second platform and track in the future for the increased two-way, all day service.

In order to facilitate efficient coordination of work, a Memorandum of Understanding is being drafted, outlining the roles and responsibilities of the City and Metrolinx to design, construct, finance, operate and maintain the major components of the Maple GO station project, including new City infrastructure. Staff will report to Council separately on the Maple GO Station project and the details of the Memorandum of Understanding.

McNaughton Grade Separation is needed to enable the GO expansion service levels and the first Public Open House was held on February 29, 2020

McNaughton Grade Separation project will be separating the tracks from the road to ensure safety when Metrolinx increases GO train service. The first public open house for the McNaughton Grade Separation was held on Saturday February 29, 2020 from 11:30 am to 1:30 pm. At the Public Open House, the following was presented to the public:

- A road-over-rail grade separation concept design

- Design elements such as elevated roadway, two vehicular traffic lanes in each direction, multi-use pathway, retaining wall locations, lighting and access points from stations
- Construction Staging, and
- Grade separation option analysis

Additional information sheets and technical studies related to the project were also made available. Metrolinx Staff will be providing a summary of public input to City staff for information.

Participating Landowners within Block 27 have initiated the Block Plan Application process

Participating Landowners within Block 27 (collectively known as the Block 27 Landowners Group Inc.) have initiated the Block Plan Application process with the submission of a Draft Block Plan Terms of Reference for the Block 27 New Community Area. The Terms of Reference is currently under review with the City and external agencies.

The Concord GO Centre Mobility Hub Study and Transportation Master Plan are on schedule

The Concord GO Centre Mobility Hub Study (MHS) and Transportation Master Plan (TMP) are currently underway to establish the policy framework to build a complete community around a potential GO Station. The first public open house was held on January 23, 2020 to introduce the Concord GO Centre project to the community and business owners and solicit public feedback. As the potential Concord GO Station does not currently have an approved Metrolinx Business Case, the recommendations from the MHS and TMP may provide new information to be included as part of a request for Metrolinx to update their 2018 Business Case.

2041 RTP – Advancing Transit Priorities Report was finalized, and an annual review framework has been set up to update priorities as needed

The Advancing Transit Priorities Report summarizes 2019 evaluation of transit projects and consolidates information Municipal Technical Advisory Committee (MTAC) members have previously provided. The report also includes the following elements:

- Confirms priority benefits and impact to prove the concepts
- Provides visual guidelines with illustrations and real case studies to make the case to a wider audience

- Data Collection framework for 2020 annual review
- Annual review process

Metrolinx will be sending out a checklist of data required from municipalities for the annual review. An Annual Review Workshop will be set up with consult municipal partners and agencies to better understand transit needs in the Greater Golden Horseshoe, including new Frequent Rapid Transit Network (FRTN) projects for evaluation.

The Yonge North Subway Extension project is being developed to allow for implementation using a public/private partnership

Yonge North Subway Extension Project is a cross-jurisdictional transit priority project included in the 2041 RTP that will support growth in the York Region and City of Toronto.

The approval of Bill 107 in 2019 enabled the Province of Ontario to prescribe, through regulation, the design, development and construction of a rapid transit expansion project as the sole responsibility of Metrolinx. The Province will own, retain decision-making responsibility, and be solely responsible for the delivery of the YNSE (previously referenced as Yonge Subway Extension) while informing such decision through meaningful collaboration and engagement with the York Region and local municipalities, City of Toronto and TTC through the design, development and delivery of the project.

Metrolinx is currently developing the YNSE project to allow for implementation using a public/private partnership. The scope of ongoing work to be achieved ahead of “Public Private Partnerships” (P3) RFP issuance include:

- Identification of a final alignment and station locations as part of optioneering/feasibility analysis process
- Business Case development including securing approvals through all phases (Initial Business Case, Preliminary Business Case and Full Business Case)

Staff continue to participate in the Municipal Technical Advisory Committee (MTAC) in the implementation of 2041 RTP and the YNSE work.

Previous Reports/Authority

Previous reports relating to Metrolinx related matters can be found at the following links:

[November 5, 2019, Committee of the Whole \(1\) \(Item 6, Report No. 7\) – Metrolinx Activities Update – Fall 2019](#)

[May 7, 2019, Committee of the Whole \(Item 12, Report No. 17\) – Metrolinx Activities Update](#)

[April 11, 2018, Committee of the Whole \(Item 9, Report No. 14\) – Metrolinx Draft 2041 Regional Transportation Plan and Regional Express Rail Initiatives Update](#)

[November 13, 2017, Committee of the Whole \(Working Session\) \(Item 2, Report No. 41\) - Metrolinx Draft 2041 Regional Transportation Plan](#)

[May 16, 2017, Committee of the Whole \(Working Session\) \(Item 1, Report No. 19\) - Metrolinx Regional Express Rail Update](#)

Analysis and Options

Staff continue to work in partnership with York Region and Metrolinx on GO Station Expansions and Pedestrian Connections

In keeping with the City's Transportation and Mobility objective to be a fully connected and integrated community by supporting the development of transit and increase cycling and pedestrian infrastructure, staff will continue to work closely with York Region and Metrolinx to coordinate the expansion of the Rutherford and Maple GO Stations.

City staff are monitoring the work being undertaken by Metrolinx and the Block 27 Landowner's Group in delivering the Kirby GO station

As the Block 27 Landowner's Group begins their work with Metrolinx in delivering the Kirby GO Station, the City will continue to plan for infrastructure to support the lands surrounding the Kirby GO Station such as the Kirby Road Widening Environmental Assessment Study from Jane Street to Dufferin Street, which was initiated in September 2019. Staff continue to be actively involved in the planning and development work for the Block 27 Secondary Plan area including the Kirby GO-Transit Hub Centre to realize the envisioned complete community, with an appropriate mix of land uses, densities and pedestrian-friendly amenities to support the Kirby GO Station. The adoption of the Secondary Plan and initiation of the Transit Hub Special Study, Kirby Road EA and Station development process, will provide inputs into the final land use plan to provide for the development of the Station area.

Staff continue to participate in the Municipal Technical Advisory Committee (MTAC) in the implementation of 2041 RTP and the YNSE work

Both the 2041 RTP and Yonge North Subway Extension work are important Region-wide projects that connects the City to the rest of the GTHA providing a gateway to economic activity in the GTHA, leading to prosperity, investment and social capital. Staff participation in the MTAC is necessary to ensure that the City's priorities are being considered and realized.

Financial Impact

There are no immediate financial impacts associated with this report.

Staff will report separately on the Maple GO Station project Memorandum of Understanding, which outlines the roles and responsibilities of the City and Metrolinx to design, construct, finance, operate and maintain the major components of the Maple GO station project, including new City infrastructure.

Broader Regional Impacts/Considerations

In support of the development of the new communities, a future Kirby GO Station and the Highway 400 Employment Lands, the deployment of York Region Transit's Frequent Transit Network along Kirby Road, Jane Street and Weston Road should be expedited to continue to provide convenient sustainable transportation options in these areas. Staff will continue to work with York Region and York Region Transit to ensure appropriate sustainable transportation options are reviewed for implementation in these areas

Conclusion

Metrolinx is currently investing in a significant amount of transit infrastructure within the City. It is important that the City's interests are effectively presented to Metrolinx so that they can be incorporated into the ongoing planning and delivery processes.

The proposed Kirby and potential Concord GO Stations, the proposed Bus Rapid Transit Corridors within the City, and the Yonge North Subway Extension continue to be priorities for the City and form the backbone of a multi-modal transportation system that meets the needs of city residents and businesses.

Staff will continue to work with Metrolinx, the Region and transit agencies to protect and advocate for sustainable and safe transportation in the City.

For more information, please contact Vince Musacchio, Director of Infrastructure Planning and Corporate Asset Management, ext. 8311

Attachments

1. N/A

Prepared by

Winnie Lai, Transportation Project Manager, 8192

Christopher Tam, Transportation Project Manager, 8702

Selma Hubjer, Manager, Transportation Planning, 8674

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

TITLE: 2019 MUNICIPAL ASSUMPTION ACTIVITY REPORT

FROM:

Bill Kiru, Acting Deputy City Manager, Planning and Growth Management
Zoran Postic, Deputy City Manager, Public Works

ACTION: FOR INFORMATION

Purpose

To provide a summary of municipal infrastructure delivered through the land development approval process and growth-related projects that were assumed by the City of Vaughan during the period of January 2019 to December 2019.

Report Highlights

- 80 lane kilometres of road and associated underground municipal infrastructure valued at approximately \$89 million were assumed by the City of Vaughan in 2019
- Annual operating and maintenance costs associated with this additional infrastructure is estimated at \$1.95 million
- Additional operating and maintenance costs to be funded from property taxes and rates

Recommendations

1. That this report be received for information.

Background

In January 2018, Council endorsed a streamlined process that facilitated the assumption of municipal services constructed through private land development and

growth-related infrastructure projects. This new assumption process included the requirement for staff to prepare an annual summary report for Council's consideration. This annual summary report is to include infrastructure value, as well as operating and maintenance costs for municipal assets, assumed by the City during the preceding year.

Previous Reports/Authority

[Streamline Process for the Assumption of Municipal Services City-Wide.](#)
[2018 Municipal Assumption Activity Report.](#)

Analysis and Options

Between January 2019 to December 2019, the City of Vaughan assumed municipal services in 24 land development projects which included:

- 80 lane kilometres of roads
- 35 kilometres of sidewalk
- 30 kilometres of watermain
- 28 kilometres of sanitary sewer
- 29 kilometres of storm sewers
- Four stormwater management ponds

The location of these developments and details of the assumed municipal services are provided in Attachments 1 to 8 of this report.

Financial Impact

The municipal infrastructure assumed by the City over the reporting period is valued at approximately \$89 million (Attachment No.1).

The estimated annual operating and maintenance costs of this additional infrastructure is approximately \$1.95 million (Attachment No.2). In order to maintain this infrastructure to current service levels and regulatory requirements, these projected costs should be considered in future Public Works budgets, funded from property taxes and rates.

Broader Regional Impacts/Considerations

There are no Regional implications associated with this report.

Conclusion

Since implementation of the streamlined assumption process in March 2018, the City has received positive feedback from industry stakeholders. From January 2019 to December 2019, the City has assumed municipal services in 24 developments valued

at approximately \$89 million. The annual operating and maintenance cost of this additional infrastructure is estimated at \$1.95 million.

For more information, please contact: Frank Suppa, Director of Development Engineering, Ext. 8255.

Attachments

1. 2019 Assumption Municipal Services
2. 2019 Assumption Annual Maintenance Costs
3. Ward Map Assumptions 2019
4. Ward 1 Assumptions 2019
5. Ward 2 Assumptions 2019
6. Ward 3 Assumptions 2019
7. Ward 4 Assumptions 2019
8. Ward 5 Assumptions 2019

Prepared by

Stanislav Tsysar, Acting Manager, Development Inspection & Grading
Antonella Brizzi, Business Analyst, ext. 8364

ATTACHMENT NO.1 - 2019 ASSUMPTIONS OF MUNICIPAL SERVICES

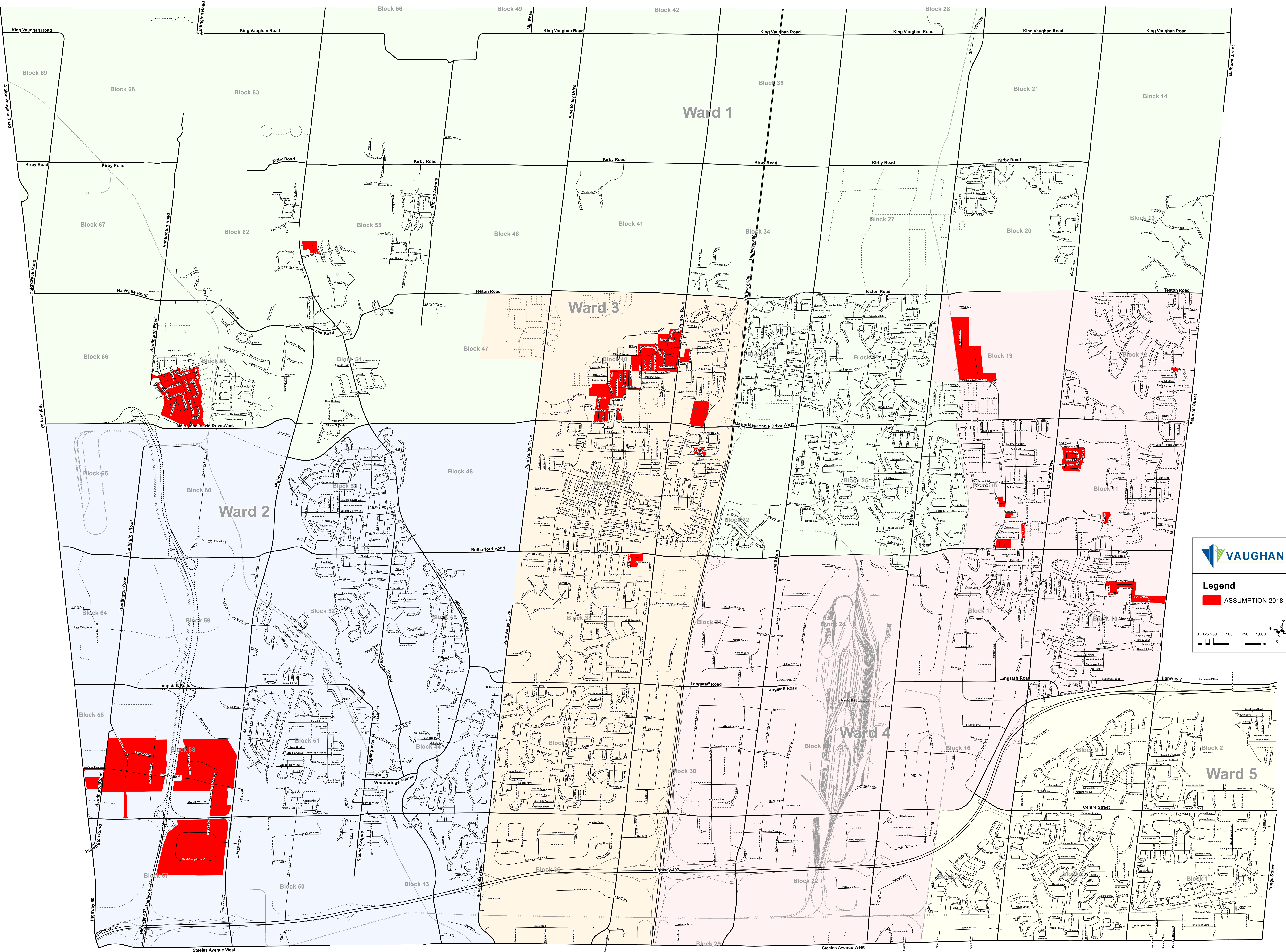
Subdivision Project Name	File Number	Registered Plan	Ward	Block	By-law #	Watermain	Sanitary Sewers	Storm Sewers	Stormwater Management Pond	Roads	Road Lane KM	Sidewalk Lane KM	Streetscaping/ Landscaping/ Trees	Street Lighting	VALUE OF INFRASTRUCTURE PER PROJECT
Humberplex Subdivision Phase 2 (Partial)	19T-01V04	65M-3895	1	55	034-2019	\$62,920	\$82,890	\$179,970	\$0	\$156,560	0.59	0	\$23,100	\$74,120	\$579,560
Nashville Heights Subdivision Phase 1A	19T-10V004	65M-4373 65M-4374	1	61	051-2019	\$2,790,990	\$2,207,480	\$7,162,330	\$0	\$7,966,480	19.04	8.91	\$1,598,850	\$905,800	\$22,631,930
Woodbridge Farmers Development Agreement	B073/14	n/a	2	58	087-2019	\$248,300	\$128,370	\$136,410	\$0	\$259,080	0.68	0.23	\$14,900	\$40,200	\$827,260
Vaughan West II Ltd and Conair Consumer Products	19T-03V19	65M-3992	2	58	088-2019	\$294,370	\$284,660	\$620,320	\$0	\$806,540	2.48	0.48	\$0	\$69,300	\$2,075,190
Vaughan West II Ltd and Seven 427 Developments Inc.	Related File Z.13.011	n/a	2	58	089-2019	\$264,890	\$184,270	\$699,380	\$0	\$697,190	1.77	0.82	\$42,500	\$37,170	\$1,925,400
Vaughan West II Limited Business Park Development	19T-03V19	65M-3992	2	58	090-2019	\$1,939,460	\$2,056,970	\$5,067,150	\$979,830	\$3,489,090	12.97	8.79	\$676,600	\$296,000	\$14,505,100
Vaughan West (North) Business Park Subdivision	19T-89058 19T-99V07	65M-3627	2	58	091-2019	\$1,334,280	\$1,025,200	\$2,471,240	\$468,340	\$1,585,450	7.79	4.32	\$690,680	\$143,810	\$7,719,000
Zancor Woodbridge Residential Subdivision	19T-11V003	65M-4463	3	33W	006-2019	\$161,960	\$140,330	\$303,230	\$0	\$223,320	0.58	0.41	\$37,500	\$41,000	\$907,340
Weston Meadows - Phase 2	19T-87050	65M-3688	3	38	005-2019	\$97,960	\$101,700	\$246,180	\$0	\$226,630	0.87	0.40	\$51,800	\$44,200	\$768,470
Fieldgate Vellore Woods Residential Subdivision	19T-12V008	65M-4418	3	32W	035-2019	\$106,000	\$115,000	\$216,000	\$0	\$227,500	0.32	0	\$20,470	\$141,000	\$825,970
Belmont Residential Subdivision Phase 2	19T-06V07	65M-4291	3	40	050-2019	\$672,360	\$699,460	\$2,052,720	\$0	\$1,233,100	5.01	2.51	\$265,000	\$404,000	\$5,326,640
Greenbrooke Developments Phase 1	19T-06V04	65M-4106	3	40	085-2019	\$1,198,310	\$1,083,410	\$2,641,460	\$0	\$1,770,790	6.79	0.25	\$262,810	\$393,110	\$7,349,890
Greenbrooke Developments Phase 2	19T-06V04	65M-4251	3	40	086-2019	\$600,820	\$691,590	\$981,390	\$0	\$980,870	3.71	0.88	\$259,000	\$263,500	\$3,777,170
Majormack Investments Phase 1A	19T-07V06	65M-4346	3	40	139-2019	\$0	\$0	\$0	\$0	\$0	0	0	\$24,500	\$0	\$24,500
Kortridge Estates Phase 1	19T-07V04	65M-4250	3	40	185-2019	\$221,820	\$222,770	\$760,440	\$0	\$350,190	1.6	0.64	\$228,690	\$102,500	\$1,886,410
Kortridge Estates Phase 1A	19T-07V04	65M-4327	3	40	185-2019	\$0	\$0	\$0	\$0	\$3,000	0	0	\$0	\$0	\$3,000
Major Weston Centres	Related File DA.08.088	Related File DA.08.088	3	33W	186-2019	\$193,450	\$129,800	\$508,570	\$0	\$326,560	1.11	0.68	\$106,530	\$62,200	\$1,327,110
McNaughton Community Plan North	19T-05V05(N)	65M-4330	4	19	016-2019	\$515,430	\$333,240	\$966,790	\$104,810	\$1,394,520	2.8	2.78	\$844,870	\$143,240	\$4,302,900
Queen Filomena Residential Development	BO65/14 BO74/14	65R-35400	4	12	036-2019	\$0	\$0	\$10,020	\$0	\$33,380	0.1	0	\$3,500	\$0	\$46,900
Rutherford Contwo Residential Subdivision	19T-05V06	65M-4126	4	10	037-2019	\$782,220	\$648,980	\$2,032,320	\$952,380	\$1,935,910	4.8	2.46	\$611,680	\$162,900	\$7,126,390
Nine-Ten West Phase 2	19T-95066	65M-4089	4	11	066-2019	\$38,710	\$40,550	\$65,530	\$0	\$166,170	0.4	0	\$16,250	\$40,600	\$367,810
Nine-Ten West Phase 2A	19T-00V17	65M-4188	4	18	067-2019	\$0	\$0	\$0	\$0	\$635,570	1.3	0.11	\$198,000	\$48,000	\$881,570
Bathurst Contwo Investment Phase 2	19T-98V11	65M-3808	4	10	140-2019	\$231,650	\$211,410	\$549,590	\$0	\$682,910	4	0.90	\$108,500	\$80,020	\$1,864,080
The Bridalpath of Thornhill Phase 1	19T-03V01	65M-4053	4	11	184-2019	\$186,170	\$187,320	\$395,730	\$0	\$483,700	1.5	0	\$390,600	\$159,500	\$1,803,020
TOTAL VALUE OF INFRASTRUCTURE PER CATEGORY						\$11,942,070	\$10,575,400	\$28,066,770	\$2,505,360	\$25,634,510	80.21	35.53	\$6,476,330	\$3,652,170	\$88,852,610

ATTACHMENT NO.2 -2019 ANNUAL MAINTENANCE COSTS

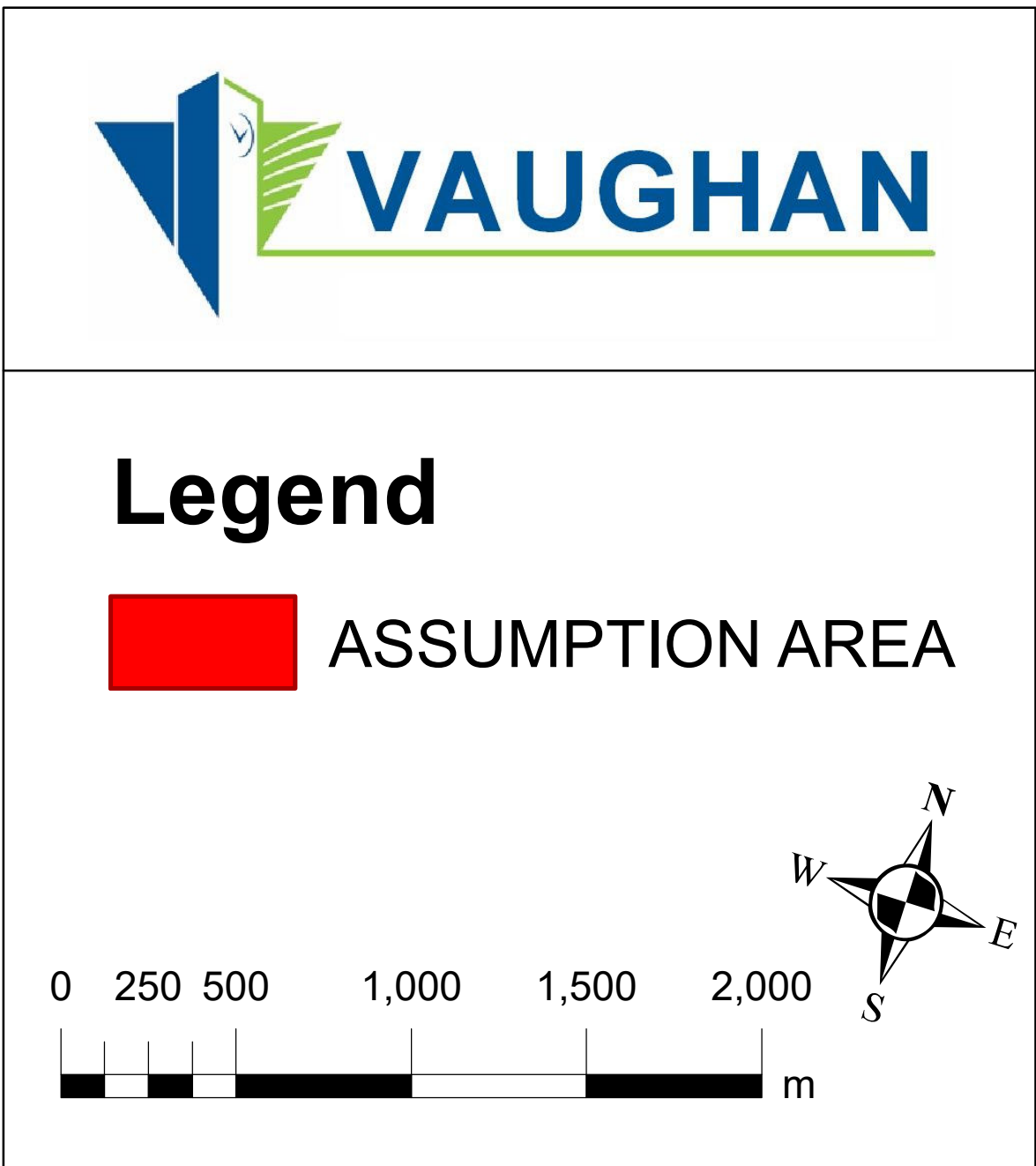
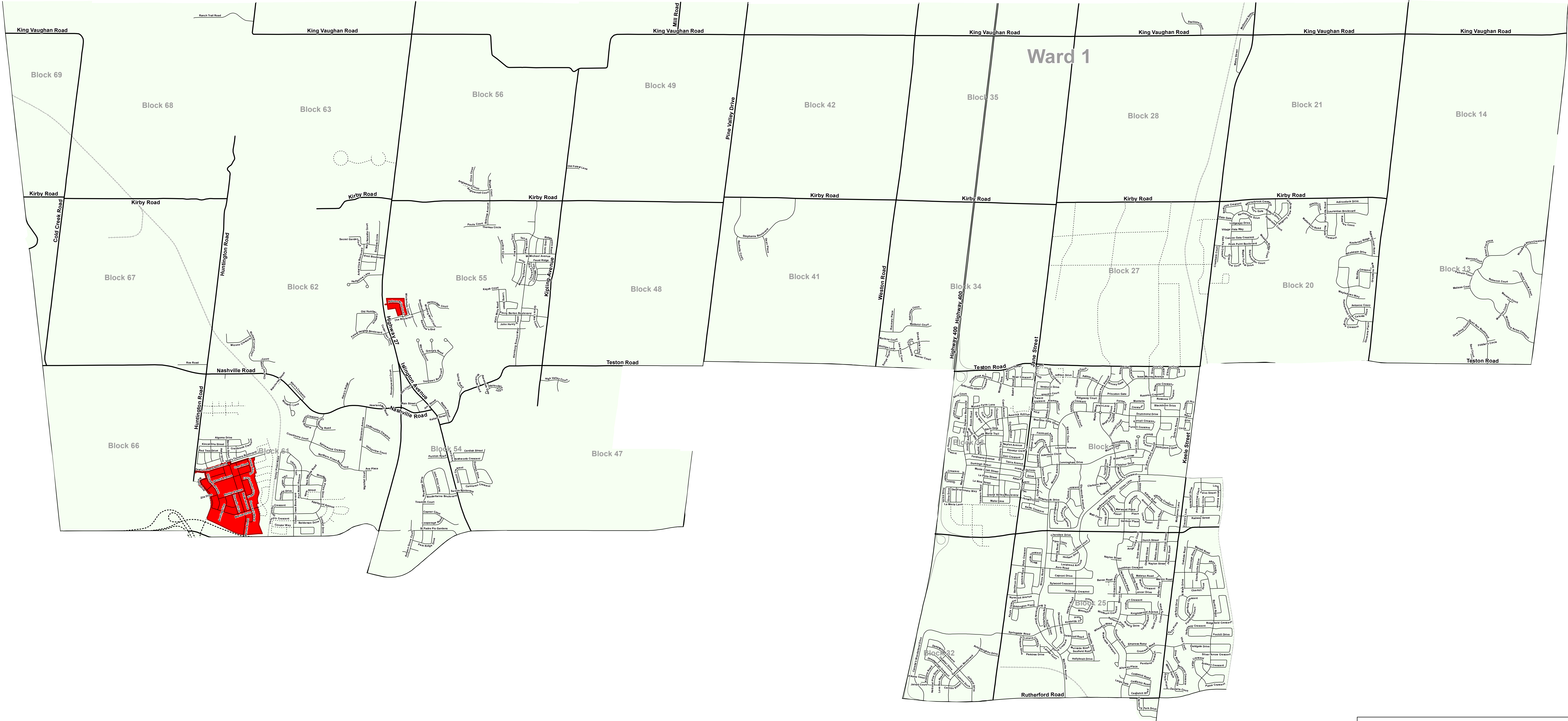
Subdivision Project Name	File Number	Registered Plan	Ward	Block	By-law #	Watermain	Sanitary Sewers	Storm Sewers	Stormwater Management Pond	Roads*	Streetscaping/ Landscaping/ Trees	Street Lighting	ANNUAL MAINTENANCE COST PER PROJECT
Humberplex Subdivision Phase 2 (Partial)	19T-01V04	65M-3895	1	55	034-2019	\$2,410	\$1,380	\$470	\$0	\$4,610	\$1,780	\$1,200	\$11,850
Nashville Heights Subdivision Phase 1A	19T-10V004	65M-4373 65M-4374	1	61	051-2019	\$49,720	\$27,940	\$10,290	\$0	\$261,160	\$95,490	\$24,840	\$469,440
Woodbridge Farmers Development Agreement	B073/14	n/a	2	58	087-2019	\$3,050	\$690	\$270	\$0	\$9,330	\$1,050	\$600	\$14,990
Vaughan West II Ltd and Conair Consumer Products	19T-03V19	65M-3992	2	58	088-2019	\$4,540	\$2,810	\$920	\$0	\$34,030	\$0	\$2,760	\$45,060
Vaughan West II Ltd and Seven 427 Developments Inc.	Related File Z.13.011	n/a	2	58	089-2019	\$3,690	\$2,020	\$670	\$0	\$24,280	\$1,590	\$1,080	\$33,330
Vaughan West II Limited Business Park Development	19T-03V19	65M-3992	2	58	090-2019	\$30,430	\$18,800	\$6,130	\$3,410	\$177,890	\$42,650	\$13,080	\$292,390
Vaughan West (North) Business Park Subdivision	19T-89058 19T-99V07	65M-3627	2	58	091-2019	\$19,200	\$11,690	\$4,190	\$3,410	\$106,850	\$41,680	\$8,880	\$195,900
Zancor Woodbridge Residential Subdivision	19T-11V003	65M-4463	3	33W	006-2019	\$2,070	\$1,340	\$450	\$0	\$4,550	\$1,900	\$960	\$11,270
Weston Meadows - Phase 2	19T-87050	65M-3688	3	38	005-2019	\$3,090	\$2,280	\$770	\$0	\$6,800	\$2,090	\$2,040	\$17,070
Fieldgate Vellore Woods Residential Subdivision	19T-12V006	65M-4418	3	32W	035-2019	\$1,140	\$740	\$250	\$0	\$2,500	\$1,550	\$600	\$6,780
Belmont Residential Subdivision	19T-06V07	65M-4291	3	40	050-2019	\$15,620	\$9,200	\$3,150	\$0	\$68,780	\$36,520	\$9,600	\$142,870
Greenbrooke Developments Phase 1	19T-06V04	65M-4106	3	40	085-2019	\$21,480	\$14,710	\$4,460	\$0	\$87,230	\$34,930	\$9,840	\$172,650
Greenbrooke Developments Phase 2	19T-06V04	65M-4251	3	40	086-2019	\$10,440	\$6,490	\$2,200	\$0	\$50,940	\$10,240	\$5,640	\$85,950
Majormack Residential Phase 1A	19T-07V06	65M-4346	3	40	139-2019	\$0	\$0	\$0	\$0	\$0	\$1,940	\$0	\$1,940
Kortridge Estates Phase 1	19T-03V19	65M-4250	3	40	185-2019	\$5,820	\$3,540	\$1,140	\$0	\$21,950	\$6,630	\$2,640	\$41,720
Kortridge Estates Phase 1A	19T-03V19	65M-4327	3	40	185-2019	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Major Weston Centres	Related File DA.08.088	n/a	3	33W	186-2019	\$2,630	\$1,790	\$860	\$0	\$15,230	\$1,090	\$1,680	\$23,280
McNaughton Community Plan North	19T-05V05(N)	65M-4330	4	19	016-2019	\$9,780	\$6,340	\$2,150	\$3,410	\$21,550	\$38,890	\$3,720	\$85,840
Queen Filomena Residential Development	BO65/14 to BO74/14	65R-35400	4	12	036-2019	\$0	\$0	\$160	\$0	\$1,560	\$310	\$0	\$2,030
Rutherford Contwo Residential Subdivision	19T-05V06	65M-4126	4	10	037-2019	\$16,900	\$10,950	\$3,720	\$3,410	\$37,240	\$41,600	\$8,040	\$121,860
Nine-Ten West Phase 2	19T-95066	65M-4089	4	11	066-2019	\$1,150	\$750	\$250	\$0	\$4,450	\$940	\$600	\$8,140
Nine-Ten West Phase 2A	19T-00V17	65M-4188	4	18	067-2019	\$0	\$0	\$0	\$0	\$17,590	\$8,840	\$1,800	\$28,230
Bathurst Contwo Investment Phase 2	19T-98V11	65M-3808	4	10	140-2019	\$11,310	\$7,330	\$2,490	\$0	\$55,970	\$9,380	\$5,400	\$91,880
Bridalpath of Thornhill Phase 1	19T-03V01	65M-4053	4	11	184-2019	\$5,500	\$3,560	\$1,210	\$0	\$23,980	\$6,780	\$2,400	\$43,430
ANNUAL MAINTENANCE COSTS BY CATEGORY						\$219,970	\$134,350	\$46,200	\$13,640	\$1,038,470	\$387,870	\$107,400	\$1,947,900
MUNICIPAL SERVICES ASSUMED BY CATEGORY						30KM	28KM	29KM	4 SWMP	80.21KM	n/a	915	

*sidewalk maintenance included in roads category

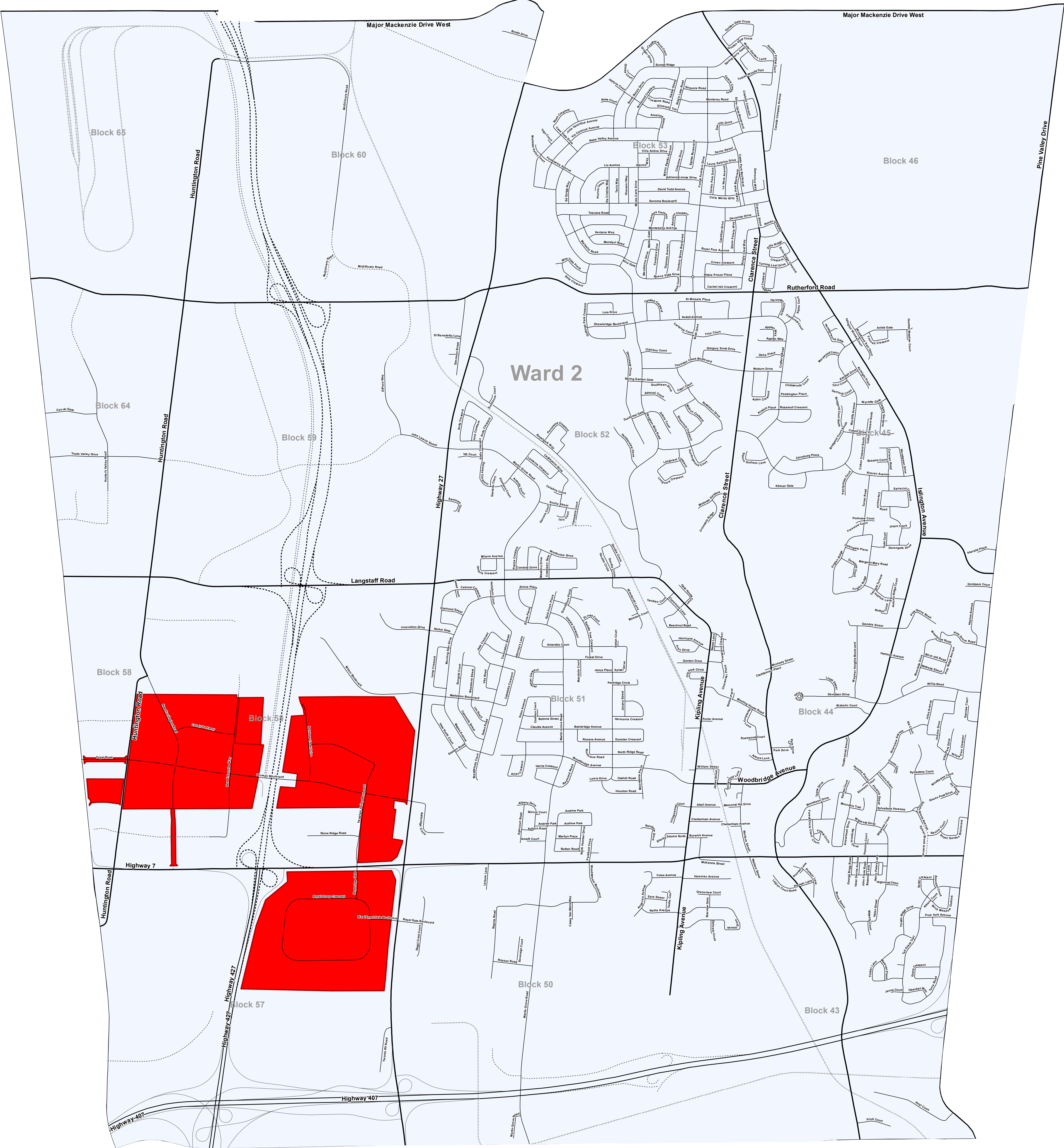
Attachment No.3 Ward Map Assumptions 2019




Attachment No.4 Ward 1 Assumptions 2019




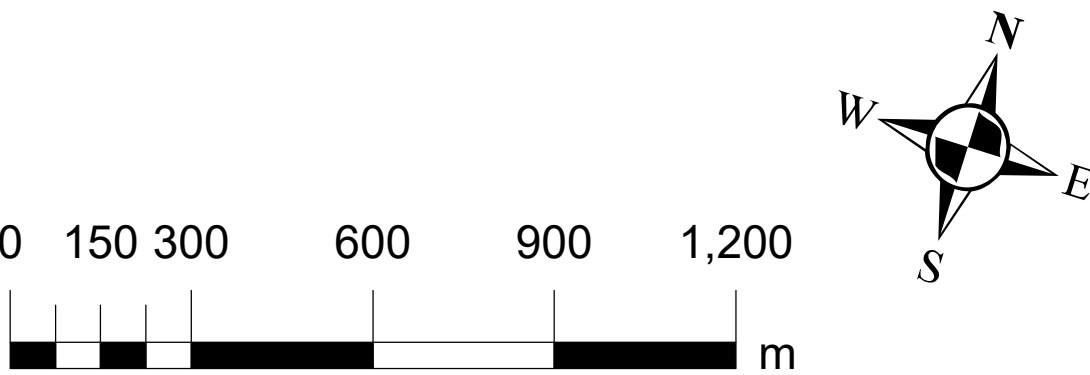
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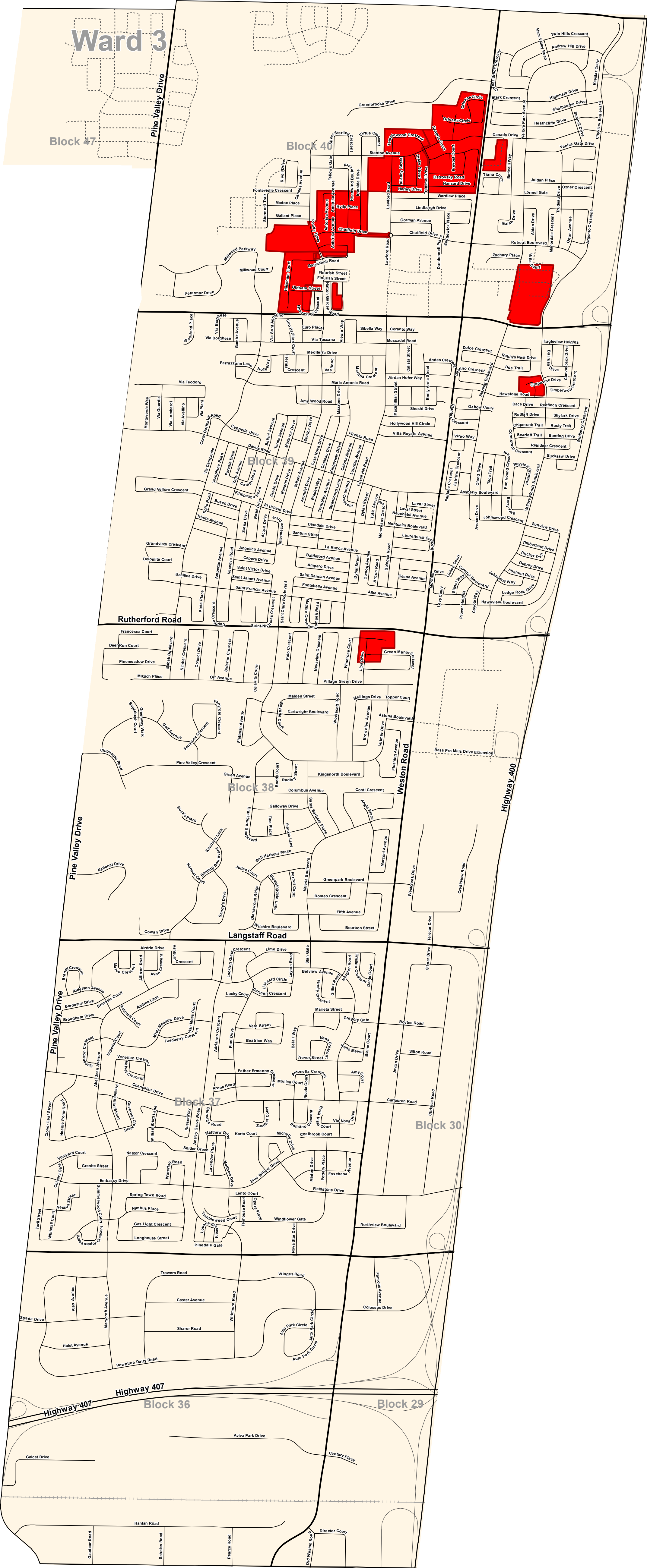



Legend

 ASSUMPTION AREA




Attachment No.6 Ward 3 Assumptions 2019

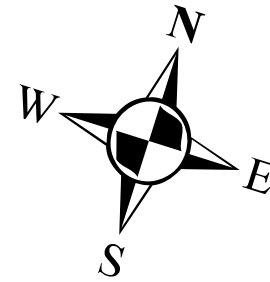


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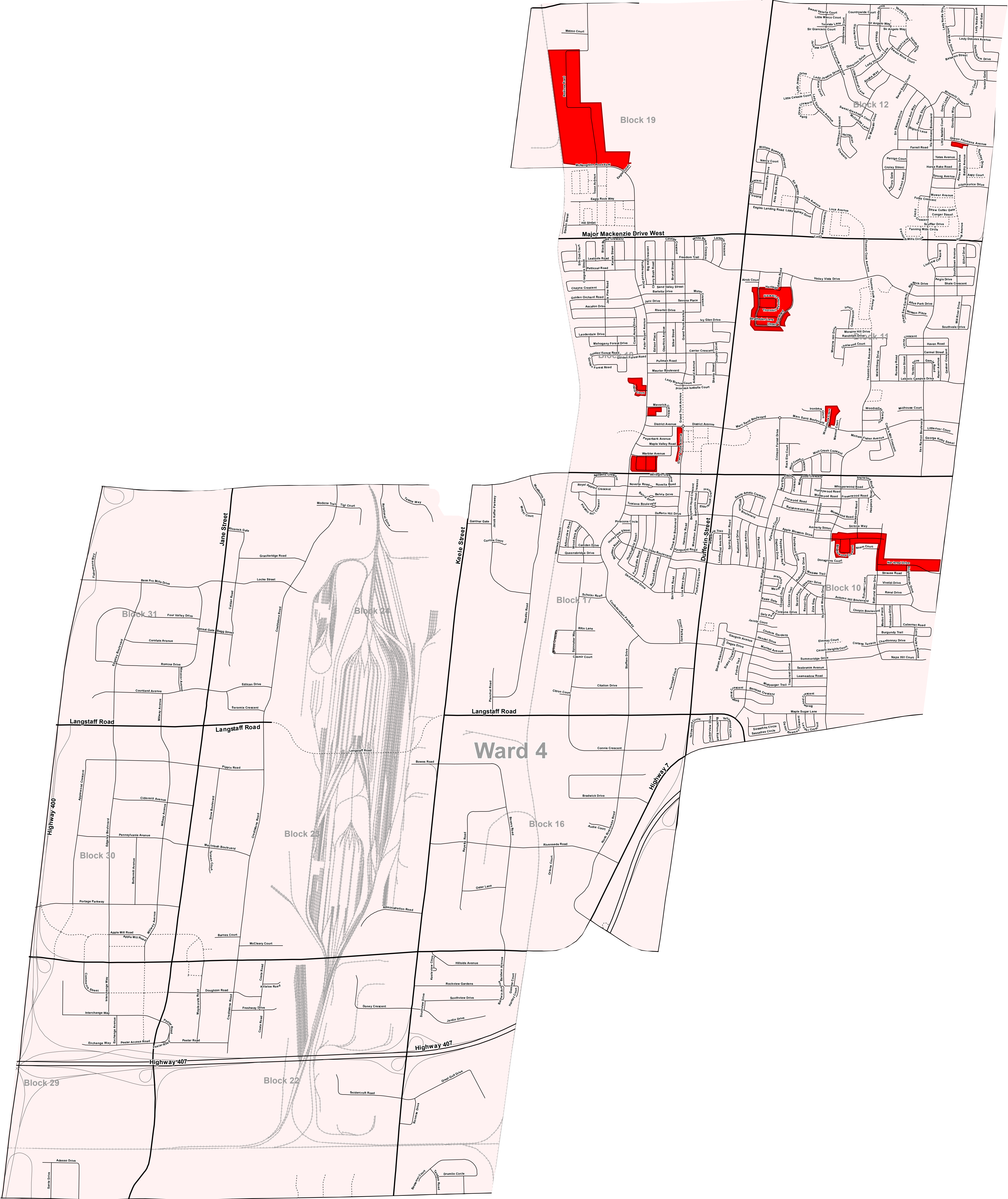
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 ASSUMPTION AREA

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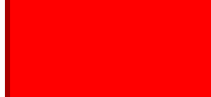


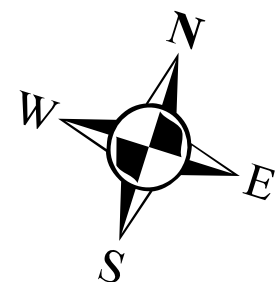
Attachment No.7 Ward 4 Assumptions 2019





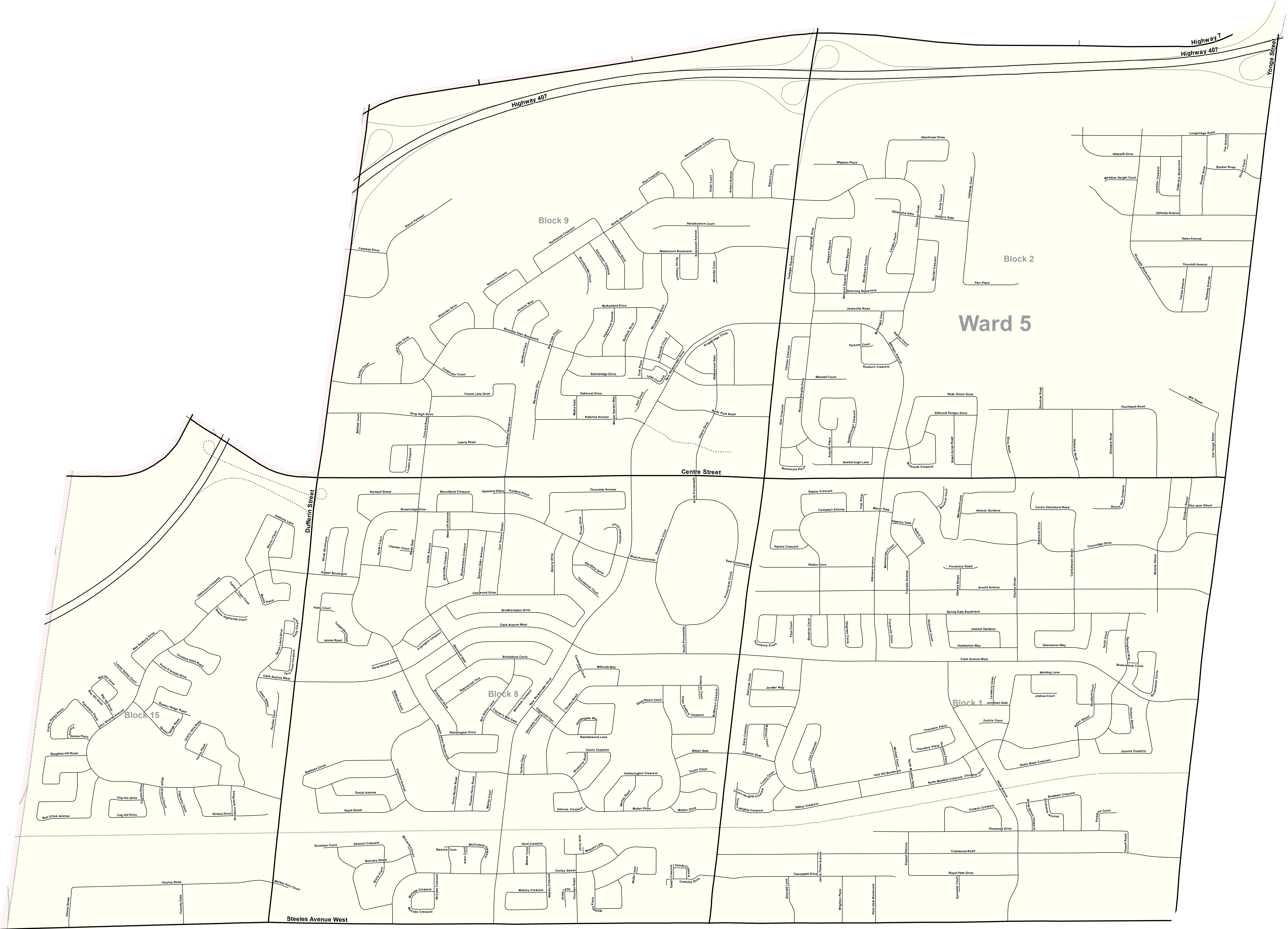
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 ASSUMPTION AREA



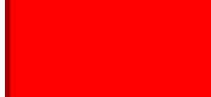
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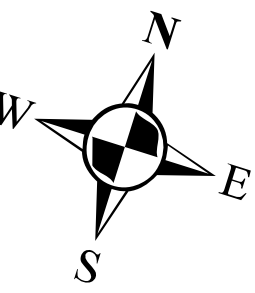
Attachment No.8 Ward 5 Assumptions 2019





Legend

 ASSUMPTION AREA



0 125 250 500 750 m

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

**TITLE: TIMING OF TRANSITION OF BLUE BOX PROGRAM TO FULL
PRODUCER RESPONSIBILITY**

FROM:

Zoran Postic, Deputy City Manager, Public Works

ACTION: DECISION

Purpose

To provide Council with an update on the transition of responsibility for the Blue Box recycling program from municipalities to private sector Producers (Producers) and recommend a preferred transition year and approach, as requested by the Association of Municipalities of Ontario (AMO) and York Region.

Report Highlights

- The Province has proposed a timing window to transfer responsibility for the Blue Box recycling program from municipalities to the Producers between January 1, 2023 and December 31, 2025.
- To support planning of the transfer across Ontario, the Association of Municipalities of Ontario (AMO) has requested that all municipalities provide their preferred transition date and their intention to provide Blue Box services to the Producers.
- Staff have evaluated the available system configurations and transition years, in consultation with York Region and other York Region local municipalities.
- Staff recommend that responsibility for the Blue Box recycling program be transitioned to the private sector in the year 2025.
- Staff also recommend that the City remain a service provider for the collection of Blue Box materials on behalf of Producers, provided that the City is able to negotiate acceptable commercial terms.

Recommendations

1. That the City declare to the Association of Municipalities of Ontario (AMO) its preference to transition responsibility for the Blue Box recycling program in year three, 2025;
2. That the City remain a service provider for the collection of Blue Box materials on behalf of the Producers, provided that the City is able to negotiate acceptable commercial terms; and
3. That this report be forwarded to the Association of Municipalities of Ontario, the Ontario Ministry of the Environment, Conservation and Parks, York Region and the other York Region Local Municipalities.

Background

Municipalities support the transition of responsibility for the Blue Box program to Producers

For over a decade, municipalities have been advocating for Producers to have full financial and operational responsibility for recycling collection and processing. The move to full producer responsibility has been adopted by several European countries and the Province of British Columbia; these examples will be considered in the design of the Vaughan program, including lessons learned and best practices.

Producers are best positioned to address material efficiencies and end of life management of their materials

Producers are commercial organizations that supply the paper products and packaging materials accepted in the Blue Box and include manufacturers, importers and distributors. These organizations are best positioned to improve the efficiency of their products and packaging, and the recovery and reuse of these materials. A coordinated, harmonized, Province-wide system will make recycling easier and more accessible for residents of Ontario, avoiding disposal of material in landfill.

A three-year timing window for municipal waste systems to transition was set out by the Province

On August 15, 2019, the Minister of Environment, Conservation and Parks announced that under the 2016 *Waste Free Ontario Act*, the municipal Blue Box program will transition to full producer responsibility by 2025, with services migrating from municipalities to Producers between 2023 and 2025.

Municipalities must maintain Blue Box service levels, in place as of August 2019, throughout the transition process

Furthermore, during the planning and transition of Blue Box services, municipalities are not permitted to change Blue Box service levels (e.g. collection methods or serviced areas), only allowing for natural growth within communities.

Transitioning the program over three years will help mitigate service impacts

It is estimated that approximately one third of the recycling tonnage will transition in each of the three transition years. The Ontario government will be publishing new regulations for how the transition will occur by Fall 2020. The regulations will inform the two-year preparation process (2021-2022), and a three-year transition for all municipal Blue Box programs (2023-2025). Proper planning and a step-wise roll out to all municipalities will help mitigate service impacts by allowing lessons learned to be considered along the way.

Municipalities are self-nominating their preferred transition year and how they will participate in the future Blue Box program

On December 18, 2019, the AMO requested all Mayors/Heads of Council to pass a non-binding resolution, declaring their preferred transition year and whether the municipality is interested in continuing to provide services (Blue Box recycling collection and/or processing).

Although these resolutions may not be the final determination of the City's transition date, the information will allow AMO and the Province to consider the interests of individual municipalities. The Province may still choose to retain a third-party expert to develop a methodology as to how municipal Blue Box programs will transition.

Blue Box recycling is a currently an integrated program between Vaughan and York Region, partially funded by Producers

York Region and the City of Vaughan share responsibility for Blue Box recycling, processing and collection, respectively. Under existing legislation, the City receives funding to support a portion of its costs from the Producers.

Annually, the City receives approximately \$1.2M from Producers to help offset collection costs whereas York Region receives a corresponding funding allotment to offset processing costs. This funding will continue until the City transitions responsibility for this program.

Blue Box materials make up approximately 25% of the solid waste tonnage generated by the City's residents

The City's Solid Waste services for garbage, organics, and recycling collected approximately 80,000 tonnes in 2019. Of that, approximately 20,000 tonnes was recycling collected in the Blue Box.

The City's collection services are provided through a long-term service contract awarded through a competitive bidding process

Through a competitive bidding process, the City entered into a long-term (eight year) service contract with Miller Waste Systems Inc. (Miller) to provide all waste collection services. Through this contract, the City pays approximately \$3.2M annually for weekly curbside and multi-residential recycling collection. The firm term of this contract is from January 1, 2018 to December 31, 2025.

Although transition was contemplated in the contract, modifications to the City's Blue Box program during the firm term of the contract would require staff to negotiate with Miller to introduce any new terms.

Several options are available to the City to determine how it will participate in the future of the Blue Box program

Under the current legislative framework and preliminary guidance, the City has the following questions to answer.

1. What year to transition?
 - a. Year 1 – 2023
 - b. Year 2 – 2024
 - c. Year 3 – 2025
2. What will the City's role in Blue Box collection be after transition?
 - a. Continue being a service provider (by providing curbside collection services) and enter into a commercial contract with the Producers to provide this service
 - b. Transfer all responsibility for the Blue Box program to the Producers

Staff recommend transitioning in 2025, and continue to provide collection services under negotiated commercial terms

Based on preliminary analysis of risks and benefits, staff recommend declaring a preference to transition the Blue Box program in year three of the transition window, 2025. This date aligns with the firm term of the current contract with Miller and will align with the drafting of new commercial terms for collection services. It would also allow time for Producers to work through the initial contract and service challenges that come with embarking on ownership of the Blue Box program.

Staff recommend that the City remain a service provider for the collection of Blue Box materials on behalf of Producers, provided that the City is able to negotiate acceptable commercial terms.

If acceptable commercial arrangements with the Producers cannot be negotiated, staff recommend that the City consider transferring control and responsibility for Blue Box recycling collection to the Producers.

Council's preferences on transition will be considered by the Province

We have been advised that Council's preference will be considered by the Province as it drafts the regulations.

Previous Reports/Authority

[Blue Box Recycling Program Update – October 7, 2019](#)

[Waste Legislation Update on Amended Blue Box Program Plan – March 7, 2018](#)

[Waste Legislation and Waste Division Program Update - October 10, 2017](#)

[Waste Free Ontario Legislation Review - Comments from City of Vaughan – February 16, 2016](#)

Analysis and Options

Staff considered service level risks and potential for enhanced cost recovery when evaluating options for transition with preliminary Provincial guidance

Following the AMO request in December 2019, York Region and its local municipalities conducted individual analysis of both potential cost avoidance and impacts to service related to Blue Box transition to full producer responsibility. Staff have used continuity of service delivery, balanced against cost recovery throughout the transition process as guiding principles in its evaluation at this time. It is important to note, that to-date, staff have conducted its analysis based on information provided by the Province, AMO, other jurisdictions, and without Provincial regulations to guide the decision making, which are all subject to change once the terms of transition are finalized.

Staff anticipate the City's costs related to the Blue Box program will continue to be only partially compensated under the new regulations. Future costs for the program will depend on successful negotiation of a commercial contract with the Producers.

Under the current contract, Blue Box materials are collected with the same crews, trucks and at the same time as the Green Bin

Blue Box program recycling represents approximately 25% of the total waste tonnes collected through the City's programs for garbage, organics and recycling. As recycling is co-collected with organics using the same fleet of vehicles, extracting recycling from the contract creates challenges in maintaining organics collection under the current contract arrangement.

Handing over all aspects of the Blue Box program to Producers poses potential risks and impacts to the services the City's residents expect

If the City were to transfer all responsibility for Blue Box to the Producers, staff have identified following potential impacts/risks to service levels expected by the City's residents:

- Producers may choose to collect Blue Box recycling on a different day, collect less frequently or by other means.
- Producers may require residents to separate paper/cardboard from the rest of the blue box materials (e.g. blue bin and grey bin).
- Producers may impose payment terms on a per tonne basis, rather than a per household basis.
- Residents are likely to continue to contact the City to resolve customer service issues related to Blue Box collection, despite a transition of responsibilities.
- Contract penalties may be applied against the City if the City exits the recycling collection component of its current waste collection contract which ends December 31, 2025.
- Impacts to other municipal waste programs such as promotion and education, by-law enforcement, design standards for development planning applications.
- Coordination with other City services such as winter maintenance and windrow program.

Net financial benefits from early transition are expected to be minimal

Should the City continue to provide curbside collection services for the Blue Box, one of the key challenges with transition prior to the end of the contract term, December 31, 2025, is aligning the terms of a contract with the Producers and those of the existing contract with Miller. In consideration of potential penalties due to necessary contract amendments with Miller, it is expected that potential cost savings/cost avoidance associated with early transition will be minimal.

Continued collection of Blue Box materials, starting at the end of 2025, balances service level risks and costs

Transitioning in 2025 balances the risks associated with the roll-out of a new Province-wide recycling program operated by the Producers and the potential for service impacts to residents, against cost avoidance for this service. This allows Producers time to stabilize and improve their collection services, and for the City to incorporate lessons learned and best practices into a new commercial contract to start January 1, 2026.

Financial Impact

The recommendations of this staff report do not have any financial or staffing implications at this time as the Council declaration is non-binding and allows the City make changes as more details on the Blue Box transition become available.

Future financial considerations as a result of the Blue Box program transitioning to Producers will include:

- Reduction in municipal collection costs for recyclables
- Potential costs if the City exits the recycling component of its current waste collection contract
- Additional costs related to transportation to recycling facilities if York Region exits Blue Box processing provision prior to the City of Vaughan's transition of Blue Box collection. These costs are currently the responsibility of York Region.
- Additional costs related to recyclable materials placed in the garbage and green bin, that should be captured through the Blue Box program.

These costs will be assessed as more information becomes available and will be communicated to Council for consideration.

Broader Regional Impacts/Considerations

Due to integration between local municipal waste systems and York Region's and their shared responsibilities, the choices made by York Region and other local municipalities should be considered throughout the transition process.

The interdependencies of the systems can present additional challenges, should York Region transition at a different time than the City. If York Region transfers its responsibilities for hauling, processing and marketing recycling to the Producers earlier or later than the City, this change (e.g. a more distant transfer station or recycling facility) could impact the terms of our contract with Miller. Staff will continue to collaborate with York Region, and potentially other local municipalities, to ensure that we capitalize on any potential efficiencies and address any potential costs during this program change.

Conclusion

Staff are working towards a transition plan that maintains service levels for our citizens and continues to provide an efficient, integrated waste collection system throughout the transition years. To achieve this preferred outcome, staff recommend that the City pursue a transition approach where the City will continue to collect Blue Box materials

as part of its waste collection contract with Miller, until the expiration of the current contract, or as dictated by the Province.

Staff recommend declaring our preference to transition in year three of the transition, 2025. This would allow time for the City to negotiate a commercial arrangement, and for Producers to work through the initial contract and service challenges that come with taking ownership of the Blue Box program. Should the City not reach acceptable commercial arrangements with the Producers, staff recommend that the City consider transferring control and responsibility for Blue Box recycling collection to the Producers.

Staff will continue to work with York Region and the other local municipalities, representing the City's interests with the Province through the consultation process for the balance of 2020, and respond to the proposed regulations expected in Fall 2020.

The resolution contained in this report regarding the preferred transition approach and timing is non-binding and does not guarantee the actual outcome. It is meant to inform the Government of Ontario's transition strategy and drafting of regulations.

For more information, please contact: James Steele, Director, Environmental Services, ext. 6116.

Attachment

1. Background on Transition to Full Producer Responsibility, December 18, 2019

Prepared by

Kate Dykman, Manager, Solid Waste Management, ext. 6309

Attachment 1: Background on Transition to Full Producer Responsibility

Municipal governments have been advocating for over a decade for producers to have full fiscal and operational responsibility for end of life management of their packaging, printed paper and paper products. Producers are best positioned to reduce waste, increase the resources that are recovered and reincorporated into the economy and enable a consistent province-wide system that makes recycling easier and more accessible.

In August 2019, Minister Yurek announced that municipal Blue Box programs will be transitioned to full producer responsibility over a three-year period based on the recommendations from the Special Advisor's report titled, "Renewing the Blue Box: Final report on the blue box mediation process." Municipal governments played a key role in helping to develop the recommendations within this report. These recommendations broadly reflected the positions advocated by AMO and there was also a great deal of alignment with producers on how the Blue Box should be transitioned.

The municipal transition is proposed to occur between 2023 and the end of 2025, as shown in the table below:

Date	Description
Sept. 2019 → Dec. 2020	Blue Box wind-up plan developed for Stewardship Ontario
	Development of a Regulation under the <i>Resource Recovery and Circular Economy Act</i> , 2016
Jan. 2021 → Dec. 2022	Producers prepare to assume control and operation of system and work with municipal governments and service providers
Jan. 1, 2023 → Dec. 31, 2025	Transition of individual municipal Blue Box programs to full producer responsibility. Occurs in phases over three years with a rolling total of up to one-third of the Provincial program transitioning annually

The Minister wants to ensure that the transitioned Blue Box system is affordable for producers, workable for the waste processing sector, and effective and accessible for residents. AMO and municipal representatives are involved in the consultation process to develop a new regulation for the Blue Box. The Province's intent is to finalize a Regulation by the end of 2020.

AMO staff held in-person workshops on the Blue Box transition across the Province through October and November 2019 to discuss this topic with municipal waste management staff. Over 165 staff and elected officials attended the sessions in Vaughan, London, Smiths Falls, North Bay and Dryden. The workshops provided an opportunity to engage directly with our sector to build understanding about this transition process and the level of engagement from attendees was excellent.

We also began the discussion about what municipal governments should take into consideration about how to prepare for this change and what factors might be considered as to when a Council might want to transition.

HOW YOUR RESOLUTION WILL HELP INFORM THE DISCUSSION:

The resolutions will be used to map out an ideal transition timeline, and determine whether there are years that are over or under subscribed, as it has been dictated that a rolling total of up to one-third of Blue Box programs can transition each year. This information will also allow AMO and the Province to better understand whether there are conflicts. If there are too many conflicts, the Province may still need to retain a third-party expert to develop a methodology as to how municipal Blue Box programs will transition.

However, rather than deferring to the Province to retain an expert immediately, we think this information would provide a good basis for a more informed decision to be made.

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

TITLE: INDEMNIFICATION BY-LAW AMENDMENTS (REFERRED)

FROM:

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

ACTION: DECISION

Purpose

This report was scheduled for the March 9, 2020 Committee of the Whole meeting. At that meeting, and then adopted at the Council meeting of March 11, 2020, the matter was referred to Committee of the Whole meeting of April 7, 2020. The April 7, 2020 Committee of the Whole meeting was cancelled due to the COVID-19 pandemic crisis and re-scheduled to April 21, 2020. At the meeting of April 21, 2020, and then adopted at the Council meeting of April 21, 2020, the matter was referred to Committee of the Whole meeting of May 20, 2020.

This report provides an overview of staff's suggested revisions to the City's Indemnification By-law to implement the policy options discussed by the Integrity Commissioner in her reports to Committee of the Whole and to provide some overall updates and changes.

Report Highlights

- If Council chooses to adopt the policy recommendations contained in the Integrity Commissioner's reports, the City's Indemnification By-law will need to be revised.
- The revised Indemnification By-law would provide indemnification for legal fees incurred by Members of Council and Local Boards ("Members") related to Code of Conduct complaints.
- Indemnification of legal fees for Members will be funded from corporate contingency in 2020, and will be budgeted as in the corporate budget for 2021 and going forward.
- Staff are proposing additional amendments to the Indemnification By-law, and the Code Complaint Protocol to give effect to the changes and to address existing gaps.

Recommendations

(Referred)

Council, at its meeting of April 21, 2020, adopted the following recommendation (Item 7, Report No. 17):

Recommendation of the Committee of the Whole meeting of April 21, 2020:

The Committee of the Whole recommends that consideration of this matter be deferred to the Committee of the Whole meeting of May 20, 2020.

Council, at its meeting of March 11, 2020, (Committee of the Whole, Report No. 11, Item 14) adopted the following recommendation:

Recommendation of the Council meeting of March 11, 2020:

- 1) That communication C25 from Regional Councillor Ferri, dated March 8, 2020, be received.

Recommendation of the Committee of the Whole meeting of March 9, 2020:

- 1) That consideration of this matter be deferred to the April 7, 2020 Committee of the Whole (1) meeting.

Report and Recommendations of the Deputy City Manager, Administrative Services and City Solicitor, dated March 9, 2020:

1. That a new Indemnification By-law, substantially in the form as Attachment #3 to this report be enacted.
2. That the Code of Ethical Conduct for Members of Council and Local Boards and related Complaint Protocol included as attachments #1 and #2 to this report be confirmed by by-law.
3. That any amounts incurred/to be incurred in 2020 to indemnify Members of Council and Local Board for Legal Proceedings that are not funded by the City's insurer be funded from the corporate contingency in 2020, and that such expenses be budgeted in the corporate budget for 2021 budget and going forward.

Report dated March 9, 2020

Background

At its meeting on January 28, 2020, Council received staff's communication on "2019 Indemnification By-law Amendments" and asked that a further report be brought back to

Council from staff and the Integrity Commissioner on the issues identified therein. Both staff and the Integrity Commissioner prepared further reports, which were before Council on February 11, 2020. Staff now seek approval from Council to repeal the current Indemnification By-law 91-2011, as amended, and replace it with a new consolidated Indemnification By-law addressing the matters set out herein.

Previous Reports/Authority

[By-law 91-2011](#)

[By-law 013-2019](#)

[Council Report - Addendum Item 1 - February 11, 2020 - Suzanne Craig, Integrity Commissioner & Lobbyist Registrar](#)

[Communication - January 27, 2020 - 2019 Indemnification Bylaw](#)

[Communication - February 10, 2020 - Reimbursement of Legal Expenses for Council](#)

Analysis and Options

The *Municipal Act*, and section 14 of the *Municipal Conflict of Interest Act* (“MCIA”) set out the circumstances in which a municipality may indemnify its employees and members of Council and Local Boards. In particular, sections 279 and 283 of the *Municipal Act* allow a municipality to indemnify current and former employees, and members of Council and Local Boards, for expenses, such as legal fees (including damages awards and costs awards) incurred as a result acts or omissions done in the individual’s capacity as employee or member.

Section 14 of the MCIA confirms that a municipality may indemnify a member of Council or Local Board for legal fees incurred in respect of a legal proceeding under the MCIA, so long as the member has not contravened section 5, 5.1 or 5.2 of the MCIA.

In light of the regulatory framework as well as the Integrity Commissioner’s comments in respect of the Code of Conduct regime, and to address certain gaps in the existing By-law, staff are recommending certain amendments be made to the Indemnification By-law. Below is an overview of the proposed changes:

1. Enact one new Indemnification By-law that incorporates indemnification provisions of By-law 91-2011, as amended, with necessary amendments, together with the new

provisions as provided in this report. This way, all matters of indemnification are dealt with in one document.

2. As set out as an option for Council to consider by the Integrity Commissioner in her report to Committee of the Whole dated March 9, 2020, if Council agrees to proceed with the option, add indemnification for actual and reasonable legal fees incurred by a Member of Council and Local Board related to a Code of Conduct complaint filed with the Integrity Commissioner for an investigation under section 223.4 or 223.4.1 of the *Municipal Act, 2001*, as amended (a “Code Complaint”), where the Integrity Commissioner has found that:
 - i. there has been no Code contravention; or
 - ii. a Code contravention has occurred by reason of inadvertence, or
 - iii. a Code contravention has occurred by reason of a bona fide error in judgment; or
 - iv. the referral of the matter is frivolous, vexatious or not made in good faith and the Integrity Commissioner dismisses the complaint without an investigation, or that there are no grounds or insufficient grounds for an investigation; or
 - v. where it becomes apparent in the course of an investigation that there are insufficient grounds to continue the investigation, the Integrity Commissioner terminates the investigation and dismisses the complaint.
3. Clarify that unless the City Solicitor determines there is a conflict in representation and the City cannot represent a person who is eligible for indemnification (“Eligible Person”), the City (or the City, through its insurer) will assume carriage of the defence on behalf of the Eligible Person. Further clarify that Eligible Persons are required to aid the City in the defence of the Legal Proceeding. While this is already the practice at the City, as is in many other municipalities, and assuming carriage of a defence is generally required by the insurer, amendments to the By-law can provide further clarity in this respect.
4. Where an individual is required to retain their own counsel, such as in the case of a Code Complaint filed with the Integrity Commissioner, the individual can submit a request for indemnification to the City Solicitor, and such request may also include a request that actual and reasonable legal fees incurred be reimbursed/paid in advance of a final disposition being made. The existing sections of the Indemnification By-law relating to the process surrounding indemnification will continue to apply, including the current requirements for approval of legal counsel and budget, and the assessment of reasonableness of fees as submitted etc.

5. Where an individual's legal fees are paid in advance of a final disposition of a Legal Proceeding, and if it is subsequently determined that the individual is not entitled to indemnification in accordance with the By-law, the individual shall repay the Corporation within 90 days of such determination. Where an individual requests more than 90 days to reimburse the City, the City Solicitor shall bring a report to Council for direction.
6. If an Eligible Person receives a payment through a costs award or settlement in respect of a Legal Proceeding for which the City has indemnified the Eligible Person, such amounts must be paid to the City upon receipt by the Eligible Person.

The requirement for an individual to reimburse the City for indemnification expenses paid where the conduct in question is: (i) not related to the individual's capacity as an employee/Member, or (ii) was not done or made in good faith, or (iii) was not based on the reasonable belief that such acts or omissions were lawful and in the best interests of the corporation, are necessary pursuant to the *Municipal Act* and related case law. Likewise, the requirement for an Eligible Person to pay the City amounts received through costs awards or settlements are also necessary pursuant to the *Municipal Act* and related case law.

7. Any advance payment by the Corporation of reasonable legal fees incurred by an Eligible Person in a Legal Proceeding under the By-law shall be capped at \$25,000. For advance reimbursement requests of any amounts exceeding \$25,000 prior to the final disposition of the Legal Proceeding, the City Solicitor shall bring a report to Council for direction.

This is one of the options for Council's consideration that the Integrity Commissioner provided in her report to Council dated February 10, 2020. Rather than only applying the reimbursement cap of \$25,000 to Code Complaints before the Integrity Commissioner, it is recommended that this rule be generally applied for all cases of advance payment so that there is consistency in approach. Any request for advance payment of legal fees reasonably incurred by the Eligible Person in a legal proceeding shall be subject to a \$25,000 cap, unless Council determines otherwise. (For clarity, this does not apply where the City assumes the defence of the Eligible Person itself or through its insurer.)

8. Clarify that proceedings related to the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched., as amended do not qualify for indemnification. This is consistent with the language of the *Municipal Act, 2001* and related case law.
9. Under the proposed By-law, the administration of the Indemnification By-law will be managed through the City Solicitor's office. This will streamline the process around

indemnification and is similar to how other municipalities have structured their Indemnification By-laws. The By-law will also clarify that any issues of uncertainty relating to indemnification will be brought back to Council for determination.

10. Extend indemnification coverage of the By-law to members of the City's local boards, which would include the Vaughan Public Library Board. The prior Indemnification By-law provided indemnification for current/former members of Council as well as salaried officers employees. Members of the City's local boards were not included. The City has insurance liability coverage for members of local boards which covers members in the event they are named in a lawsuit as a result of their duties as it pertains to the board. Staff are therefore recommending that members of local boards be indemnified under the new Indemnification Bylaw.
11. Other administrative amendments are being included in the new By-law to increase readability and clarity. For instance, various definitions (such as "City Solicitor" and "Employee") would benefit from being streamlined. Similarly, it would make the By-law clearer if section 4.0 "Persons Served with Process" were amended to simply say that an Eligible Person served with a document which initiates a Legal Proceeding shall forthwith deliver same to the City Solicitor. In the context of Code Complaints, Members will not be required to provide a copy of the Complaint to the City Solicitor, but instead will be permitted by the Integrity Commissioner to disclose the existence and general nature of the inquiry to the City Solicitor in support of their request for indemnification.
12. The effective date of the By-law will be the date that it is enacted by Council (i.e. an anticipated enactment date of March 11, 2020). It is recommended that:
 - a. For ongoing matters where the City has assumed the defence of a Legal Proceeding on behalf of current or former employees, the City will continue to defend the Legal Proceeding on the Eligible Person's behalf.
 - b. For all matters where indemnification is authorized under Bylaw 91-2011, as amended, those indemnification approvals will continue to apply under the new By-law.
 - c. For Code Complaints filed with the Integrity Commissioner prior to the enactment of the new bylaw where a final disposition has not been rendered, the provision of the new bylaw will apply to any indemnification requests.

These transitional provisions are recommended to allow for minimal interruption of the indemnification entitlements of Eligible Persons. For Code Complaints, although there was a period of gap of indemnification for non-MCIA Code complaints between June 2019 and the present, if that gap had not existed, indemnification would apply only after the final

disposition.¹ As such, it is staff's position that the new By-law would apply to any Code Complaints where a final disposition has not been rendered by the Integrity Commissioner, even if the Code Complaint was filed prior to the date of the enactment of the new Bylaw, as the right to indemnification would not have crystallized until the disposition is made.

In addition to the recommended amendments to the Indemnification By-law above, staff have also identified beneficial amendments to the Code of the Ethical Conduct for Members of Council and Local Boards and the related Complaint Protocol to ensure consistency in approach.

In particular, in consultation with the Integrity Commissioner, staff recommend adding new paragraphs 5 and 6 to Rule No. 6 of the Code of the Ethical Conduct for Members of Council and Local Boards which confirm, respectively, that: (i) Members are required to comply with sections 5, 5.1, and 5.2 the MCIA, and (ii) declarations of pecuniary interests known to Members shall be recorded in the meeting minutes in accordance with section 6 of the MCIA. While Members are bound by these obligations regardless of whether they appear in the Code of the Ethical Conduct for Members of Council and Local Boards, including such provisions will help bring clarity to Members and to the public. No other changes are made to the Code, which can be found as attachment #1.

Further, in consultation with the Integrity Commissioner, staff recommend adding new section 7(iv) of the Complaint Protocol which confirms that the Integrity Commissioner has the ability to terminate an investigation where it becomes apparent in the course of an investigation that the complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation. While the Integrity Commissioner has inherent jurisdiction to terminate an investigation, adding an explicit provision to this effect (which is similar to prior sections included in the Complaint Protocol) will provide

¹ Former section 19 of the Complaint Protocol stated: (1) A Member of Council who is subject of an Integrity Commissioner complaint under Part A (Informal Complaint Procedure) or Part B (Formal Complaint Procedure) under this Protocol may charge against the Member's office budget the actual legal expense incurred for consultation with a lawyer of up to \$500.00.

(2) A Member of Council who is the subject of an Integrity Commissioner complaint investigation * under this Protocol may be reimbursed for actual and reasonable expenses incurred for consultation with a lawyer of up to \$5000.00, where it is determined that there has been no contravention of the Code of Ethical Conduct by the Member, such amounts to be charged against the Council Corporate Budget following approval by the Integrity Commissioner.

* An Integrity Commissioner complaint investigation begins when the Integrity Commissioner opens a case file and gives notice of the same to the Member of Council subject of the formal complaint

additional clarity for Members as well as the public. No other changes are made to the Complaint Protocol, which can be found as attachment #2.

Financial Impact

Although a provision providing indemnification of Mayor and Members of Council related to Code Complaints and MCIA proceedings had been in place in the past, there was no corresponding budget specifically allocated for indemnification.

The actual financial impact is difficult to forecast due to the varying number of matters that may arise each year and their complexity. As such, in consultation with Financial Planning and Development Finance, it is recommended that amounts incurred in 2020 to indemnify Members for legal proceedings not covered by the City's insurer, such as Code Complaints, will be funded from the corporate contingency in 2020. Such expenses will be budgeted in the corporate budget for 2021 and going forward.

Broader Regional Impacts/Considerations

N/A

Conclusion

Based on Council's prior direction for staff to review the Indemnification By-law and the options provided for Council to consider received from the Integrity Commissioner, staff are proposing a new Indemnification By-law. The new Indemnification By-law will provide indemnification for legal fees incurred by Members related to Code Complaints filed with the Integrity Commissioner, together with other updates. Corresponding minor changes are also proposed for the Code of Conduct and Code Complaint Protocol.

For more information, please contact: Wendy Law, 8700

Attachments

1. Code of Ethical Conduct for Members of Council and Local Boards
2. Complaint Protocol
3. Proposed Indemnification By-law
4. Communication C25 - Council (March 11, 2020) - Email from Regional Councillor Ferri, dated March 8, 2020
5. Communication C2 - Committee of the Whole (April 21, 2020) - Memorandum from the Deputy City Manager, Administrative Services & City Solicitor, dated April 14, 2020

6. Communication C4 - Committee of the Whole (April 21, 2020) - Mr. Robert A. Kenedy, PhD, President of the MacKenzie Ridge Ratepayers' Association, dated April 20, 2020
7. Communication C5 - Committee of the Whole (April 21, 2020) - Mr. Richard T. Lorello, dated April 21, 2020
8. Communication C6 - Committee of the Whole (April 21, 2020) - Regional Councillor Mario Ferri, dated April 21, 2020.

Attachment 1



CITY OF VAUGHAN POLICY MANUAL

Policy No:	CL – 011
Department:	COUNCIL
Subject:	CODE OF ETHICAL CONDUCT FOR MEMBERS OF COUNCIL AND LOCAL BOARDS

CODE OF ETHICAL CONDUCT FOR MEMBERS OF COUNCIL AND LOCAL BOARDS

CITY OF VAUGHAN

Council Approval: 2009/21/09
Minute No. 181
Cross Reference: Policy No. 01.35

Amended: 2011/06/28
Report No/Item: 35/2

**CODE OF ETHICAL CONDUCT FOR MEMBERS OF COUNCIL
CITY OF VAUGHAN
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Introduction

Democracy is an active process – one that requires ongoing engagement between citizens and their elected officials. Ethics and integrity are at the core of public confidence in government and in the political process.

There has been a general trend at the municipal level of government in Ontario, to develop rules around ethical conduct for elected officials so that they may carry out their duties with impartiality and equality of service to all, recognizing that as leaders of the community, they are held to a higher standard of behavior and conduct. As of March 2019, municipalities are required to have codes of ethical conduct in place for Members of Council and local boards.

It is the purpose of this *Code of Ethical Conduct* to establish rules that guide Members of Council and Members of local boards (using the restricted definition of this term provided herein) in performing their diverse roles in representing their constituents and recognize Members' accountability for managing City resources allocated to them.

Preamble

Whereas the City of Vaughan first instituted a *Code of Conduct* for Members of Council in 1996;

And whereas the current *Code of Conduct for Members of Council* was adopted by Council in 2009;

And whereas the *Modernizing Ontario's Municipal Legislation Act, 2017*, S.O. 2017, c. 10, and the corresponding amendments to applicable legislation, require municipalities to establish codes of conduct for Members of Council and Members of local boards;

And whereas elected officials and Members of local boards of the City of Vaughan have and recognize their obligation to not only obey the law, but to go beyond the minimum standards of behaviour and act in a manner that is of the highest ethical ideals so that their conduct will bear the closest public scrutiny;

And whereas the private interest of elected officials and Members of local boards of the City of Vaughan must not provide the potential for, or the appearance of, an opportunity for benefit, wrongdoing, or unethical conduct;

And whereas this *Code of Ethical Conduct* stems from the principles of the pre-existing *Code of Conduct* that has been in place since 2009 based on the belief by the Council of the City of Vaughan that not just employees but also elected officials should have a document against which to measure their conducts that they may be held to account;

The Council of the City of Vaughan will adopt certain rules that further underscore a Councillor's belief in his/her responsibility as a public trustee and confirm that Members of City of Vaughan local boards will be held to the same ethical standard;

Commentary

The operation of democratic municipal government requires that elected officials and Members of local boards be independent, impartial and duly responsible to the people. To this end, it is imperative that:

- The City of Vaughan decisions and policy be made through the proper processes of municipal government structure.
- The City of Vaughan government structure and decision-making process reflect the importance of integrity, independence and accountability.
- Public office and membership on local boards shall not be used for personal gain.
- The public have confidence in the integrity of its municipal government and its local boards.

A written *Code of Ethical Conduct* protects the public interest and helps to ensure that the Members of Council and Members of local boards share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the Members must operate.

The public is entitled to expect the highest standards of conduct from the Members that it elects to local government and Members that serve on its local boards. Members of Council and local boards are therefore expected to perform their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny. In turn, adherence to the standards set out in this *Code* will protect and enhance the City of Vaughan's reputation and integrity.

Framework and Interpretation

1. This *Code of Ethical Conduct* applies to the Mayor and all Members of Council as well as all Members of local boards (restricted definition). It is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. Commentary and examples used in this *Code of Ethical Conduct* are meant to be illustrative and not exhaustive. From time to time additional commentary and examples may be added to this document by the Integrity Commissioner, as she or he deems appropriate.
2. The Integrity Commissioner is responsible for performing, in an independent manner, the following:
 - a. The application of this *Code of Ethical Conduct* for Members of Council and Members of local boards.
 - b. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of Members of Council and of local boards.
 - c. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended, to Members of Council and of local boards.
 - d. Requests from Members of Council and of local boards for advice respecting their obligations under this *Code of Ethical Conduct*.
 - e. Requests from Members of Council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of Members.
 - f. Requests from Members of Council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.

- g. The provision of educational information to Members of Council, Members of local boards, the municipality and the public about this *Code of Ethical Conduct* and about the *Municipal Conflict of Interest Act*.
- 3. With respect to requests for advice, referred to in paragraphs 2(d),(e), and (f) above:
 - a. Requests for advice from Members shall be in writing and the Integrity Commissioner shall provide all advice in writing; and
 - b. As long as all the facts known to the Member are disclosed to the Integrity Commissioner and there is no change to these facts, then the Member may rely on any written advice provided by the Integrity Commissioner.
 - c. The Integrity Commissioner will create a “confidentiality wall” such that, if the Integrity Commissioner receives a Formal Complaint in respect of the matter for which advice was given, the written advice provided to the Member will not remove the presumption of neutrality of the Integrity Commissioner or unfairly prejudice the Member.
 - 4. Members of Council, Members of local boards, and members of the public or City Staff seeking clarification of any part of this *Code* should consult with the Integrity Commissioner.
 - 5. The Integrity Commissioner is barred from conducting an inquiry in respect of actions, omissions, or decisions of the administration of Council. Any requests for inquiry or complaints in respect of actions, omissions or decisions of the administration of Council shall be denied by the Integrity Commissioner.
 - 6. With respect to requests for advice, referred to in paragraphs 2(d), (e) and (f) above, the Integrity Commissioner will not be barred from receiving and investigating complaints for which written advice was given. Notwithstanding the above, the Integrity Commissioner may, from time to time and within her discretion, decide to delegate the investigation of a complaint under subsection 223.3(3) of the *Municipal Act*.
 - 7. Should an issue arise where it may be unclear whether a complaint falls within the mandate of York Region or the City of Vaughan, both the Regional and City of Vaughan Integrity Commissioners will work together to develop a process to resolve the matter and report the findings to the appropriate council(s). In such instances, consideration should be given to the following:
 - a. The municipality in which the complaint was filed;
 - b. The municipality in which the expense/mileage claim was submitted for an event or function; and
 - c. The reasonableness for the respective municipality’s Integrity Commissioner to undertake the investigation.

Commentary

This *Code of Ethical Conduct* does not prohibit the activities in which Members of Council normally engage on behalf of constituents in accordance with applicable laws.

The *Municipal Act* is the primary source of regulation for municipalities and provides the basis for good governance within municipal government. There are other important documents that regulate

the behavior and conduct of Members. Clear and consistent written rules provide elected officials with confirmation that their actions adhere to the highest ideals of integrity during their term of office. This *Code of Ethical Conduct* operates together with and as a supplement to the following existing statutes, documents and policies governing the conduct of Members.

Legislation:

- The *Municipal Act, 2001*, S.O. 2001, c. 25;
- The *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50;
- The *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched;
- The *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56; and
- The *Criminal Code*, R.S.C., 1985, c. C-46.

Definitions:

In this *Code of Ethical Conduct*:

1. the terms “Child”, “Parent” and “Spouse” have the same meanings as in the *Municipal Conflict of Interest Act*;
2. “Elector” has the same meaning as set out in section 1 of the *Municipal Conflict of Interest Act*.
3. “Employee” includes a consultant, a part-time or seasonal worker, and full-time worker, but not a Member.
4. “Member” means (i) a member of Vaughan City Council, or (ii) a member of the following local committees/local boards: Accessibility Advisory Committee, Committee of Adjustment, Heritage Vaughan Committee, and the Property Standards Committee.
5. “Family Member”¹ means,
 - Spouse, common-law partner, or any person with whom the person is living as a Spouse outside of marriage
 - Parent, including step-parent and legal guardian
 - Child, including step-child and grandchild
 - siblings and children of siblings
 - aunt/uncle, niece/nephew, first cousins
 - in-laws, including mother/father, sister/brother, daughter/son
 - any person who lives with the Member on a permanent basis
6. “Official duties” or “functions” have the following meaning:

For Members of Council, it includes those activities that are reasonably related to a Member’s office, taking into consideration the different interest, the diverse profiles of their wards and their different roles on Committees, agencies, boards and commissions.

¹ For the purposes of complaints under section 5, 5.1 and 5.2 of the MCIA, the Integrity Commissioner will adopt the definitions contained in the *Municipal Conflict of Interest Act*, section 3 in respect of an interest of certain persons deemed that of the Member.

For persons employed in the office of Members, it includes those activities and responsibilities that flow from acting on direction from or taking action on behalf of a Member.

7. "Staff" includes Deputy City Managers, Directors, Managers, Supervisors, clerical and technical unionized employees, hourly unionized staff, part-time unionized staff, full-time non-unionized employees, temporary / seasonal staff, contract staff, students and volunteers.

Implementation:

This *Code* shall replace Policy Number CL-011 – *Code of Ethical Conduct for Members of Council*.

Rule No. 1

Key Principles: The key principles that underline the rules in this *Code of Ethical Conduct* and shall be used to guide Members in decisions on their actions, and to guide the Integrity Commissioner in interpreting Rules 2 – 21 of this *Code*, are as follows:

- a) **Members shall serve and be seen to serve their constituents in a conscientious and diligent manner.**

Commentary

This underscores that Members carry out their official City activities in a way that will foster and enhance respect for government and above all, demonstrate respect for members of the public.

- b) **Members should be committed to performing their Functions with integrity and transparency.**

**Amended, Council, June 28, 2011, Rpt 35, Item 2:*

Responding to Inquiries from the Public

Vaughan City Council is committed to overseeing the provision of responsive and accessible services including dealing with reasonable inquiries and requests for information in a timely manner. On occasion, an individual citizen may not be accepting of the response and may restate the inquiry in various ways, or may be rude or harassing in their delivery of the inquiry. There is a need to balance access to information against the need to protect the legitimate interests of the City; the need to respect approved policies and procedures of the City within civil and respectful discourse; and the need to respect the role of officers and employees of the municipality.

Members of Council who receive requests for information or inquiries from members of the public, City staff or other Members of Council may be guided by Protocol 03.26 "Response by City Staff to Requests for Information from the Public". In addition, complaints regarding staff may be forwarded to the appropriate City Commissioner or the City Manager.

This Code does not require Members of Council to provide a response to an inquiry or request for information that is frivolous or vexatious, unreasonable or harassing.

For example:

- the Member of Council is of the opinion on reasonable grounds that the inquiry is made for a purpose other than to obtain information;
- the inquiry has been made more than once and is being used for the purpose of revisiting an issue that has been previously addressed;
- the inquiry is articulated in such a way that it can be considered harassing or abusive;
- the Member is of the opinion, on reasonable grounds, that providing a response would interfere with the operations of the City;
- the inquiry is not an inquiry but rather a complaint.

Communication labelled "Private" and/or "Confidential" may be shared or disclosed as necessary or appropriate, taking into consideration the following:

- information may be disclosed to appropriate staff in order to respond to the issue or concern being communicated;
 - information will not be treated as confidential where the communication was shared by the requestor or not made in a confidential manner (copied to others, or made in the presence of others);
 - if the information is needed by an officer, employee, consultant or agent of the City who needs the information in the performance of her or his duties and if the information is necessary and proper in the discharge of the City's functions.
-

Commentary

As public officials, Members recognize the public's right to reasonable access to information in relation to how decisions are made. This right of access includes the right of the public to receive complete and understandable information which must be balanced against the requirement to protect the legitimate interests of the City and the respect for approved policies of the City.

- c) Members shall avoid the improper use of the influence of their office, and conflicts of interest, both apparent and real. Members shall not extend, in their discharge of their Official Duties, preferential treatment to Family Members, organizations or groups in which they or their Family Member have a pecuniary interest, which pecuniary interest is known to the Member.**

Commentary

As a result, Members will have a common understanding that they will not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual which is not available to every other individual. Members recognize that their actions are governed by the *Municipal Conflict of Interest Act*. The Integrity Commissioner will distinguish between a *Code* conflict, which may be both apparent and real and which may be in respect of a Family Member as defined by the *Code*, and a pecuniary interest under the *Municipal Conflict of Interest Act* in respect of sections 1.1, 2 and 3 of the *Municipal Conflict of Interest Act*.

In addition, it is recognized that while Members are political representatives, they are also private citizens. Accordingly, Members may, in their capacity as private citizens, choose to endorse political parties. Members must take care to clarify that they do so as a private individual and must not be seen as using their office to endorse political candidates for election.

- d) Members shall avoid any interest in any contract made by him/her in his/her official capacity and shall not contract with the City or any agency thereof for the sale and purchase of supplies, material or equipment or for the rental thereof.**

- e) **Members shall not engage in the management of a business carried on by a corporation nor profit directly or indirectly from a business, including but not limited to a corporation, that does business or has contracted with the City of Vaughan, or hold an office or directorship, unless holding the office or directorship is in a social club, religious organization, other charitable organization or corporations with shares directly or indirectly held by the municipality.**
- f) **Approved exceptions**
A Member may engage in an activity prohibited by clause 1(e) if the following conditions are met:
 - 1. **The Member has disclosed all material facts to the Integrity Commissioner.**
 - 2. **The Integrity Commissioner is satisfied that the activity, as carried on in the specified manner, did not create a conflict between the Member's private interest and public duty.**
 - 3. **The Integrity Commissioner has given the Member his or her approval and has specified the manner in which the Member of Council may remedy the situation.**
 - 4. **The Member remedies the situation in the manner specified by the Integrity Commissioner**

Commentary

Members must adhere to the City's purchasing policies and pay careful attention to the Councillors' expense policies. Examples of exceptions include, hospital boards and other not-for-profit organizations and charities.

- g) **Members shall perform Official Duties and arrange their public affairs in a manner that promotes public confidence and respect and will bear close public scrutiny; and**

Commentary

Members shall not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual which is not available to every other individual member of the public.

- h) **Members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the City Council.**

Commentary

A number of the provisions of this *Code* incorporate policies, procedures and provisions adopted by Council and contained in various statutes. The provisions of this *Code* are intended to be applied in concert with existing legislation and go beyond the minimum standards of behaviour.

- i) Members shall fulfill their roles as set out in the *Municipal Act* and respect the role of staff in the administration of the business affairs of the City.**

Commentary

Members recognize that the decision-making authority for the municipality lies with Council, not an individual Councillor and that it is the role of the officers and employees of the municipality to implement council's decisions and establish administrative practices and procedures to carry out council's decisions. Members recognize and respect the role of City staff and affirm that only Council as a whole has the capacity to direct staff members. Council as a whole must be able to access information, on a need to know basis, in order to fulfill its decision-making duties and oversight responsibilities [...]. Individual Members also recognize that the information that they receive as members of the decision-making body of Council, or a local board, is subject to the confidentiality and disclosure rules of Provincial and Federal statutes and City of Vaughan bylaws. (See Rule No. 3 on Confidential Information and Rule No. 16 on Conduct Respecting Staff).

Rule No. 2

Gifts and Benefits:

- 1. No Member shall accept a fee, advance, gift, loan, or personal benefit that is connected directly or indirectly with the performance of his or her duties, except as specifically contemplated.**

For these purposes, a fee or advance paid to or a gift or benefit provided with the Member's knowledge to a Member's Spouse, Child, or Parent, or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member. Set out below are recognized as exceptions to Rule 2, which apply to Members of Council only; Members of local boards are not permitted to accept any gifts and benefits:

- (a) compensation authorized by law;**
- (b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;**
- (c) a political contribution otherwise reported by law;**
- (d) services provided without compensation by persons volunteering their time to a Member;**
- (e) a suitable memento of a function honoring the Member (e.g. a trinket or favour of relatively little monetary value such as pen, notepad, t-shirts);**
- (f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity at an official event;**
(for greater certainty of item f, where Council has authorized or endorsed an initiative or event, this would be considered an official event.)
- (g) food and beverages consumed at banquets, receptions or similar events, for charitable, not for profit and community purposes, if:**
 - 1. attendance serves a legitimate public duty purpose; and**
 - 2. the value is reasonable and the invitations infrequent.**
- (h) business meals;**
- (i) communication to the offices of a Member, including subscriptions to newspapers and periodicals related to the duties of Office.**
- (j) Sponsorships and donations for community events or initiatives organized or run by a Member of Council or a third party on behalf of a Member where Council has authorized or endorsed the event or initiative.**

(for greater certainty of item j, for Member-organized community events or initiatives, Members should be transparent in their dealings with the public and should not handle any funds on behalf of any organizations and should remain at arms length from the financial aspects of these events and initiatives.)

Rule #2 Part 1(j) does not affect the entitlement of a Member of Council to:

- i. Use her or his office expense budget to run or support community events subject to the terms of the Councillor Expense Policy;*
- ii. Urge constituents, businesses and other groups to support community events put on by others in the Member's Ward or elsewhere in the City;*
- iii. Play an advisory or membership role in any organization that holds community events in the Member's Ward; and*
- iv. Collaborate with the City of Vaughan and its agencies to hold community events.*

Members of Council are strongly encouraged to document all gifts and benefits they receive. As indicated above, Members of local boards are not permitted to receive any gifts or benefits.

With respect to Members of Council, in the case of categories (b), (e), (f), (g) (h), and (i), where the value of the gift or benefit exceeds \$750 , or if the total value received from any one source during the course of a calendar year exceeds \$750, the Councillor shall, within 30 days of receipt of the gift or reaching the annual limit, list the gift or benefit on a Councillor information statement, the form of which will be prescribed by the Integrity Commissioner.

The Integrity Commissioner shall, without notice, examine from time to time the Councillor information statement to ascertain whether the receipt of a gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the Councillor.

In the event that the Integrity Commissioner makes the preliminary determination, he or she shall call upon the Member to justify receipt of the gift or benefit. Should the Integrity Commissioner determine that receipt was inappropriate, he or she may direct the Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the City or City agency, board or commission. The above actions of the Integrity Commissioner do not require receipt of a Formal Complaint or that the Integrity Commissioner conduct a formal Code of Conduct investigation.

Each Member shall file a copy of their Councillor information statement with the office of the City Clerk on a quarterly basis (the first quarter being April 30th of the calendar year) and the statements shall be a matter of public record.

Commentary:

Gifts and benefits are often received by Members of Council in the course of their duties, and attendance at public functions is expected and considered part of their role. The object of this rule is to provide transparency around the receipt of incidental gifts and benefits, where the total value may be perceived as potentially influencing decision making.

Personal integrity and sound business practices require that relationships with vendors, contractors, or others doing business with the City, be such that no Member of Council is perceived as showing favoritism or bias toward the vendor, contractor or other. Each Member of Council is accountable to the public and should keep a list of all gifts received from individuals, firms or associations (with estimated values) in their constituency offices for review by Integrity Commissioner, as he/she deems appropriate. However, for Members of Council, those gifts or benefits that exceed \$750 or the annual limit of \$750 for one source, shall be kept on a form prescribed by the Integrity Commissioner and filed with the office of the City Clerk on a quarterly basis.

Gifts that are subject to listing on the Member of Council information statement can be many types of things, and may include:

- property (e.g. a book, flowers, a gift basket, a painting or sculpture, furniture, wine);
- use of property or facilities (e.g. a vehicle, an office, a cottage) at a reduced rate or at no cost;
- membership in a club or other organization (e.g. a golf club) at a reduced rate or at no cost;
- an invitation to and/or tickets to attend an event (e.g. an athletic commercial event, concert, a play) at a reduced rate or at no cost;
- an invitation to attend a gala or fund-raising event at a reduced rate or at no cost.

An invitation to attend a function where the invitation is connected directly or indirectly with the performance of the Member's duties of Office (i.e. for which the public office holder has a ceremonial, presentational or representational official role) is not considered to be a gift. Attendance is considered to be the fulfillment of an official function or duty.

There are a range of expenses that support a Councillors' role in community development and engagement activities in their ward.

For MPPs, these expenses are generally paid for by caucus funds. This is not the case for municipal Members of Council. The section of the Councillor Expense Policy that deals with Community Expense-Events will indicate allowable expenses for reimbursement and provide for Members of Council to include certain community expenses related to a Member's role in community development as allowable expenditures from their office expense budget. However, gaming tickets during charitable functions, such as raffle tickets, table prize tickets, etc. should not be eligible for reimbursement.

Lobbying of public office holders is a permissible but is a regulated activity in the City of Vaughan. Lobbying is defined and regulated by By-law Number 165-2017 (the City's lobbying by-law inclusive of the Lobbyist Code of Conduct). Members are public office holders. As a matter of general principle, as public office holders, Members should be familiar with the terms of the lobbying by-law inclusive of the Lobbyist Code of Conduct. If a Member is or at any time becomes aware that a person is in violation of the Lobbyist Code of Conduct or registration regime, the Member should draw that person's attention to the obligations imposed by the Lobbying By-law and Lobbying Code of Conduct. A Member should report any such violation or attempted violation of Lobbying By-law to the Lobbyist Registrar.

- 2. Expenses incurred by Members working during normal meal periods serve a legitimate public duty purpose, provided that the expenses incurred are reasonable and appropriate in the circumstances. Reasonable and appropriate expenses are those that:**
 - a. Are incurred for an official duty or function;**

- b. Are modest, representing a prudent use of public funds;
- c. Do not involve alcoholic beverages

In general, working meals are to be provided in-house.

Commentary

Rule #2 must be considered with and balanced against the principle contained expense policies in all Ontario municipalities, which is that Members are entitled to be reimbursed for expenses that are legitimately and appropriately incurred for an official duty or function and which are reasonable and prudent expenses and use of public funds in the circumstances. In making a determination of what constitutes a modest and prudent use of public funds, Members should consider the dollar amounts set in Policy CL-012 – Council Members Expense Policy, as amended.

Given the heavy demands on Members' schedules in the performance of their duties and Functions, there are legitimate circumstances that require business meetings over a meal period and result in the Member working through his or her normal meal periods.

As representatives of the municipal government, Members will be expected or required to extend hospitality to external parties as part of their Official Duties and Functions. This *Code* recognizes that through adherence to the current and proposed rules of the City's Councillor Expense Policy, it is legitimate for Members to incur hospitality expenses for meetings, examples of which include:

- a. Engaging representatives of other levels of government, international delegations or visitors, the broader public sector, business contacts and other third parties in discussions on official matters;
- b. Providing persons from national, international and charitable organizations with an understanding and appreciation of the City of Vaughan or the workings of its municipal government;
- c. Honouring persons from Vaughan in recognition of exceptional public service.

This *Code* recognizes that the current and proposed City of Vaughan Councillor Expense Policy, holds legitimate that Members of Council will be reimbursed or have their office budgets charged for expenses that are incurred while extending hospitality to an external party, including hospitality that takes place in the course of travelling on a duty or function or a Member of Council provided the expenses are reasonable and appropriate in the circumstances.

Reasonable and appropriate expenses are expenses that strike a balance between economy (the expenses represent a prudent use of public funds) and proportionality (the expenses represent what is customary for such functions).

Wherever possible, Members should utilize City-owned facilities and resources that are appropriate to the function.

- 3. This Code recognizes that as community leaders, Members of Council may lend their support to and encourage, community donations to registered charitable and Not for profit groups. Monies raised through fundraising efforts shall go directly to the**

groups or volunteers and chapters acting as local organizers of the group. This Code recognizes the important work of Members of Council in supporting charitable causes and the need for transparency in Members' involvement.

This Code sets the following guiding principles for Members of Council:

- (a) Members of Council should not directly or indirectly manage or control any monies received relating to charitable organization's fundraising.
- (b) A Member of Council or a third party acting on behalf of the Member shall neither solicit nor accept support in any form from an individual, group or corporation with any pending planning, conversion, or demolition variance application before Vaughan City Council.
- (c) With reference to Member- Organized Community Events, Members of Council must report to the Integrity Commissioner, the names of all donors and the value of their donation that supplement the event.
- (d) Where a Member of Council sponsors and/or lends support to a charitable organization's event, this Code recognizes that all donations are subject to the *Code of Ethical Conduct* and CL-012 – Council Members Expense Policy.
- (e) No donation cheques should be made out to a Member of Council.

Nothing included herein affects the entitlement of a Member of Council to:

- i. Use her or his office expense budget to run or support community events subject to the terms of the Policy CL-012 – Council Members Expense Policy section relating to Community Expense Hosting Events by Council Members;
 - ii. urge constituents, businesses and other groups to support community events and advance the needs of a charitable organization put on by others in the Member's Ward or elsewhere in the City;
 - iii. play an advisory or membership role in any organization that holds community events in the Member's Ward; and
 - iv. collaborate with the City of Vaughan and its agencies to hold community events.
- (f) Members of Council should not handle any funds on behalf of any charitable organization or Community group and should remain at arms length from the financial aspects of these community and external events.

Rule No. 3

Confidential Information:

- 1. No Member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.**
- 2. No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.**
- 3. No Member shall directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.**
- 4. No Member shall disclose the content of any such matter, or the substance of deliberations, of the in-camera meeting until the Council or committee discusses the information at a meeting that is open to the public or releases the information to the public.**
- 5. No Member shall permit any persons other than those who are entitled thereto to have access to information that is confidential.**
- 6. No Member shall access or attempt to gain access to confidential information in the custody of the City unless it is necessary for the performance of their duties and not prohibited by Council policy.**

Commentary:

Confidential information includes information in the possession of the City that the City is either prohibited from disclosing, or is required to refuse to disclose, such as under Access and Privacy legislation. Such legislation imposes mandatory or discretionary restrictions on disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, personal information about an individual disclosure of which would constitute an unjustified invasion of privacy, and information that is subject to solicitor-client privilege. Where it is clear that a communication was not made in a confidential manner (i.e. copied to others or made in the presence of others) or the manner of communication undermines the validity of labeling it 'confidential', such communication will not be given any higher level of confidentiality than any other communication. The words 'privileged', 'confidential', or 'private' will not be understood to preclude the appropriate sharing of the communication for the limited purpose of reviewing, responding or looking into the subject-matter of the communication.

For the purposes of the *Code of Ethical Conduct*, "confidential information" may also include information that concerns personnel, labour relations, litigation, property acquisitions, the security of the property of the City or a local board, and matters authorized in other legislation, to remain confidential.

Under the Procedural By-law, a matter that has been legitimately discussed at an in-camera (closed) meeting remains confidential, until such time as a condition renders the matter public.

Requests for information should be referred to appropriate staff to be addressed as either an informal request for access to municipal records or as a formal request under the *Municipal*

Freedom of Information and Protection of Privacy Act.

Particular care should be exercised in ensuring confidentiality of the following types of information:

- the security of the property of the municipality or local board;
- personal information about an identifiable individual, including municipal or local body employees;
- a proposed or pending acquisition or disposition of land by the municipality or local board;
- labour relations or employee negotiations and personnel matters.
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- items under contract negotiation
- price schedules in contract tender or Request For Proposal submissions
- statistical data required by law not to be released (e.g. certain census or assessment data)

Rule No. 4

Use of City Property, Services and Other Resources

No Member shall use for personal purposes any City property, equipment, services, supplies or services of consequence (for example, agency, board, commission, or City-owned materials, websites, board and City transportation delivery services, and any Members expense budgets) other than for purposes connected with the discharge of City duties, which may include activities within the Member's office of which City Council has been advised.

No Member shall obtain financial gain from the use of City developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the City of Vaughan.

No Member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her Official Duties.

Commentary:

Members, by virtue of their position, have access to a wide variety of property, equipment, services and supplies to assist them in the conduct of their City duties as public officials. This privilege should not be seen to be abused. In recognizing that Members are held to a higher standard of behavior and conduct, Members should not use such property for any purpose other than for carrying out their Official Duties. Careful attention should be given to the provisions of the City's Councillor expense policy which identifies approved allowable expenses.

During election campaigns, refer to Rule No. 5 and 7.

Rule No. 5

Election Campaign Work:

- 1. Members of Council are required to follow the provisions of the *Municipal Elections Act, 1996*.**

Commentary

Although the Integrity Commissioner of the City of Vaughan does not have jurisdiction to receive or investigate complaints regarding alleged contraventions of the *Municipal Elections Act*, the Integrity Commissioner shall forward any information regarding a potential breach of the *Municipal Elections Act* by a Member of Council, directly to the City Clerk.

- 2. No Member shall use the facilities, equipment, supplies, services or other resources of the City for any election campaign or campaign-related activities.**
- 3. No Member shall use the services of persons for campaign related activities during hours in which those persons receive any compensation from the City.**

Commentary

Paragraph 2 of Policy CL-008 – Permitting of City Facilities by Members of Council and Registered Candidates provides as follows: “Given that the Municipal Elections Act prohibits the use of corporate resources for election-related purposes, in a municipal election year, commencing on June 30th until the date of the election, Members of Council may not book directly, or indirectly, any City facility for any purpose that might be perceived as an election campaign purpose.”

Special attention should be given to section 10.0 of Policy CL-012 Council Member Expense Policy – Election Year Expenses.

Rule No. 6

Business Relations

- 1. No Member shall borrow money from any person who regularly does business with the City unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.**
- 2. No Member shall act as a paid agent before Council or a committee of Council or any agency, board, or committee of the City.**
- 3. No Member shall refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.**
- 4. If a Member becomes aware that an entity for which the Member has a material interest (or is a director or employee), may offer or provide goods, consulting or other services to the City, the Member will seek advice from the Integrity Commissioner about the application of the *Municipal Conflict of Interest Act* and whether, in consideration of the circumstances, membership is in the best interests of City. In providing this advice, the Integrity Commissioner will consider the risk of harm to the reputation of the Council.**
- 5. Members will comply section 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*, as amended from time to time.**
- 6. Declarations of pecuniary interests known to Members shall be recorded in the minutes of Committee and Council meetings. In the event that Member declares an interest during Closed Session, the Member shall affirm their declaration of interest at the beginning of the Open Session as noted on the agenda.**

Commentary

Members are mindful to avoid any activity that may give rise to consideration of personal gain as a result of holding public office.

Rule No. 7

Improper Use of Influence:

- 1. No Member shall use the influence of her or his office for any purpose other than for the exercise of her or his Official Duties.**

Commentary

Pursuant to corporate policy, the City Manager directs Deputy City Managers, who in turn, direct City staff. City Council and not individual Members of Council appropriately give direction to the City administration. This provision relates not only to the Member's actions in respect of City staff, but also in other ways as determined by the Integrity Commissioner in the course of conducting an inquiry.

Examples of prohibited conduct include: the use of one's status as a Member to improperly influence the decision of another person to the private advantage of oneself, or one's Parents, Child or Spouse, Staff, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which Members normally engage on behalf of others as part of their Official Duties as a Member. Also prohibited is the holding out of the prospect or promise of future advantage through a Member's supposed influence within the local board or at the City, in return for present actions or inaction.

Rule No. 8

Conduct At Council Meetings and Local Board Meetings

- 1. Members shall conduct themselves at meetings with decorum. Respect for deputants and for fellow Members and staff requires that all Members show courtesy and not distract from the business of the Council or local board during presentations and when other Members have the floor.**

Commentary

A Member recognizes the importance of cooperation and strives to create an atmosphere during Council, Committee, and local board meetings that is conducive to solving the issues before Council or the local board, listening to various point of view and using respectful language and behavior in relation to all those in attendance.

Rule No. 9

Transparency & Openness in Decision Making and Member's Duties

- 1. Members shall endeavour to conduct and convey City business and all their duties in an open and transparent manner (other than for those decisions which by virtue of legislation, Council Members are authorized to be dealt with in a confidential manner in closed session), so that stakeholders can view the process and rationale which was used to reach decisions, and the reasons for taking certain actions.**

Commentary

Various statutes, City by-laws, policies and procedures, as well as, decisions of courts and quasi-judicial tribunals form the basis of decisions made by City Council. Unless prohibited by legislation of by-law, Members should clearly identify to the public how a decision was reached and upon which law, procedure and policy their decision was based.

Rule No. 10

Media Communications

- 1. Members will accurately communicate the decisions of Vaughan's Council and local boards, even if they disagree with the decision, so that there is respect for and integrity in the decision-making processes of Council and local boards.**

Commentary

A Member may state that he or she did not support a decision or voted against the decision. A Member should refrain from making disparaging comments about other Members, and the processes and decisions of Council or the local board, as the case may be.

Rule No. 11

Representing the City

- 1. Members shall make every effort to participate diligently in the activities of the Committees, agencies, boards, commissions and advisory committees to which they are appointed.**

Commentary

Individual Members are appointed to committees, agencies, boards and commissions based on their various backgrounds and ability to contribute diligently to matters before them bringing their expertise and experience.

To participate diligently means that a Member shall not be absent from Council, agencies, boards and commissions meetings without reasonable justification (e.g. illness of Member or special family circumstance) for more than three consecutive scheduled meetings or on a regular basis.

Rule No. 12

Conduct Respecting Current and Prospective Employment:

- 1. No Member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the City.**

Rule No. 13

Encouragement of Respect for the City and Its By-Laws

- 1. Members shall encourage public respect for the City and its by-laws.**

Commentary

A Member must not denigrate a City by-law in responding to a citizen, as this undermines confidence in the City and the rule of law.

Rule No. 14

Harassment

- 1. Members shall be governed by the City's Respectful Workplace Policy.**
- 2. Harassment by a Member of another Member, Staff, or any member of the public, is misconduct.**
- 3. Upon receipt of a complaint that relates to Rule No. 14, the Integrity Commissioner may forward the information subject of the complaint to Human Resources who will refer it to an independent investigator.**

Commentary

It is the policy of the City of Vaughan that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

The City of Vaughan's Respectful Workplace Policy (Harassment and Discrimination) ensures a safe and respectful workplace environment and appropriate management of any occurrences of harassment and discrimination as defined by the policy.

The City of Vaughan Policy applies to Members and will provide guidance to the independent investigator. Upon receipt of the findings of the independent investigator, the Integrity Commissioner shall utilize the investigator's findings to make a determination on the application of the *Code of Ethical Conduct* and the merits to an investigation on the ethical conduct of the Member subject of the complaint.

Rule No. 15

Discreditable Conduct

- 1. Members shall conduct themselves with appropriate decorum at all times.**

Commentary

As leaders in the community, Members are held to a higher standard of behavior and conduct, and accordingly their behavior should be exemplary.

All Members of Council and local boards have a duty to treat members of the public, one another, and Staff appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment.

Rule No. 16

Conduct Respecting Staff:

- 1. No Member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.**
- 2. No Member shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.**
- 3. Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual Member or faction of the Council.**
- 4. No Member shall maliciously or falsely impugn or injure the professional or ethical reputation, or the prospects or practice of staff and all Members shall show respect for the professional capacities of the staff of the City.**

Commentary

Members should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.

Members of Council must recognize that only Council as a whole has the capacity to direct staff members to carry out specific tasks or functions as provided in the *Municipal Act*. The Administration, under the direction of the City Manager, serves the Council as a whole, and the combined interests of all Members as expressed through the resolutions of Council. An individual Member should not request staff to undertake extensive work or prepare lengthy reports, other than pursuant to a Council direction.

It is inappropriate for a Member to attempt to influence staff to circumvent normal processes in a matter or overlook deficiencies in a file or application. It is also inappropriate for Members to involve themselves in matters of administration or departmental management which fall within the jurisdiction of the City Manager. Any such attempts should be reported to the Integrity Commissioner.

Rule No. 17

Employment of Council Relatives/Family Members

- 1. No Member shall attempt to influence the outcome, or to influence any City employee to hire or promote a Member's family.**
- 2. No Member shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any member of his or her Family.**
- 3. No Member shall supervise a Family Member or be placed in a position of influence over a Family Member.**
- 4. No Member shall attempt to use a family relationship for his or her personal benefit or gain.**
- 5. Every Member shall adhere to the City's nepotism policy.**

Commentary:

If a Family Member of a Member is an applicant for employment with the City or candidate for promotion or transfer, the Family Member will proceed through the usual selection process pursuant to the City's hiring policies, with no special consideration.

Rule No. 18

Failure to Adhere To Council Policies and Procedures:

- 1. Members shall adhere to such by-laws, policies and procedures adopted by Council that are applicable to them.**

Commentary

A number of the provisions of this *Code of Ethical Conduct* incorporate policies and procedures adopted by Council. More generally, Members are required to observe the terms of all policies and procedures established by City Council.

Members of Council must pay special attention to, and comply strictly with, the Councillors Expense Policy.

This provision does not prevent a Member of Council from requesting that Council grant an exemption from a policy.

Rule No. 19

Reprisals and Obstruction:

- 1. No Member shall obstruct the Integrity Commissioner in the carrying out of her or his responsibilities.**
- 2. No Member shall threaten or undertake any act of reprisal against a person initiating an *inquiry or complaint* under the *Code of Ethical Conduct* or who provides information to the Integrity Commissioner in any investigation.**

Commentary

Members should respect the intent of the *Code of Ethical Conduct* and investigations conducted under it. It is also a violation of the *Code of Ethical Conduct* to obstruct the Integrity Commissioner in the carrying out of her or his responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications or refusing to respond in writing to a formal complaint lodged pursuant to the Complaint Protocol passed by Council.

Rule No. 20

Compliance with the *Code of Ethical Conduct*:

Members of Council

1. Upon receipt of the Integrity Commissioner's recommendations, and where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the *Code of Ethical Conduct*, Council may impose the following penalties on a Member of Council:
 - a) A reprimand; or
 - b) Suspension of the remuneration paid to the Member in respect of his or her services as a Member of Council for a period of up to 90 days.
2. Where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the *Code of Ethical Conduct*, the Integrity Commissioner may also recommend that Council take other remedial actions. Such remedial actions must be measures which are intended to address the violation and the effects of the violation. Such remedial actions may include but are not limited to the following:
 - a) Requiring repayment or reimbursement of moneys received by the Member.
 - b) Requiring the return of property, or reimbursement of its equivalent monetary value, received by the Member.
 - c) Requiring a written and/or verbal apology from the Member to Council, the complainant, or both.
 - d) Removal from membership of a Committee (if applicable) where, due to the Member's violation of the *Code of Ethical Conduct*, it would no longer be appropriate for the Member to sit on the Committee.
 - e) Removal as Chair of a Committee (if applicable) where, due to the Member's violation of the *Code of Ethical Conduct*, it would no longer be appropriate for the Member to chair the Committee.
3. Upon Council's decision on the Integrity Commissioner's recommendations, the Member whose has violated the *Code of Ethical Conduct* shall comply with Council's decision. Failure to comply with Council's decision shall constitute a contravention of this Code.

Members of Local Boards

1. Upon receipt of the Integrity Commissioner's recommendations, and where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the *Code of Ethical Conduct*, in the case of a Member of a local board, Council may impose the following penalties:
 - a) A reprimand;
 - b) Suspension of the remuneration paid to the Member in respect of his or her services as a Member of a Local Board for a period of up to 90 days; or
 - c) Removal from the Local Board.
2. Where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the *Code of Ethical Conduct*, the Integrity Commissioner may also

recommend that Council take other remedial actions. Such remedial actions may include but are not limited to the following:

- a) Requiring repayment or reimbursement of moneys received by the Member.
 - b) Requiring the return of property, or reimbursement of its equivalent monetary value, received by the Member.
 - c) Requiring a written and/or verbal apology from the Member to Council, the complainant, the local board, or any/all of these parties.
 - d) Removal from membership of a Committee (if applicable).
 - e) Removal as Chair of a Committee (if applicable).
3. Upon Council's decision on the Integrity Commissioner's recommendations, the Member whose has violated the *Code of Ethical Conduct* shall comply with Council's decision. Failure to comply with Council's decision shall constitute a contravention of this Code.

Commentary

Members of Council are accountable to the public through the election process. Between elections they may, for example, become disqualified and lose their seat if convicted of an offence under the *Criminal Code* of Canada or for failing to declare a conflict of personal interest under the *Municipal Conflict of Interest Act*.

In addition, the *Municipal Act* authorizes Council to impose either of two penalties on a Member following a report by the Integrity Commissioner that, in her or his opinion, there has been a violation of the *Code of Ethical Conduct*. For clarity, the Integrity Commissioner is not limited to the actions listed in 2 (a-e) above.

In the case of Members of local boards, these Members serve at the pleasure of Council. Accordingly, where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the *Code of Ethical Conduct*, Council has a broader range of disciplinary measures that may be taken.

Rule No. 21

Implementation

- 1. Members are expected to formally and informally review their adherence to the provisions of the *Code* on a regular basis or when so requested by the Integrity Commissioner.**
- 2. At the beginning of each term, Members will be expected to sign two copies of the *Code of Ethical Conduct*.**
- 3. At the beginning of each term, each Member of Council shall meet with the Integrity Commissioner.**
- 4. At the beginning of each term, each Member of Council shall file an explanatory statement of all community organizations in which they participate, in the form provided by the Integrity Commissioner, within 60 days of being elected or appointed. Thereafter, each Member of Council shall file or update their disclosure statement, once in every calendar year on the date established by the Commissioner.**
- 5. Councillors and members of the public should not assume that any unethical activities not covered by or not specifically prohibited by these ethical standards of conduct, or by any legislation, are therefore condoned.**

Commentary

At the beginning of each term, Members of Council will be expected to sign two copies of the *Code of Ethical Conduct* (one for themselves and one for the Clerk's Office) to convey to each other and all stakeholders that they have read, understand and accept it.

A *Code of Ethical Conduct* component will be included as part of the orientation workshop for each new Council.

Attachment 2
COMPLAINT PROTOCOL
FOR THE CODE OF ETHICAL CONDUCT FOR MEMBERS OF COUNCIL AND LOCAL BOARDS

Authority: *Municipal Act, 2001*, S.O. 2001, (as amended) CHAPTER 25 and as adopted by Council at its meeting held on _____, 2019.

1. Until such time as a new/revised *Council Code of Ethical Conduct* is adopted, only complaints relating to behaviour or activity occurring subsequent to March 1, 2019 will be addressed by this procedure.
2. After December 31, 2008 all complaints must be addressed in accordance with the below captioned procedure within six (6) months of the alleged violation or no action will be taken on the complaint.
3. Defined terms used but not defined in this Complaint Protocol shall have the same meaning as set out in the *Code of Ethical Conduct for Members of Council and Local Boards* (the "Code of Conduct").

PART A: INFORMAL COMPLAINT PROCEDURE

4. Individuals (including City employees, members of the public, Members of Council or local boards) who identify or witness behaviour or activity by a Member that appears to be in contravention of the Code of Conduct, or sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* ("MCIA") in the case of Council Members, may address the prohibited behaviour or activity themselves as follows:

- (i) Advise the Member that the behaviours or activity appears to contravene the Code of Conduct, or section 5, 5.1 or 5.2 of the MCIA in the case of Council Members;
- (ii) Encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity;
- (iii) Document the incidents including dates, times, locations, other persons present, and any other relevant information. Request that the Integrity Commissioner assist in the informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. If applicable, confirm to the Member your satisfaction with the response of the Member; or, if applicable, advise the Member of your dissatisfaction with the response; and

At the earliest possible juncture, the Member whose behaviour is complained of will be advised of an inquiry to the Integrity Commissioner under the Informal Complaint Procedure, and any complainant will be so advised;

- (iv) Pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with any other applicable judicial or quasi-judicial process or complaint procedure.

Individuals are encouraged to pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that they believe violates the Code of Conduct. The informal complaint procedure will not apply to complaints against Members in respect of section 5, 5.1 or 5.2 of the MCIA. With the consent of both the complaining individual and the Member, the Integrity Commissioner may participate in any informal process. The parties involved are encouraged to take advantage of the Integrity Commissioner's potential role as a mediator/conciliator of issues relating to a complaint. However, it is not a precondition or a prerequisite that those complaining to pursue the informal complaint procedure prior to pursuing the formal complaint procedure in Part B. The Integrity Commissioner will assess the suitability of the informal complaint process for settlement or resolution on an ongoing basis and may at any time decline to continue participation in the process. The complainant or the respondent can decline to participate in the informal complaint process at any time. The informal complaint procedure is an informal process, and the Integrity Commissioner will not perform an official investigation nor provide a public report, even if the parties agree to involve the Integrity Commissioner in this informal process.

PART B: FORMAL COMPLAINT PROCEDURE

Formal Complaints

5. Electors and individuals acting in the public interest (including City employees, members of the public, and Members of Council or local boards) who identify or witness behaviour or an activity by a Member that they believe is in contravention of the Code of Conduct, or sections 5, 5.1, or 5.2 of the MCIA in the case of Council Members, may file a formal complaint with the required information on the proscribed affidavit (see page 6 of this procedure):
 - (i) All complaints must be made on the Complaints Form/Affidavit and shall be dated and signed by an identifiable individual;
 - (ii) The complaint must include an explanation for why the issues raised may be a contravention of Code of Conduct or the MCIA. Evidence in support of the allegation must also be included;
 - (iii) Witnesses in support of the allegation must be named on the complaint form;
 - (iv) The Integrity Commissioner will provide a summary of the complaint to the respondent and to others who may be involved in carrying out this procedure;
 - (v) The complaint form/affidavit must include the name of the alleged violator, the provision of the Code of Conduct or MCIA allegedly contravened, facts constituting the alleged contravention, the names for the complainant during normal business hours;
 - (vi) Receipt of formal complaints will be acknowledged in writing;
 - (vii) If the complaint relates to an alleged violation of sections 5, 5.1, or 5.2 of the MCIA, the complaint must be made within six weeks after the applicant became aware of the alleged contravention. The complainant must also provide a statutory declaration to this effect in their application.

Filing of Complaint and Classification by Integrity Commissioner

6.
 - (i) The complaint shall be filed with the City Clerk who shall forward the matter to the Integrity Commissioner for initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code of Conduct, or sections 5, 5.1, or 5.2 of the MCIA in the case of Council Members, and not covered by other legislation or other Council policies as described in subsubsection 3. The Integrity Commissioner shall make a decision regarding classification within 30 days of receiving the complaint from the City Clerk.
 - (ii) If the complaint is not in the prescribed form, the Integrity Commissioner may defer the classification until a Complaint Form/Affidavit is received.

NOT A VIOLATION

- (iii) If the complaint, including any supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct, or sections 5, 5.1, or 5.2 of the MCIA in the case of Council Members, or the complaint is covered by other legislation or complaint procedure under another Council policy, the Integrity Commissioner shall advise the complainant in writing as follows:

CRIMINAL MATTER

- (a) If the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code* of Canada, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate Police Service.

MUNICIPAL CONFLICT OF INTEREST ACT

- (b) If the complaint on its face is with respect to non-compliance with the *Municipal Conflict of Interest Act*, save an except sections 5, 5.1, and 5.2, the complainant shall be advised to review the matters with the complainant's own legal counsel.

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- (c) If the complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter must be referred to the City Clerk for Access and Privacy Review.

OTHER POLICY APPLIES

- (d) If the complaint seems to fall under another policy, the complainant shall be advised to pursue the matter under such policy.

LACK OF JURISDICTION

- (e) If the complaint is, for any reason not within the jurisdiction of the Integrity Commissioner, the complainant shall be so advised and provided with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

MATTER ALREADY PENDING

- (f) If the complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a court proceeding, Human Rights complaint or similar process, the Integrity Commissioner may, in his/her sole discretion suspend any investigation pending the result of the other process.
- (g) If the Integrity Commissioner has already reviewed and rendered a decision or has investigated the matter subject of the complaint, the complainant will be advised that the matter cannot be further pursued through the Code complaint process

INDIVIDUAL NOT ACTING IN THE PUBLIC INTEREST

- (h) If the Integrity Commissioner is of the opinion that the individual making the complaint is not acting in the public interest, the complainant shall be so advised, and the Integrity Commissioner shall not conduct an investigation. In assessing whether a complainant is acting in the public interest, the Integrity Commissioner shall consider: (i) whether the complainant is advancing a concern, issue or complaint that involves an issue of importance to some or all citizens of Vaughan rather than a private interest which is mainly of interest to the affected parties; and (ii) whether the complaint is vexatious, frivolous, or unreasonably persistent, as set out in the City of Vaughan's Vexatious and Frivolous Complaints Policy. The Integrity Commissioner may also consider any other relevant facts in assessing whether a complainant is acting in the public interest.

Investigation

7. (i) Where the Integrity Commissioner determines that an investigation is warranted, he/she will proceed as follows, except where otherwise required by the *Public Inquiries Act*, 2009, S.O. 2009, c. 33, Sched. 6:
 - a. Give the complaint to the Member whose conduct is in question with a request that a written response to the allegation be provided within ten days; and
 - b. Give a copy of the response provided to the complainant with a request for a written reply within ten days.
- (ii) If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials and may enter any City work location relevant to the complaint for the purpose of investigation and potential resolution.
- (iii) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction, delay or retaliation encountered during the investigation.
- (iv) If the Integrity Commissioner is of the opinion that the referral of a matter to him/her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, and where this becomes apparent in the course of an investigation, terminate the investigation.

Opportunities for Resolution

8. Following receipt and review of a formal complaint, or at any time during the investigation, where the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the Member agree, efforts may be pursued to achieve an informal resolution.

No Complaint Prior to Election

9. (i) Notwithstanding any other provisions of this Protocol, no complaint may be referred to the Integrity Commissioner, or forwarded by the Clerk for review and/or investigation between the regularly scheduled nomination day and voting day in any year in which a regular municipal election will be held.
- (ii) If the Commissioner has not completed an inquiry before nomination day for a regular election the Commissioner shall terminate the inquiry on nomination day.
- (iii) If an inquiry is terminated in accordance with section 12(ii), the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election the person who made the application or the Member or former Member whose conduct is concerned applies in writing to the Commissioner for the inquiry to be carried out.
- (iv) Where an inquiry has been terminated, and the complainant or former Member has requested the inquiry be carried out, the Integrity Commissioner shall be permitted to use any information and evidence obtained prior to the termination. If no request is made to carry out the inquiry, no review or investigation shall be made.

Reporting on Code of Conduct Investigations

10. (i) The Integrity Commissioner shall report to the complainant and the Member generally no later than 90 days after the receipt of the Complaint Form/Affidavit of the complaint. If the investigation process takes more than 90 days, the Integrity Commissioner shall provide an interim report and must advise the parties the date the report will be available.
- (ii) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining the findings, the terms of any settlement, or recommended corrective action. Where the complaint is not sustained, the Integrity Commissioner shall report to Council the result of the investigation.
11. (i) Where the Integrity Commissioner reports to Council that in her or his opinion, there has been a violation of the Code of Conduct, the municipality may impose penalties and remedial actions in accordance with the *Municipal Act* and the Code of Conduct. The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any respondent unless the respondent has had notice of the basis for the proposed finding and any recommended sanction or remedial action, and an opportunity either in person or in writing to comment on the proposed findings.
- (ii) If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner may so state in the report and may make appropriate recommendations pursuant to the *Municipal Act* and the Code of Conduct.
- (iii) The Integrity Commissioner shall give a copy of the report to the complainant and the Member whose conduct is concerned.
- (iv) Upon receipt of a report, the Clerk shall process the report for the next meeting of Council's Committee of the Whole.

Reporting on MCIA Investigations

12. (i) The Integrity Commissioner shall complete his/her investigation into alleged contraventions of sections 5, 5.1, or 5.2 of the MCIA within 180 days after the receipt of the Complaint Form/Affidavit. However, this section does not apply if the investigation is terminated in accordance with section 223.4.1(12) of the *Municipal Act*.
- (ii) If, upon completion of the investigation, the Integrity Commissioner determines that on a balance of probabilities there has been a violation of the MCIA, or is otherwise of the opinion that it is in the City's interest for a judge to determine if there has been a violation of the MCIA, the Integrity Commissioner may apply to a judge for such a determination. For greater certainty, nothing in this Protocol shall prevent a complainant from bringing their own application to a judge for a determination of whether there has been a violation of sections 5, 5.1, or 5.2 of the MCIA.
- (iii) Upon completion of the investigation, the Integrity Commissioner shall advise the complainant whether the Commissioner will be making an application to a judge for a determination if there has been a violation of the MCIA. The Integrity Commissioner shall publish written reasons for his/her decision within 90 days of such decision. The Integrity Commissioner shall periodically report to Council on the outcome of his/her investigations of alleged MCIA contraventions.

No Reports Prior to Election

13. Notwithstanding any other provisions of this Protocol, between nomination day and voting day for a regular municipal election, the Integrity Commissioner shall not make any report to Council or to any other person about whether a Member has contravened the Code of Conduct, including sections 5, 5.1, or 5.2 of the MCIA in the case of Council Members.

Duty of Council

14. Council shall consider and respond to the report within 45 days after the day the report is presented to it (this timeline shall be extended as necessary in the case of summer hiatus and festive closure).

Public Disclosure

15. (i) The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality where appropriate and where this does not interfere with the course of any investigation, except as required by law and as required by this complaint protocol.

(ii) At the time of the integrity Commissioner's report to Council, and as between the parties, the identity of the Respondent shall not be treated as confidential information.

(iii) All reports from the Integrity Commissioner to Council will be made available to the public.

Please see Complaint Form/Affidavit below.

Please note that signing a false affidavit may expose you to prosecution under Section 131 and 132 or 134 of the *Criminal Code*, R.S.C.1985,c.C-46, and also to civil liability for defamation.

Page __ of __

Complaint Form/Affidavit

AFFIDAVIT OF

_____[full name]
I, _____[full name], of the [City, Town, etc.] of _____
_____[municipality of residence]
in the Province of Ontario.

MAKE OATH AND SAY [or AFFIRM]:

1. I have personal knowledge of the facts as set out in this affidavit, because

_____[insert reasons e.g. I Work for...I attended the
meeting at which....etc.]

2. I have reasonable and probable grounds to believe that a Member of Vaughan City Council, or a Member of a Vaughan local board, as set out in the *Code of Ethical Conduct for Members of Council* (the "Code of Conduct")

_____[specify
name of member], has contravened section(s) _____[specify section(s)] of the
Code of Conduct or sections 5, 5.1, or 5.2 of the *Municipal Conflict of Interest Act* in the case of Council
Members. The particulars of which are as follows: [Set out the statements of fact in consecutively
numbered paragraphs in the space below, with each paragraph being confined as far as possible to a
particular statement of fact. If you require more space, please use the attached Schedule A form and
check the appropriate box below. If you wish to include exhibits to support this complaint, please refer to
the exhibits as Exhibit A, B, etc. and attach them to this affidavit. If you are submitting a complaint in
respect of sections 5, 5.1, or 5.2 of the *Municipal Conflict of Interest Act*, please be aware that your
affidavit must include a statutory declaration in accordance with section 223.4.1(6) of the *Municipal Act*]

Please see attached Schedule A _____ (check if applicable)

1. This affidavit is made for the purpose of requesting that this matter be reviewed and for no other purpose.

SWORN [or AFFIRMED] before me at
the [City, Town, etc. of _____]
_____)
_____ in the Province of Ontario on _____)
_____[date] _____)

[Signature of commissioner]

A Commissioner for taking affidavits, etc. _____)

Schedule A
(Additional Information)

To the affidavit required under subsection 5 of The Formal Complaint Procedure
[If more than one page is required, please photocopy this blank page and mark each additional page as 2
of 2, 2 of 3, etc. at the top right corner.]

This image shows a full page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, providing a template for writing. There are no margins, text, or other markings on the page.

This Schedule A referred to in the affidavit of _____ [full name]
Sworn [or Affirmed] before me on this _____ day
of _____, _____.

A Commissioner for taking affidavits, etc.

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER XX-2020

A By-law to provide for the indemnity and defence of members of council, members of local boards, and employees of the Corporation against loss or liability incurred while acting on behalf of the Corporation, and to repeal By-law 91-2011, as amended.

WHEREAS Section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to govern;

AND WHEREAS Section 279(1) of the *Municipal Act, 2001*, as amended, provides that a municipality may, subject to certain limitations, act as an insurer and protect present and former members of council, local boards, employees, and officers from risk that may involve pecuniary loss or liability on the part of those individuals;

AND WHEREAS Section 283(1) of the *Municipal Act, 2001*, as amended, provides that municipalities may pay any part of the remuneration and expenses of the members of any local board of the municipality and the officers and employees of the local board;

AND WHEREAS Section 283(2) of the *Municipal Act, 2001* as amended, provides that a municipality may only pay the expenses of members of council, local boards, employees, and officers if the expenses are of those persons in their capacity as members, officers or employees, among other considerations;

AND WHEREAS Section 223.3(6) of the *Municipal Act, 2001*, as amended, provides that a municipality shall indemnify and save harmless the Integrity Commissioner or any person acting under the instructions of that officer for costs reasonably incurred by either of them in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a duty or authority under Part V.1 of the *Municipal Act, 2001*, as amended, or a by-law passed under it or an alleged neglect or default in the performance in good faith of the duty or authority;

AND WHEREAS the Integrity Commissioner is authorized under sections 223.4 and 223.4.1 of the *Municipal Act, 2001* to conduct inquiries as it relates to the Code of Ethical Conduct for Members of Council and local boards and the *Municipal Conflict of Interest Act*;

AND WHEREAS Section 8 of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.

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50, as amended, allows an elector, an Integrity Commissioner of a municipality or a person demonstrably acting in the public interest to apply to a judge for a determination of the question of whether a member, or former member, has contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.

AND WHEREAS Section 14 of the *Municipal Conflict of Interest Act*, provides that a municipality may pass a by-law to protect a member of council or of any local board thereof against any costs or expenses incurred by the member as a result of a proceeding brought under *Municipal Conflict of Interest Act*, and for paying on behalf of or reimbursing the member for such costs or expenses, so long as the member has been found not to have contravened that Act.

NOW THEREFORE the Council of The Corporation of the City of Vaughan enacts as follows:

Section 1- Definitions and Interpretation

- (1) In this By-law, unless a contrary intention appears,
 - (a) “Advance Payment” means payment by the Corporation of actual and reasonable legal fees incurred by an Eligible Person in the course of defending the Legal Proceeding, in advance of a final disposition of the Legal Proceeding;
 - (b) “Code” means the Code of Ethical Conduct for Members of Council and Local Boards, as amended;
 - (c) “Code Complaint” means a formal or informal complaint made to the Integrity Commissioner, and includes an inquiry under section 223.4 or 223.4.1 of the *Municipal Act, 2001*.
 - (d) “Corporation” means The Corporation of the City of Vaughan;
 - (e) “City Solicitor” means the City Solicitor of the Corporation, or designate;
 - (f) “City Manager” means the City Manager of the Corporation, or designate;
 - (g) “Eligible Person” means any of the following persons of the Corporation:
 - (i) a current or former member of Council;
 - (ii) a current or former member of a local board;
 - (iii) the current or former Integrity Commissioner, including any person acting under the instructions of the Integrity Commissioner;
 - (iv) the current or former Lobbyist Registrar;
 - (v) current or former officers and employees.

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(h) "Legal Proceeding" means:

- (i) a civil proceeding or administrative action, including but not limited to an action, application, motion, hearing, trial; or
- (ii) a proceeding wherein a person is charged with an offence under the *Criminal Code*, R.S.C. 1985, c. C. 46 or the *Highway Traffic Act*, R.S.O. 1990, s. H.8; or
- (iii) a proceeding brought under section 8 of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50, as amended (the "MCIA"); or
- (iv) a Code Complaint; or,
- (v) a complaint to a professional association;

But excludes:

- (i) any proceeding commenced by the Corporation;
- (ii) any proceeding in which the Corporation is a party adverse in interest;
- (iii) any proceeding where the Corporation's and the Eligible Person's interests conflict; or
- (iv) any proceeding under the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched., as amended.

Section 2 - Indemnification of Eligible Persons

- (1) Subject to the provisions of this By-law, the Corporation shall indemnify an Eligible Person, and his or her heirs and legal representatives, in respect of any Legal Proceeding arising out of acts or omissions done or made by the Eligible Person:
 - (a) in his or her capacity as an Eligible Person, including those acts or omissions arising from the performance of any statutory duty imposed by any general or special Act; and
 - (b) acting in good faith and based on the reasonable belief that such acts or omissions were lawful and in the best interests of the Corporation or local board as applicable.
- (2) The Corporation shall reimburse members of Council and local boards for expenses incurred in obtaining legal advice to determine whether the member has a pecuniary interest in a matter which is the subject of consideration by council or a board.

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- (3) If an Eligible Person qualifies for indemnification in a Legal Proceeding under this By-law, the City will assume carriage of the Legal Proceeding on behalf of the Eligible Person, unless the City Solicitor determines that the City cannot represent the Eligible Person. For greater certainty, the City shall not assume carriage of a Legal Proceeding referred to in 1(h)(iii) or 1(h)(iv) above.
- (4) Where the City Solicitor determines that the City cannot represent the Eligible Person, the City Solicitor may request that the Eligible Person retain independent legal counsel and be indemnified for legal fees in accordance with this By-law.
- (5) The City Solicitor shall have the right to request that an Eligible Person obtain their own legal counsel at any time during the course of the Legal Proceeding if the City Solicitor is of the opinion that it is no longer appropriate for the City to defend and represent, or to continue to defend and represent the Eligible Person.
- (6) Where the City assumes the defence of a Legal Proceeding on behalf of an Eligible Person, the Eligible Person shall co-operate with the City and assist the City in the defence of the Legal Proceeding, as required by the City. This includes providing timely and fulsome responses to requests for information and attending the proceedings and meetings, as required.
- (7) Where an Eligible Person fails to co-operate and assist the City in accordance with section 2(6), the City Solicitor may determine that it would be inappropriate for the City to defend and represent, or continue to defend and represent, the Eligible Person, and the Eligible Person will no longer qualify for indemnification in respect of the Legal Proceeding.
- (8) If the City defends and represents the Eligible Person in a Legal Proceeding, the City shall not be responsible for any legal or other costs incurred by the Eligible Person unless such expenses have been pre-approved by the City Solicitor.

Section 3 - Process to Request Indemnification

- (1) If an Eligible Person is required to obtain their own legal representation pursuant to section 2, or if the Eligible Person is seeking to be reimbursed for legal expenses pursuant to section 2(2), he or she may make a written request for indemnification,
 - (a) to the City Solicitor; or,
 - (b) where the City Solicitor is the person seeking indemnification, to the City Manager; or
 - (c) where both the City Manager and the City Solicitor are named as parties in the legal proceeding giving rise to the request, to Council.
- (2) Upon receipt of a request for indemnification, the City Solicitor shall provide a written response within 10 business days of delivery of the request.

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- (3) A written request referred to in section 3(1) may include a request for Advance Payment of actual and reasonable legal fees. In the absence of such a request for Advance Payment, payment of legal fees shall be made after a final disposition of the Legal Proceeding or the completion of the matter referred to in section 2(2) as appropriate (where a final disposition includes termination or settlement of a Legal Proceeding).
- (4) Any Advance Payment made by the Corporation is subject to:
 - (a) A cap of \$25,000 if the Advance Payment is not assumed or paid for by the Corporation's insurer;
 - (b) the requirement to reimburse the City, as set out in sections 5(2), 5(3), and 5(4); and
 - (c) the condition that, if repayment of legal fees is required under this Bylaw, that repayment shall be made within 90 days of the final disposition of the Legal Proceeding.
- (5) If an Eligible Person wishes to seek Advance Payment for an amount exceeding \$25,000 as provided in section 3(4)(a), the City Solicitor shall bring a report to Council for direction.
- (6) If at any point the Eligible Person wishes to deviate from the repayment obligations to repay the City within 90 days, the Eligible Person shall make a request to the City Solicitor who shall bring the matter to Council to seek direction and approval.

Approval of Lawyer

- (7) A written request for indemnification referred to in Section 3.0(1) may include a request for approval of a lawyer chosen by the Eligible Person, or may request that the City Solicitor suggest three lawyers.
- (8) Where a request for indemnification seeks approval of a lawyer chosen by the Eligible Person, the response by the City Solicitor shall also:
 - (a) approve the request to retain the lawyer chosen by the Eligible Person; or
 - (b) deny the request and suggest three lawyers of the Corporation's choice who could represent the Eligible Person in the Legal Proceeding at issue.
- (9) Where the City Solicitor has suggested three lawyers, the Eligible Person shall select from the list and shall notify the City Solicitor of the selection, within 5 calendar days of receipt.

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Section 4 - Eligible Persons Served with Process

- (1) Subject to section 4(2), where an Eligible Person is served with any document which initiates a Legal Proceeding, he or she shall forthwith deliver the document to the City Solicitor.
- (2) Where a Member of Council or local board receives a Code Complaint the Member of Council or local board may request permission from the Integrity Commissioner to disclose the existence and general nature of the complaint to the City Solicitor in support of their request for indemnification under this By-law.

Section 5 - Manner and Extent of Indemnification

- (1) The Corporation shall provide indemnification to an Eligible Person as follows under this By-law:
 - (a) Assume carriage of the defence on behalf of the Eligible Person or pay the actual and reasonable expenses of defending such Eligible Person in the Legal Proceeding; and/or,
 - (b) pay any damages or costs, including any monetary penalty, or award against such Eligible Person as a result of a Legal Proceeding; and/or,
 - (c) pay, either by direct payment or by reimbursement, any expenses reasonably incurred by the Eligible Person as a result of a Legal Proceeding or a request for payment of fees under section 3; and/or,
 - (d) pay any sum required in connection with the settlement of a Legal Proceeding, provided that the City Solicitor approves the terms of the settlement;

to the extent that such costs, damages, expenses, monetary penalty, other award or other sums related to the Legal Proceeding are not assumed, paid or reimbursed under any provision of the Corporation's insurance for the benefit and protection of such person against any liability incurred by him or her.

- (2) If it is determined in a Legal Proceeding that an Eligible Person's acts or omissions giving rise to the Legal Proceeding did not:
 - (a) arise out of acts or omissions done or made by the Eligible Person in his or her capacity as an Eligible Person; or
 - (b) were not done or not made in good faith; or
 - (c) were not based on the reasonable belief that such acts or omissions were lawful and in the best interests of the Corporation,

the Eligible Person shall not be eligible for indemnification under this By-law, and shall be required to reimburse the Corporation for all funds paid on the Eligible

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Person's behalf pursuant to this By-law within 90 days of such a determination.

- (3) An Eligible Person is not entitled to indemnification under this By-law and must reimburse the Corporation for any legal fees paid by the Corporation in respect of a Legal Proceeding if:
 - (a) the Eligible Person is convicted of an offence in the case of a Legal Proceeding under section 1(h)(ii); or
 - (b) In the case of a proceeding brought under section 8 of the *MCIA*, the member of Council or local board has been found to have contravened section 5, 5.1 or 5.2 of the *MCIA*; or
 - (c) In the case of a Code Complaint, where a contravention has been found, unless:
 - (i) the contravention has occurred by reason of inadvertence; or
 - (ii) the contravention has occurred by reason of a bona fide error in judgment; or
 - (iii) the referral of the matter is frivolous, vexatious or not made in good faith and the Integrity Commissioner dismisses the complaint without an investigation, or determines that there are no grounds or insufficient grounds for an investigation; or
 - (iv) where it becomes apparent in the course of an investigation that there are insufficient grounds to continue the investigation, the Integrity Commissioner terminates the investigation and dismisses the complaint.
- (4) If an Eligible Person receives a payment through a costs award or settlement in respect of a Legal Proceeding for which the City has indemnified the Eligible Person, such amounts must be paid to the City upon receipt by the Eligible Person.
- (5) The City Solicitor, acting reasonably, may request or impose one or all of the following:
 - (a) Budgets for anticipated legal expenses; and/or
 - (b) Status Updates in respect of the progress of the proceedings; and/or
 - (c) A limit on quantum of indemnification.
- (6) If there is a dispute between the City Solicitor, acting reasonably, and the Eligible Person with respect to the account for legal expense payments, the City Solicitor may require that such account for reimbursement be assessed by a Court Assessment Officer prior to payment by the Corporation.
- (7) The City Solicitor shall be provided with copies of the statements of account on a monthly basis, which shall outline all fees and disbursements, and shall be

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provided with information relating to these accounts, as may be requested from time to time, in order to determine reasonableness of the account before any payment would be made.

Section 6 - Failure to Comply with By-law / Exclusions

- (1) If an Eligible Person who has been approved to receive indemnification fails or refuses to comply with any of the provisions of this By-law, or in the event of one or more of the following:
 - (a) the Eligible Person or his or her lawyer takes a step which is unnecessary, or otherwise prejudicial to the conduct of the Legal Proceeding, as determined by the City Solicitor; or
 - (b) the quantum of indemnification exceeds the Budget referred to in section 5(5); or
 - (c) the maximum amount of indemnification approved has been paid, or
 - (d) the Eligible Person commences a counterclaim, crossclaim, third party claim, application for judicial review, or other proceeding related to the Legal Proceeding for which reimbursement is sought, without first obtaining prior approval from the City Solicitor,

then the Corporation shall not be liable to assume or pay any of the costs, damages, expenses, monetary penalty or other sums as set out in this By-law.

Section 7 - Appeal

- (1) Notwithstanding other provisions of this Bylaw, where a person seeks to appeal or bring an application for judicial review with respect to a judgment or decision in a Legal Proceeding covered by this By-law, the Corporation shall have the sole discretion to determine whether the expenses of the appeal or judicial review will be covered by this By-law. If an individual pursues an appeal or application for judicial review without representation by the Corporation and is successful in that appeal, the Corporation shall have sole discretion to determine whether the Eligible Person shall be indemnified for his or her legal expenses.

Section 8 - Executive Acts Authorized

- (1) The City Solicitor is authorized to execute any necessary documents on behalf of the Corporation in order to give effect to this By-law according to its true intent and meaning.
- (2) Nothing in this By-law shall prevent the City Solicitor from bringing a report to Council to seek direction on any matter related to indemnification.

ATTACHMENT 3

Section 9 - Repeal

- (1) By-law 91-2011, as amended, is hereby repealed.

Section 10 - Force and Effect

- (1) This By-law comes into force on the day it is passed. For greater certainty:
- (a) For ongoing Legal Proceedings where the Corporation has assumed the defence of the matter on behalf of an Eligible Person, the City will continue to defend the Legal Proceeding on the Eligible Person's behalf, subject to the terms of this By-law.
 - (b) For all Legal Proceedings where indemnification was authorized under Bylaw 91-2011, as amended, those existing indemnification approvals will continue under this By-law, and be subject to the terms of this By-law.
 - (c) For ongoing Legal Proceedings in which an Eligible Person was required to retain their own counsel, including Code Complaints filed with the Integrity Commissioner prior to the enactment of this By-law where a final disposition has not been rendered, the provision of this By-law will apply.

Enacted by City of Vaughan Council this 11th day of March, 2020.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 10 of
Report No. 11 of the Committee
of the Whole
Adopted by Vaughan City
Council on March 9, 2020

Subject: [External] Fw: Indemnity By-law Email
Attachments: Indemnification By-law Comments (03.07.20) (11).docx-1.docx

c.25
Communication
COUNCIL: Mar 11/20
CW Rpt. No. 11 Item 14

From: MARIO FERRI <mario.ferri@rogers.com>

Sent: Sunday, March 08, 2020 10:26 AM

To: Bevilacqua, Maurizio <Maurizio.Bevilacqua@vaughan.ca>; Rosati, Gino <Gino.Rosati@vaughan.ca>; Jackson, Linda <Linda.Jackson@vaughan.ca>; lafrate, Marilyn <Marilyn.lafrate@vaughan.ca>; Carella, Tony <Tony.Carella@vaughan.ca>; DeFrancesca, Rosanna <Rosanna.DeFrancesca@vaughan.ca>; Racco, Sandra <Sandra.Racco@vaughan.ca>; Shefman, Alan <Alan.Shefman@vaughan.ca>; Law, Wendy <Wendy.Law@vaughan.ca>; Reali, Mary <Mary.Reali@vaughan.ca>; Craig, Suzanne <Suzanne.Craig@vaughan.ca>

Subject: [External] Fw: Indemnity By-law Email

Hi all:

Firstly, I would like to thank the City Solicitor and her team for the hard work put into revising the Indemnity By-law. I appreciate that recommendations of this nature are never easy and that much time and effort went into drafting the by-law now before Council for consideration.

Through this communication, I am suggesting several revisions to the by-law which result from a difference of opinion on eight principles that I believe underly the draft by-law (I apologize in advance if I have misstated those principles). Below, I have set out the eight principles that I understand to have been the foundation of the proposed by-law and I have set out my position and/or area(s) of disagreement respecting those principles.

In proposing the revisions in the attached, my intention is to ensure that eligible persons receive the coverage they require to defend themselves to the full extent of the law, within the bounds of the law, and in accordance with the principles of natural justice and procedural fairness, while at the same time, ensuring that the City's financial interests are protected.

I provide the below and the proposed revisions set out in the attached chart with the utmost respect for the work undertaken by the City Solicitor and her team.

- *Principle 1: That the City Solicitor should have the authority to limit the costs associated with mounting a defense on behalf of an eligible person*
 - In my opinion, all eligible persons should have the right to defend themselves to the full extent of the law, so long as the costs associated with the defence are appropriate as determined by an independent person with requisite knowledge to make such a determination.
 - Put another way, it is my belief that the City Solicitor should not have the burden or right to limit the defense that an eligible person can mount by restricting their access to cost recovery; in my opinion, limiting the defence of an eligible person in this manner may run counter to natural justice and procedural fairness.
 - The proposed \$25,000.00 cap on legal fees (subject to council approval for more) is unduly low.
 - In saying this, I must note that I believe that it is of the utmost importance to protect the Corporation from runaway legal fees. To address this, I have proposed that if the City Solicitor believes that the fees associated with a legal proceeding are not

reasonable, he/she can refer any invoice received to a Court Assessment Officer, and that if the City Solicitor takes advantage of this option, the Corporation should only be required to pay those fees which are deemed reasonable by a Court Assessment Officer. In Ontario, all persons may apply to the Court to have legal fees assessed by a Court Assessment Officer. This options ensures that an independent person with requisite knowledge determines whether the fees are reasonable or not – should the City Solicitor determine that this is necessary.

- To implement these principles, I am proposing revisions to the following sections: 3(4)(a) and 3(5), 5(5)(a), 5(5)(c), 5(6), 6(1)(a), 6(1)(b), and 6(1)(c).
- *Principle 2: That the City Solicitor should have the authority to choose the lawyer selected by the eligible person and that the default should be that the City Solicitor will take over the defense*
- In my opinion, all eligible persons should have the right to choose the lawyer that will represent them – a lawyer which in their opinion, has the requisite skill, knowledge, and experience to defend them.
- I understand that the right to be represented by the lawyer of your choice is a fundamental tenet of natural justice and procedural fairness.
- I also believe that the City Solicitor (and the City's legal department) should not have the burden of defending the eligible person as this may unduly bog down the legal department which should be focused on defending the interests of the Corporation – not the interests of an eligible person.
- To implement these principles, I am proposing revisions to the following sections: 2(3)(8), 3(7) – 3(9), and 5(1)(a).
- *Principle 3: That the City Solicitor should have the authority to determine whether the act or omission which is the subject of the proceeding was done in good faith prior to the conclusion of the legal proceeding*
- In my opinion, it is not appropriate to put the City Solicitor in the position of having to stand in judgement of the eligible person to determine whether an eligible person, including Members of Council, acted in good faith.
- In my opinion, it runs counter to natural justice and procedural fairness for the City Solicitor to make this decision without the benefit of evidence and submissions by the eligible person. I also believe that requiring the City Solicitor to have to have to receive such submissions and render a decision will unduly burden the City Solicitor and result in unnecessary costs to the Corporation.

- The underlying premise in our justice system is that all are innocent until proven guilty – requiring the City Solicitor to make this determination before the legal proceeding is concluded is unfair both to City Solicitor and the eligible person, and is not in-keeping with the principle that everyone is innocent until proven otherwise.
- Rather, eligible persons should be presumed innocent until proven otherwise and coverage should be provided based on an objective set of criteria – being that the person requesting coverage is an eligible person and the cost recovery must be in relation to a legal proceeding as those terms are defined in the By-law.
- To implement these principles, I am proposing revisions to the following sections: 2(1) and 3(2).
- *Principle 4: That the City Solicitor should have the authority to determine all of the legal steps taken by the eligible person*
- In my opinion, all eligible persons should have the right to defend themselves to the full extent of the law based on the legal advice that they receive from their individual lawyer. Put in another way, the City Solicitor should not be dictating the defence of eligible persons – the eligible person should be dictating their own defence taking into the consideration the advice they receive.
- Further, providing the City solicitor with notice of every legal step taken in order to receive the City Solicitors consent (and therefore cost coverage) may breach solicitor client privilege and is not appropriate. The defense of the eligible person must be governed by the eligible person and their lawyer only, not the City Solicitor, whose interest (the best outcome for the Corporation) may be at odds with the eligible persons best interest. The City solicitor's duty is to the Corporation, not eligible members. It is unfair an improper to require the City Solicitor to serve two masters.
- To implement these principles, I am proposing revisions to the following sections: 6(1)(d), 7, and 8.
- *Principle 5: That the by-law should not cover the eligible person where the interests of the corporation and the eligible person are not perfectly aligned or where the Corporation commenced the proceeding*
- In my opinion, the eligible person should be covered whether or not the interest of the Corporation and the interest of the eligible person are aligned and whether or not the Corporation commenced the proceeding.
- For example, in the Miele case, the City's interest(s) and the interest(s) of many members of council are not perfectly aligned.
- Also, in the case of a conflict of interest complaint, the law now dictates that an application against a member of council may be initiated by the Corporation through the integrity commissioner. This should not stop coverage.

- To implement these principles, I am proposing revisions to the following section: 1(h).

- *Principle 6: That because by-laws of this nature cannot be retroactive, the by-law should only cover those matters where a final decision is not yet issued*

- In my opinion, the by-law can and should cover all matters where a final decision is yet issued and/or where the invoices for legal services remain outstanding.

- To implement these principles, I am proposing revisions to the following section: 10(c).

- *Principle 7: That only the City Solicitor shall have the right to bring matters related to the By-law to Council*

- In my opinion, Members of Council should also be able to bring matters before Council.

- To implement these principles, I am proposing revisions to the following sections: 8(2).

- *Principle 8: That coverage should only be provided if the act or omission which is the subject of the proceeding was done through inadvertence or in good faith*

- In my opinion, this requires a subjective analysis which will complicate when the eligible person can/should be covered.

- To implement these principles, I am proposing revisions to the following sections: 3(4)(b), 5(2), and 5(3)(c).

Based on my difference(s) of opinion on the eight principles as set out above, I have suggested several revisions which are set out in detail in the attached word document which includes a chart that sets out: (i) the section reference, (ii) the suggested revisions to the by-law, and (iii) the detailed reasons for each proposed revisions.

I kindly request that my colleagues on Council and the City Solicitor review the attached document and consider the proposed revisions. I have invested a considerable amount of time considering the draft by-law and proposing the revisions set out in the attached document and I trust that my thoughts on this issue will receive fair and due consideration.

Thank you all.

Respectfully

Mario Ferri

Proposed Revisions:

Subsection	Revision	Reason
1(h) – definition of ‘legal proceeding’	Remove: “But excludes” section in its entirety.	<p>The current section excludes the following from coverage:</p> <ul style="list-style-type: none"> (i) any proceeding commenced by the Corporation; (ii) any proceeding in which the Corporation is a party adverse in interest; (iii) any proceeding where the Corporation’s and the Eligible Person’s interests conflict; or (iv) any proceeding under the <i>Municipal Elections Act</i> <ul style="list-style-type: none"> • There is no legal requirement to exclude any of the foregoing from coverage; <p>UNREASONABLE AND ARBITRARY LIMITATION OF COVERAGE:</p> <ul style="list-style-type: none"> • In my view, the proposed limitation of coverage is well beyond what is reasonable or acceptable. The purpose of the indemnification provisions of the Municipal Act is to protect eligible persons against loss due to action or inaction in carrying out their role in their capacity as an Eligible Person. This protection is not limited to only where their interests and the City’s interests are aligned, as you will see below. Rather, this section has the effect of deeming otherwise eligible persons ineligible based on a preconceived notion of guilt or wrongdoing which I cannot support; • With respect to (i) above, I have been given to understand that this clause would have the effect of nullifying coverage for many Conflict of Interest proceedings. Respecting Conflict of Interest proceedings, the City through its integrity commissioner is now the one who may make an application against an employee – see section 223.4.1 (15) of the Municipal Act. Under this provision of the by-law, if the integrity commissioner started an application, it is doubtful that the employee would be covered, even if they are found not to have contravened, because this would be a proceeding commenced by the City. I believe that eligible persons must be covered no matter who commences the proceedings, to do otherwise would deem the eligible person to be in the wrong no matter the outcome of the proceeding – this is not just right. It would also stop councillors from being covered where the City

		<p>commences a proceeding and the party who the City commenced the proceeding against, makes a third-party claim against an eligible person. My view is, we must provide coverage, no matter who commences the proceeding. This arbitrary limitation on coverage is unjustified.</p> <ul style="list-style-type: none"> • With respect to (ii) and (iii) above, these clauses may have the effect of nullifying coverage for many future proceedings. A good example is the current Miele claim against the City and many Councillors where the interests of the councillors in the action may not align with the City. This arbitrary limitation on coverage is unjustified. • With respect to (iv) above, this section should only apply where the proceeding is commenced against the otherwise eligible person when the eligible person is not taking an action in their capacity as an employee or representative of the City. In which case, coverage should not be provided as the eligible person is not acting within their duties as an employee or representative of the City. This exclusion is not required as case law already makes this rule applicable <u>and section 2(1) implements this rule as the action complained of must be taken in his/her capacity as an Eligible Person, which you are not doing if the action was taken as a candidate rather than a councillor for example.</u> Alternatively, this section could be saved so long as subsections (i) – (iii) are deleted in their entirety.
Section 2(1)	<p>Delete the following:</p> <p>(b) acting in good faith and based on the reasonable belief that such acts or omissions were lawful and in the best interests of the Corporation or local board as applicable.</p>	<p>BY-LAWS MUST BE <u>OBJECTIVE</u> NOT SUBJECTIVE:</p> <p>It is my understanding that, by-laws of this type are not permitted to be subjective in Ontario – whereas this section requires a subjective analysis of what was in the mind of the eligible person when the act complained of occurred.</p> <p>This by-law should not put any decision maker, and especially not an employee of the Corporation, in the position that they need to read into the mind of the eligible person. Should the City solicitor be standing in judgement of the eligible person? Is that fair to the City Solicitor?</p> <p>In this case, coverage is only provided if a decision maker makes the <u>subjective</u> determination that the eligible person thought that the act complained of was right without any</p>

		<p>facts or submissions by the eligible person – whereas, a decision of this type is required to be objective.</p> <p>DENIAL OF NATURAL JUSTICE AND PROCEDURAL FAIRNESS:</p> <p>If this section is to remain, natural justice and procedural fairness would require that the eligible person must be given the opportunity to make submissions on this issue – <u>this will complicate this process unnecessarily and bog down staff resources.</u></p> <p>IMPACT ON CITY RESOURCES:</p> <p>As it is proposed, this would require the City Solicitor to decide whether an action taken was in good faith. This would put him/her in a very precarious situation of judging the veracity of eligible persons intent – including the intent of members of council (who have power over her/his position). This is not a fair position to put the City Solicitor in. In addition, it would require the City Solicitor to review facts, hear submissions on the topic, and render a decision – this will have an impact on City resources which is not required or preferred.</p> <p>LIMITATION ONLY REQUIRED FOR COVERAGE OF INTEGRITY COMMISSIONER:</p> <p>The current by-law limits coverage to acts or omissions made in good faith and based on the reasonable belief that such acts or omissions were lawful and in the best interests of the Corporation. This limitation is only required to apply to the Integrity Commissioner and those officers who act under its instruction(s) pursuant to section 223.6(6) of the Municipal Act. However, in the current by-law, this section applies the limitation to all employees in all legal proceedings even though such limitation is not required.</p>
Section 2(3) – (8)	Delete in its entirety	<p>This section means that an eligible person must be represented by the City unless the City Solicitor thinks the City cannot represent the eligible person.</p> <p>DENIAL OF NATURAL JUSTICE AND PROCEDURAL FAIRNESS:</p> <p>This denies the eligible person their fundamental right embedded in the law of procedural fairness and natural justice to choose their own lawyer. It will also bog down the resources of the City. Eligible persons must, in my opinion, be given the right to select the representation they believe</p>

		<p>best suits them and who has their best interests at heart.</p> <p>What if the eligible person is not happy with the representation or attention they are receiving from the City Solicitor? – In accordance with this section, they would be forced to continue to use the City Solicitor in their defence, or face not having coverage, this is unacceptable.</p> <p>INHERENT CONFLICT OF INTEREST AND IMPROPER ROLE OF THE CITY SOLICITOR:</p> <p>It is generally accepted that the City Solicitor must, in accordance with his/her rules of professional conduct, take in the interests of the <u>Corporation</u> over any eligible person. Therefore, in a vast majority of cases, there will be an inherent conflict of interest if the City Solicitor is charged with defending an eligible person in a proceeding because the City Solicitor's <u>only</u> obligation is to the corporation.</p> <p>A good example is the current Miele claim where the City and many councillor's interests are not aligned.</p> <p>COMPLICATION BECAUSE COUNCIL WILL DIRECT PROCEEDINGS:</p> <p>Since the City Solicitor must act in accordance with direction from council, Council will be conducting the proceeding.</p> <p>IMPACT ON CITY RESOURCES:</p> <p>This will also bog down resources in the City's legal department for individual eligible persons whereas the focus of the City's legal department must be in the furtherance of the <u>City's</u> interests.</p> <p>REQUIRED SHARING OF INFORMATION:</p> <p>Pursuant to section 2(6) eligible persons are required to provide information to the City that they would otherwise only share with their personal representative. Eligible persons should not be required to share personal information with City staff in order to have coverage.</p>
Section 3(2)	<p>Revise section 3(2) as follows:</p> <p>Upon receipt of a request for indemnification, the City</p>	<p>BY-LAWS MUST BE <u>OBJECTIVE</u> NOT SUBJECTIVE:</p> <p>In my opinion, by-laws of this type cannot, and should not be subjective – and the current section requires a</p>

	<p>Solicitor shall provide a written response within 10 business days of delivery of the request.</p> <p><u>Coverage shall be provided if:</u></p> <p><u>(a) the requestor is an Eligible Person; and</u></p> <p><u>(b) the coverage requested is a proceeding.</u></p> <p><u>Otherwise, coverage shall be denied.</u></p>	<p>subjective analysis of what was in the mind of the eligible person when the act complained of occurred.</p> <p>BY-LAWS MUST BE CLEAR AND THE APPLICATION MUST BE REPEATABLE – THEREFORE CLEAR AND OBJECTIVE CRITERIA FOR COVERAGE MUST BE SET OUT:</p> <p>I believe that, Indemnification By-laws must have criteria and if met, coverage must be provided. In other words, anyone should be able to review the by-law and determine if they meet the pre-conditions for coverage. This is the case if the criteria to determine coverage is objective.</p> <p>My proposed revisions create an objective set of criteria that can be applied and will result in a repeatable outcome.</p>
<p>Sections 3(4)(a) and 3(5)</p>	<p>Delete in their entirety.</p>	<p>ARBITRARY CAP ON ONES RIGHT TO DEFEND THEMSELVES TO THE FULL EXTENT OF THE LAW:</p> <p>The proposed By-law caps the amount of indemnification to \$25,000.00. It seems to me that this is an arbitrary restriction on ones right to defend themselves, especially where their interests are not aligned with the City's (for instance in the Miele Claim) to the full extent of the law in a proceeding and I understand that it is not required by law. Ones ability to defend themselves to the full extent of the law should not be determined by the City Solicitor or Council.</p> <p>For example, in Miele claim, damages can be substantial if allegations are found to be valid. What if the City chose to limit indemnification to a fraction of the amount needed to cover the cost damages? Should employees be put to this risk? Currently eligible persons could be liable for millions of dollars through no fault of their own.</p> <p>I agree that eligible persons should not be permitted to act unreasonably in their defence and therefore run up improper legal bills. I am given to understand that, this is best addressed through a referral of the bills to an independent person with the requisite qualifications/knowledge to determine if such legal expenses are appropriate. The courts in Ontario already have this function through a 'Court Assessment Officer'. This is a fair and independent way to ensure that eligible persons do not unduly overcharge the City and will effectively reign in legal expenses.</p>

		<p>Section 5(6) ensures the City only pays reasonable legal costs as may be assessed by a Court Assessment Officer and the City will only be responsible for the amount found to be reasonable by this independent person with requisite expertise. Section 5(7) requires monthly invoices so the City Solicitor can determine the appropriateness of the amounts and can refer to the court assessment officer where required. This provides adequate protection for the City from run away legal fees.</p> <p>Section 3(5) is not required if section 3(4)(b) is deleted and therefore, it should be removed if section 3(4)(b) is removed.</p>
Section 3(4)(b)	<p>Revise as follows:</p> <p>(b) the requirement to reimburse the City, as set out in sections 5(2), and 5(3), and 5(4);</p>	<p>As will be discussed below, it is my opinion that section 5(2) is not appropriate as for the reasons set out. <u>Therefore, reference to 5(4) should be deleted simply for to adjust for renumbering when section 5(2) is deleted.</u></p>
Sections 3(7) – 3(9)	Delete in its entirety.	<p>This section gives the City Solicitor the right to determine who the eligible person chooses to defend him/her or to provide him/her with legal advice.</p> <p>DENIAL OF NATURAL JUSTICE AND PROCEDURAL FAIRNESS:</p> <p>This denies the eligible person their fundamental right embedded in the law of procedural fairness and natural justice to choose their own lawyer. Eligible persons must, in my opinion, be given the right to select the representation they believe has the requisite skill and knowledge, best suites them, and who has their best interests at heart.</p>
Section 5(1)(a)	Delete in its entirety.	<p>This section states that the City will assume carriage of the defence of the eligible person in a proceeding. I object to this section for the same reasons I object to section 3(7) – 3(9).</p> <p>DENIAL OF NATURAL JUSTICE AND PROCEDURAL FAIRNESS:</p> <p>This denies the eligible person their fundamental right embedded in the law of procedural fairness and natural justice to choose their own lawyer. I believe that eligible persons must, be given the right to select the representation they believe best suits them and who has their best interests at heart.</p>
Section 5(2)	Delete in its entirety.	This section states expenses occurred in a Legal Proceeding

		<p>will not be covered if it is determined that the act or omission giving rise to the Legal Proceeding <u>did not</u> [sic]: (b) were not done or not made in good faith; or (c) were not based on the reasonable belief that such acts or omissions were lawful and in the best interests of the corporation.</p> <p>It is my understanding that in most cases a court in a proceeding will not make this determination. In such a case – who would make the determination? Will the city take part in the hearing to request a court make such determination even where it is not relevant to the proceedings? This section should be removed for vagueness, for the potential financial impact on the City, and for mere impracticality.</p> <p>It is my belief that legal expenses incurred must be covered so long as such coverage does not offend the law. There is no requirement at law to provide for this limitation.</p>
Section 5(3)(c)	Delete in its entirety.	<p>This section states expenses occurred in defence of a code complaint will not be covered if the IC finds a contravention unless it is determined that the violation: (i) occurred through inadvertence; (ii) occurred by reason of a bona fide error in judgement; (iii) the referral was frivolous or vexatious, or (iv) where the investigation is stopped and investigation is terminated.</p> <p>Firstly, subsections 5(2)(c)(iii) and 5(2)(c)(iv) seem to be in error as these are circumstances where, by their very nature, no contravention of the code can be found so they must be deleted for that reason.</p> <p>Respecting subsections 5(2)(c) generally, it is my opinion that legal expenses incurred in defence of a code investigation must be covered, so long as such coverage does not offend the law. There is no requirement at law to provide for this limitation.</p>
Sections 5(5)(a) and 5(5)(c)	Delete in its entirety.	<p>Current section allows City to set budgets capping legal costs.</p> <p>ARBITRARY CAP ON ONES RIGHT TO DEFEND THEMSELVES TO THE FULL EXTENT OF THE LAW:</p> <p>It seems to me that this is an arbitrary restriction on ones right to defend themselves, especially where their interests are not aligned with the City's (for instance in the Miele</p>

		<p>Claim) to the full extent of the law in a proceeding and is not required by law. One's ability to defend themselves to the full extent of the law should not be determined by the City Solicitor or Council. In this case, it is determined by the City Solicitor or Council because they have the right to deny financial coverage.</p> <p>For example, in the Miele claim, damages can be substantial if allegations are found to be valid. What if the City chose to limit indemnification to a fraction of the amount needed to cover the cost damages? Should employees be put to this risk? Currently eligible persons could be liable for millions of dollars through no fault of their own.</p> <p>I agree that eligible persons should not be permitted to act unreasonably in their defence and therefore run up improper legal bills. In my opinion, this is best addressed through a referral of the bills to an independent person to determine if such legal expenses are appropriate. I understand that the courts in Ontario already have this function through a 'court assessment officer'. This is a fair and independent way to ensure that eligible persons do not unduly overcharge the City and will effectively reign in legal expenses.</p> <p>Section 5(6) ensures the City only pays reasonable legal costs as may be assessed by a Court Assessment Officer and the City will only be responsible for the amount found to be reasonable by this independent person with requisite expertise. Section 5(7) requires monthly invoices so the City Solicitor can determine the appropriateness of the amounts and can refer to the court assessment officer where required. This provides adequate protection for the City from runaway legal fees.</p>
Section 5(6)	<p>Add the following to the end of the section:</p> <p>"The Corporation shall have the right to limit the amount which it will reimburse, or provide Advance Payment, to the amount arrived at by the Court Assessment Officer"</p>	<p>This ensures that the City has the authority to limit reimbursements to the amount assessed by a Court Assessment officer. This strengthens the City's control over runaway legal expenses.</p>
Section 6(1)(a)	Delete in its entirety	<p>Current section allows City to set budgets capping legal costs.</p>

		<p>It appears to me that this section allows the City solicitor to deny coverage if the Solicitor does not agree with a legal step taken by the employee.</p> <p>This amounts to permitting the City solicitor to dictate legal steps taken. This section may be inappropriate as it may place the City solicitor in a conflict of interest (where the interests of the City and employee are not the same – for instance in the case of the Miele Claim), and may require the sharing of privileged legal strategy so the City Solicitor can determine the appropriateness of the action taken – this may require that the eligible person to reveal their legal strategy as sharing of this information may be determined to be a waiver of solicitor client privilege.</p> <p>Using the Miele claim as an example, the City Solicitor is required to defend its client (the City) and take all measures legally available to her to defend the City. If this by-law is passed as is, the City Solicitor would be permitted, by law, to limit the defence of the co-defendants by denying coverage of a legal step proposed to be taken which he/she believes is unnecessary, but which the lawyer hired to defend the eligible persons deems to be necessary. There is no appeal of this decision.</p>
Section 6(1)(b)	Delete in its entirety	<p>The current section allows the setting of limits to the City budget thereby capping legal costs.</p> <p>ARBITRARY CAP ON ONES RIGHT TO DEFEND THEMSELVES TO THE FULL EXTENT OF THE LAW:</p> <p>Again this is an arbitrary restriction on ones right to defend themselves, especially where their interests are not aligned with the City's (for instance in the Miele Claim) to the full extent of the law in a proceeding and is not required by law. One's ability to defend themselves to the full extent of the law should not be determined by the City Solicitor or Council.</p> <p>I agree that eligible persons should not be permitted to act unreasonably in their defence and therefore run up improper legal bills. In my opinion, this is best addressed through a referral of the bills to an independent person to determine if such legal expenses are appropriate. The courts in Ontario already have this function through a 'court assessment officer'. This is a fair and independent way to ensure that eligible persons do not unduly</p>

		<p>overcharge the City and will effectively reign in legal expenses.</p> <p>Section 5(6) ensures the City only pays reasonable legal costs as may be assessed by a Court Assessment Officer and the City will only be responsible for the amount found to be reasonable by this independent person with requisite expertise. Section 5(7) requires monthly invoices so the City Solicitor can determine the appropriateness of the amounts and can refer to the court assessment officer where required. This provides adequate protection for the City from run away legal fees.</p>
Section 6(1)(c)	Delete in its entirety	<p>The current section allows the setting of the City budget thereby capping legal costs.</p> <p>ARBITRARY CAP ON ONES RIGHT TO DEFEND THEMSELVES TO THE FULL EXTENT OF THE LAW:</p> <p>This is an arbitrary restriction on ones right to defend themselves, especially where their interests are not aligned with the City's (for instance in the Miele Claim) to the full extent of the law in a proceeding and is not required by law. Ones ability to defend themselves to the full extent of the law should not be determined by the City Solicitor or Council.</p> <p>I agree that eligible persons should not be permitted to act unreasonably in their defence and therefore run up improper legal bills. In my opinion, this is best addressed through a referral of the bills to an independent person to determine if such legal expenses are appropriate. The courts in Ontario already have this function through a 'court assessment officer'. This is a fair and independent way to ensure that eligible persons do not unduly overcharge the City and will effectively reign in legal expenses.</p> <p>Section 5(6) ensures the City only pays reasonable legal costs as may be assessed by a Court Assessment Officer and the City will only be responsible for the amount found to be reasonable by this independent person with requisite expertise. Section 5(7) requires monthly invoices so the City Solicitor can determine the appropriateness of the amounts and can refer to the court assessment officer where required. This provides adequate protection for the City from run away legal fees.</p>

Section 6(1)(d)	Delete in its entirety	<p>Requires City approval for an appeal, crossclaim, counterclaim, third-party claim, judicial review, etc.</p> <p>Eligible persons should not be required to get the consent of the City for these matters which are related to receiving the best defence possible.</p> <p>DENIAL OF PROCEDURAL FAIRNESS AND NATURAL JUSTICE:</p> <p>In order to ensure that justice is served, the eligible persons must be permitted to take all legal options they deem necessary in their own defence. To me this provision may act to effectively limit the options one can take. This arbitrary limit is unfair and not required.</p> <p>If the concern meant to be addressed is the legal fees, we can address this in the by-law through the ability to have the fees assessed by a Court Assessment Officer.</p> <p>POTENTIAL FOR CONFLICT:</p> <p>This section is inappropriate, may place the City solicitor in a conflict of interest (where the interests of the City and employee are not the same – for instance in the case of the Miele Claim), and may require the sharing of privileged legal strategy. If, for instance councillors were found to have offended the law in the Miele Claim, but the City was let off, the City Solicitor may be bound by her/his duty to the City to deny the councillors right to appeal, because any such appeal could open the City back up to being found to have been offside.</p>
Section 7	Delete in its entirety	<p>This amounts to permitting the City solicitor to dictate legal steps to taken.</p> <p>DENIAL OF PROCEDURAL FAIRNESS AND NATURAL JUSTICE:</p> <p>Ones ability to defend themselves to the full extent of the law should not be determined by the City Solicitor or Council. Under the MClA, if a councillor is found to violate and wish to appeal the decision, the City Solicitor should not have the right to deny coverage so the eligible person would be required to pay out of their own expense in order to defend themselves to the full extent of the law.</p> <p>POTENTIAL FOR CONFLICT:</p>

		<p>This section is inappropriate, may place the City solicitor in a conflict of interest (where the interests of the City and employee are not the same – for instance in the case of the Miele Claim), and may require the sharing of privileged legal strategy. If, for instance councillors were found to have offended the law in the Miele Claim, but the City was let off, the City Solicitor may be bound by his/her duty to the City to deny the councillors right to appeal, because any such appeal could open the City back up to being found to have been offside.</p>
Section 8(2)	<p>Revise as follows:</p> <p>“Nothing in this By-law shall prevent the City Solicitor <u>or Member of Council</u> from bringing a report to Council to seek direction on any matter related to indemnification.</p>	<p>This allows a member of council to also bring a matter to council as required.</p>
Section 10(c)	<p>Revise as follows:</p> <p>For ongoing Legal Proceedings in which an Eligible Person was required to retain their own counsel, including Code Complaints filed with the Integrity Commissioner prior to the enactment of this By-law where a final disposition has not been rendered <u>or where final accounts have not been settled</u>, the provision of this By-law will apply.</p>	<p>Extends coverage to those instances where final accounts have not been settled.</p>

COMMUNICATION : C 2
C W 2 : APRIL 21, 2020
ITEM : 7

DATE: April 14, 2020

TO: Hon. Mayor and Members of Council

FROM: Wendy Law, Deputy City Manager, Administrative Services & City Solicitor

RE: **Draft Indemnification By-law**

At the Committee of the Whole meeting on March 9, the Committee deferred consideration of the Indemnification By-law to a later date. Comments received from Deputy Mayor Ferri on the draft Indemnification By-law were presented at Committee as a Communication. Staff have responded to these comments in the chart attached as Appendix 1 to this Communication. In consideration of those comments, staff are proposing further amendments to the draft Indemnification Bylaw, as attached to this Communication as Appendix 2.

For context, the following principles are applicable in considering the Indemnification Bylaw:

1. As noted in my report on March 9, 2020, the *Municipal Act, 2001* authorizes a municipality to act as an insurer and indemnify its current and former members of council and employees ("Indemnified Persons") for pecuniary risks and losses. The *Act* also authorizes the payment of expenses incurred by any Indemnified Persons. In short, the Indemnification By-law serves as an insurance policy for the Indemnified Persons, and it is, in essence, an insurance and financial bylaw. This means that the primary issue for Council to decide is **the extent** to which the City will pay for individuals' legal expenses.
2. The *Municipal Act* is largely permissive when it comes to indemnification, not mandatory. This means that the *Act* allows the City to indemnify individuals but, outside of the Integrity Commissioner, the City is not required to provide indemnification. The By-law confers a privilege, not a right.
3. The *Municipal Act* and *Municipal Conflict of Interest Act* set certain limits on when and how a municipality can provide indemnification. The City's Indemnification By-law must comply with these limits. In addition, to protect the City's taxpayers, the Indemnification By-law should have clear checks and balances as well as cost control measures, similar to other by-laws that authorize expenditures.

4. Payments under the Indemnification By-law are generally funded through two sources:
 - a. Insurance - this provides coverage for the majority of the City's litigation.
 - b. General operating budget – to provide for coverage on matters that are not covered by insurance.
5. Given that the City's insurer is paying for most of the expenditures arising out of the City's Indemnification By-law, it is recommended that the By-law reflect the principles contained in the City's insurance policies, where applicable, to ensure that the City's insurance coverage remains intact. Of course, there are instances where it may serve valid public policy objectives for the City to insure against pecuniary losses irrespective of the City's insurance policy coverage. The current draft Indemnification By-law provides for those instances as well, while generally ensuring that the City is aligned with our insurance policies.
6. The Indemnification By-law applies to all current **and** former Members of Council, employees, board members, and Integrity Commissioners. Indemnification allows the City to protect these individuals from harm in the event of a legal proceeding. However, the City also needs to be able to protect itself by retaining a certain level of discretion, and tools to manage both the reputational risks and financial risks posed by ongoing litigation.
7. In response to the concern that the draft by-law may lead to arbitrariness in decisions, as in administering all by-laws, it is a fundamental principle in municipal law that the administration be conducted in a fair and consistent manner. Failure to do so is subject to judicial challenges. As such, although it is not explicitly stated in the by-law, the requirement to avoid arbitrariness and maintain consistency is inherently applicable.

As such, it is staff's recommendation that Recommendation #1 in the Report from the Deputy City Manager, Administrative Services and City Solicitor on the Indemnification Bylaw Amendments dated March 9, 2020 be deleted and replaced with the following:

1. That the Indemnification By-law, substantially in the form as attached to this Communication from the Deputy City Manager, Administrative Services and City Solicitor dated April 14, 2020, be enacted.

Draft By-law Section	Deputy’s Mayor’s Requested Revision & Reasons	Staff Comments	Benchmarking Against Other Municipalities
<p>1(h) “Legal Proceeding” means:</p> <p>(i) a civil proceeding or administrative action, including but not limited to an action, application, motion, hearing, trial; or</p> <p>(ii) a proceeding wherein a person is charged with an offence under the <i>Criminal Code</i>, R.S.C. 1985, c. C. 46 or the <i>Highway Traffic Act</i>, R.S.O. 1990, s. H.8; or</p> <p>(iii) a proceeding brought under section 8 of the <i>Municipal Conflict of Interest Act</i>, R.S.O.1990, c. M. 50, as amended (the “MCIA”); or</p> <p>(iv) a Code Complaint; or,</p> <p>(v) a complaint to a professional association;</p> <p>But excludes:</p> <p>(i) any proceeding commenced by the Corporation;</p> <p>(ii) any proceeding in which the Corporation is a party adverse in interest;</p> <p>(iii) any proceeding where the Corporation’s and the Eligible Person’s interests conflict; or</p> <p>(iv) any proceeding under the <i>Municipal Elections Act</i>, 1996, S.O. 1996, c. 32, Sched., as amended.</p>	<p>Remove “But excludes” section in its entirety.</p> <p>The current section excludes the following from coverage:</p> <p>(i) any proceeding commenced by the Corporation;</p> <p>(ii) any proceeding in which the Corporation is a party adverse in interest;</p> <p>(iii) any proceeding where the Corporation’s and the Eligible Person’s interests conflict; or</p> <p>(iv) any proceeding under the <i>Municipal Elections Act</i></p> <ul style="list-style-type: none">There is no legal requirement to exclude any of the foregoing from coverage; <p>UNREASONABLE AND ARBITRARY LIMITATION OF COVERAGE:</p> <ul style="list-style-type: none">In my view, the proposed limitation of coverage is well beyond what is reasonable or acceptable. The purpose of the indemnification provisions of the Municipal Act is to protect eligible persons against loss due to action or inaction in carrying out their role in their capacity as an Eligible Person. This protection is not limited to only where their interests and the City’s interests are aligned, as you will see below. Rather, this section has the effect of deeming otherwise eligible persons ineligible based on a preconceived notion of guilt or wrongdoing which I cannot support;With respect to (i) above, I have been given to understand that this clause would have the effect of nullifying coverage for many Conflict of Interest proceedings. Respecting Conflict of Interest proceedings, the City through its integrity commissioner is now the one who may make an application against an employee – see section 223.4.1 (15) of the Municipal Act. Under this provision of the by-law, if the integrity commissioner started an application, it is doubtful that the employee would be covered, even if they are found not to have contravened, because this would be a proceeding commenced by the City. I believe that eligible persons must be covered no matter who commences the proceedings, to do otherwise would deem the eligible person to be in the wrong no matter the outcome of the proceeding – this is not just right. It would also stop councillors from being covered where the City commences a proceeding and the party who the City commenced the proceeding against, makes a third-party claim against an eligible person. My view is, we must provide coverage, no matter who commences the proceeding. This arbitrary limitation on coverage is unjustified.	<p>This definition, including the exclusion section, is in the current Indemnification By-law 91-2011, as amended. The only new addition is section 1(h)(iv) that relates to the <i>Municipal Elections Act</i>.</p> <p>In reviewing this section, staff agree that subsection (iii) could be removed and have made the change in the revised by-law. However, staff recommend that indemnification be subject to certain general exclusions/ limitations even where there is no mandatory legal requirement to exclude coverage. This would prevent situations where the City would be paying for legal fees and costs in situations where the interests of the individuals seeking indemnity and the corporation conflict, as further discussed below. It is ultimately a financial and public policy decision of Council.</p> <p>The exclusion as contained in subsection (i) is important. Without this exclusion, the City could be paying for both sides of the litigation. If the City initiates litigation against an individual for alleged wrongdoing, it should not be required to pay for the legal fees of that individual as a matter of course. It is staff’s recommendation that the City should only pay for the opposing litigant’s fees under direction of the court or specific consideration of council on a case by case basis.</p> <p>With respect to proceedings under the <i>Municipal Conflict of Interest Act</i> (MCIA), this section does not nullify coverage. The legislation provides that when the Integrity Commissioner makes an application to court, the proceeding is not initiated by the City but by the Integrity Commissioner. Consultation with the Integrity Commissioner confirmed same. The Integrity Commissioner does not seek instructions from Council to start the proceeding, nor does the Integrity Commissioner take instruction from Council on how the proceeding is conducted. This means that the exclusion in section (i) does not have the effect of nullifying coverage for MCIA proceedings. In fact, the definition of a legal proceeding specifically included MCIA proceedings, where there is no finding of a contravention. (This is in line with the provisions of the MCIA.)</p>	<p>All other municipal Indemnification By-laws reviewed include exclusions to coverage. For instance, Toronto, York Region, Mississauga, London and Caledon do not indemnify for legal fees in proceedings where the municipality has sued the individual. All municipalities included varying other exclusions.</p>

	<ul style="list-style-type: none">With respect to (ii) and (iii) above, these clauses may have the effect of nullifying coverage for many future proceedings. A good example is the current Miele claim against the City and many Councillors where the interests of the councillors in the action may not align with the City. This arbitrary limitation on coverage is unjustified.With respect to (iv) above, this section should only apply where the proceeding is commenced against the otherwise eligible person when the eligible person is not taking an action in their capacity as an employee or representative of the City. In which case, coverage should not be provided as the eligible person is not acting within their duties as an employee or representative of the City. This exclusion is not required as case law already makes this rule applicable <u>and section 2(1) implements this rule as the action complained of must be taken in his/her capacity as an Eligible Person, which you are not doing if the action was taken as a candidate rather than a councillor for example</u>. Alternatively, this section could be saved so long as subsections (i) – (iii) are deleted in their entirety.	<p>With respect to this comment, it is our respectful opinion that it would not be an arbitrary decision on eligibility but one that would require justification (a general municipal law principle in by-law administration). As noted above, we agree that subsection (iii) can be removed to avoid the uncertainty as identified, but we recommend that subsection (ii) stays to provide Council with the ability to refuse paying for litigation where the City’s interest may be adverse.</p> <p>Subsection (iv) is the only new addition in the proposed by-law to the definition and it was included to provide clarity and reflects current case law.</p>	
<p>Section 2(1)</p> <p>Subject to the provisions of this By-law, the Corporation shall indemnify an Eligible Person, and his or her heirs and legal representatives, in respect of any Legal Proceeding arising out of acts or omissions done or made by the Eligible Person:</p> <p>(a) in his or her capacity as an Eligible Person, including those acts or omissions arising from the performance of any statutory duty imposed by any general or special Act; and</p> <p>(b) acting in good faith and based on the reasonable belief that such acts or omissions were lawful and in the best interests of the Corporation or local board as applicable.</p>	<p>Delete the following:</p> <p>(b) acting in good faith and based on the reasonable belief that such acts or omissions were lawful and in the best interests of the Corporation or local board as applicable.</p> <p>BY-LAWS MUST BE <u>OBJECTIVE</u> NOT SUBJECTIVE:</p> <p>It is my understanding that, by-laws of this type are not permitted to be subjective in Ontario – whereas this section requires a subjective analysis of what was in the mind of the eligible person when the act complained of occurred.</p> <p>This by-law should not put any decision maker, and especially not an employee of the Corporation, in the position that they need to read into the mind of the eligible person. Should the City solicitor be standing in judgement of the eligible person? Is that fair to the City Solicitor?</p> <p>In this case, coverage is only provided if a decision maker makes the <u>subjective</u> determination that the eligible person thought that the act complained of was right without any facts or submissions by the eligible person – whereas, a decision of this type is required to be objective.</p> <p>DENIAL OF NATURAL JUSTICE AND PROCEDURAL FAIRNESS:</p> <p>If this section is to remain, natural justice and procedural fairness would require that the eligible person must be given the opportunity to make submissions on this issue – <u>this will complicate this process unnecessarily and bog down staff resources</u>.</p>	<p>This requirement has been part of the City’s Indemnification By-law since 2011. In 2019, Council approved further amendments, which also included reference to this requirement. We recommend maintaining this section.</p> <p>This is a policy statement of Council in terms of what it is willing to indemnify for. It does not confer delegation of authority to the City Solicitor. In our respectful view, this statement is important as it releases the City of its obligation to pay for criminal, bad faith, or malicious behaviour of an Eligible Person, whether such is found by a court, tribunal or council. Please also note that criminal, bad faith and malicious actions and omissions are uninsurable.</p>	<p>The additional reference to the requirement to act in good faith was added in February 2019 to bring the City in-line with the requirements for indemnification included in other municipalities, particularly York Region. York Region does not provide indemnification where the individual “acted in bad faith” or the subject “actions or omissions were not within the individual’s good faith performance of his or her duties.”</p> <p>Most other municipalities reviewed also contain similar good-faith requirements. For instance, the City of Toronto does not indemnify its employees unless the acts in question were an “attempted performance in good faith of his or her duties”. Mississauga, Markham, London, Hamilton and Caledon all contain the requirement of “good faith” acts.</p>

	<p>IMPACT ON CITY RESOURCES:</p> <p>As it is proposed, this would require the City Solicitor to decide whether an action taken was in good faith. This would put him/her in a very precarious situation of judging the veracity of eligible persons intent – including the intent of members of council (who have power over her/his position). This is not a fair position to put the City Solicitor in. In addition, it would require the City Solicitor to review facts, hear submissions on the topic, and render a decision – this will have an impact on City resources which is not required or preferred.</p> <p>LIMITATION ONLY REQUIRED FOR COVERAGE OF INTEGRITY COMMISSIONER:</p> <p>The current by-law limits coverage to acts or omissions made in good faith and based on the reasonable belief that such acts or omissions were lawful and in the best interests of the Corporation. This limitation is only required to apply to the Integrity Commissioner and those officers who act under its instruction(s) pursuant to section 223.6(6) of the Municipal Act. However, in the current by-law, this section applies the limitation to all employees in all legal proceedings even though such limitation is not required.</p>	<p>Respectfully, we disagree with the need for making submissions and therefore bogging down staff resources. This is a policy statement of Council. If there is indication of bad faith, it will likely come out in the course of the proceeding. There is no decision authority conferred to the City Solicitor. In any event, denial of coverage under the Indemnification By-law is an important decision that would require clear justification to avoid a judicial challenge.</p> <p>Agreed that from a strictly legal perspective, there is no requirement of Council to include this limitation of indemnification. However, it is our understanding that this clause was introduced over a year ago to be consistent with other municipalities and to demonstrate the public policy objective of not indemnifying for bad faith behaviour. This is also consistent with general insurance policy coverage.</p>	
<p>Section 2(3) – (8)</p> <p>(3) If an Eligible Person qualifies for indemnification in a Legal Proceeding under this By-law, the City will assume carriage of the Legal Proceeding on behalf of the Eligible Person, unless the City Solicitor determines that the City cannot represent the Eligible Person. For greater certainty, the City shall not assume carriage of a Legal Proceeding referred to in 1(h)(iii) or 1(h)(iv) above.</p> <p>(4) Where the City Solicitor determines that the City cannot represent the Eligible Person, the City Solicitor may request that the Eligible Person retain independent legal counsel and be indemnified for legal fees in accordance with this By-law.</p> <p>(5) The City Solicitor shall have the right to request that an Eligible Person obtain their own legal counsel at any time during the course of the Legal Proceeding if the City Solicitor is of the opinion that it is no longer appropriate for the City to defend and represent, or to continue to defend and represent the Eligible Person.</p> <p>(6) Where the City</p>	<p>Delete sections 2(3)-2(8) in their entirety.</p> <p>This section means that an eligible person must be represented by the City unless the City Solicitor thinks the City cannot represent the eligible person.</p> <p>DENIAL OF NATURAL JUSTICE AND PROCEDURAL FAIRNESS:</p> <p>This denies the eligible person their fundamental right embedded in the law of procedural fairness and natural justice to choose their own lawyer. It will also bog down the resources of the City. Eligible persons must, in my opinion, be given the right to select the representation they believe best suits them and who has their best interests at heart.</p>	<p>These subsections are intended to ensure an appropriate level of litigation management and control when the City is paying for defences. We recommend keeping these sections in the proposed bylaw.</p> <p>Subsection (3) represents our general approach to insurance litigation defence. In our view, it is also the sensible approach to ensure that when the City is paying all costs of litigation, that it takes steps to avoid unnecessary increases in defence costs by involving multiple legal counsel, absent the existence of a clear conflict in representation.</p> <p>Legal counsel representing the City and other Eligible Persons have a professional duty to represent all parties fairly and completely. The representing lawyers (both internal and external counsel) owe a professional duty to represent all parties’ interests, not one to the exclusion of the other.</p> <p>Given that the City has the obligation to indemnify the Eligible Person – including any cost awards, it would automatically be in the City’s interest that the best defence is afforded to both the City and the Eligible Person. The reverse is not necessarily true, as the Eligible Person’s interest is strictly his/hers, and the City has less control over the defence while still having the obligation to pay. Ultimately, this is up to Council whether it wishes to diminish this control.</p> <p>Please also note that the City’s insurer has the right to select litigation counsel and the indemnified persons and the City have the obligation to cooperate or risk losing coverage. These are fundamental tenets of insurance coverage and this by-law is intended to ensure that the City’s insurance coverage is not diluted as a result of individual actions.</p>	<p>Similar sections are found in other municipal by-laws.</p> <p>In particular, the requirement for the City to assume the defence on behalf of an Eligible Person is a standard clause found in many Indemnification By-laws: York Region Toronto, Mississauga, Markham, Hamilton, Caledon, and London.</p> <p>The additional requirements for indemnification contained in sections 2(3)-2(8) are also found in other municipalities’ by-laws. For instance, the City’s draft indemnification By-law allows the City Solicitor to request an individual obtain their own legal counsel if there is a legal conflict. For comparison, the York Region By-law confirms that if a conflict of interest arises in a proceeding, the individual may retain their own counsel. The Regional Solicitor has “sole discretion” to make this decision, and his/her decision on the matter is final.</p>

<p>assumes the defence of a Legal Proceeding on behalf of an Eligible Person, the Eligible Person shall co-operate with the City and assist the City in the defence of the Legal Proceeding, as required by the City. This includes providing timely and fulsome responses to requests for information and attending the proceedings and meetings, as required.</p> <p>(7) Where an Eligible Person fails to co-operate and assist the City in accordance with section 2(6), the City Solicitor may determine that it would be inappropriate for the City to defend and represent, or continue to defend and represent, the Eligible Person, and the Eligible Person will no longer qualify for indemnification in respect of the Legal Proceeding.</p> <p>(8) If the City defends and represents the Eligible Person in a Legal Proceeding, the City shall not be responsible for any legal or other costs incurred by the Eligible Person unless such expenses have been pre-approved by the City Solicitor.</p>	<p>What if the eligible person is not happy with the representation or attention they are receiving from the City Solicitor? – In accordance with this section, they would be forced to continue to use the City Solicitor in their defence, or face not having coverage, this is unacceptable.</p> <p>INHERENT CONFLICT OF INTEREST AND IMPROPER ROLE OF THE CITY SOLICITOR:</p> <p>It is generally accepted that the City Solicitor must, in accordance with his/her rules of professional conduct, take in the interests of the <u>Corporation</u> over any eligible person. Therefore, in a vast majority of cases, there will be an inherent conflict of interest if the City Solicitor is charged with defending an eligible person in a proceeding because the City Solicitor’s <u>only</u> obligation is to the corporation.</p> <p>A good example is the current Miele claim where the City and many councillor’s interests are not aligned.</p> <p>COMPLICATION BECAUSE COUNCIL WILL DIRECT PROCEEDINGS:</p> <p>Since the City Solicitor must act in accordance with direction from council, Council will be conducting the proceeding.</p> <p>IMPACT ON CITY RESOURCES:</p> <p>This will also bog down resources in the City’s legal department for individual eligible persons whereas the focus of the City’s legal department must be in the furtherance of the <u>City’s</u> interests.</p> <p>REQUIRED SHARING OF INFORMATION:</p> <p>Pursuant to section 2(6) eligible persons are required to provide information to the City that they would otherwise only share with their personal representative. Eligible persons should not be required to share personal information with City staff in order to have coverage.</p>	<p>If an individual is unhappy with the representation that they are receiving, this can be discussed with the lawyers on the file and escalated to the City Solicitor or insurer to determine if the issues are such that separate representation is required. However, there can be many reasons why an individual is unhappy with the litigation approach, and the cause of such discontent may or may not be reasonable. While each file shall be reviewed on a case-by-case basis, in our view, it is important that the City maintain a general level of control in the management of litigation that it is paying for.</p> <p>Inherent conflict – this is the reason why there are instances when the City cannot represent an individual and separate representation is required (e.g. Code of Conduct complaints). Subsections (4) and (5) provide for that. For most litigation, the City and the Eligible Person have common interests. Also, the By-law provides coverage for pecuniary losses of the Eligible Person, which further solidifies the common interest. As a result, in most cases, it is appropriate for one set of counsel to act for both parties. In the Miele claim, where there is a conflict of interest, the individual defendants are represented by individual counsel.</p> <p>Staff can confirm that assuming the defence of a legal proceeding on behalf of an individual does not bog down the resources of the City. In most cases where an individual is named in a legal proceeding, the City of Vaughan is also named. This means that increase in workload to defend both parties is minimal. In contrast, coordinating multiple sets of counsel on a matter raises both legal costs and complications. Further, the insurer has the right to appoint counsel and may not always be willing to pay for multiple sets of counsel where representation by one lawyer is possible.</p> <p>Subsection (6) is important – we require the cooperation of the person receiving the benefit of a defence and indemnification to cooperate with the City to ensure that we can manage the litigation effectively. The duty to cooperate is also a fundamental basis to receive insurance coverage.</p>	<p>Section 2(6) requires an Eligible Person to cooperate in the defence of a Legal Proceeding. This section is intended to ensure that the lawyer defending the City and the Eligible Person have all necessary information required to advance a defence on behalf of the parties. This section is also standard across other Indemnification By-laws (York Region, Caledon, London, Toronto, Mississauga, Hamilton, Markham).</p>
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<p>Section 3(2)</p> <p>3(2) Upon receipt of a request for indemnification, the City Solicitor shall provide a written response within 10 business days of delivery of the request.</p>	<p>Revise section 3(2) as follows:</p> <p>Upon receipt of a request for indemnification, the City Solicitor shall provide a written response within 10 business days of delivery of the request. Coverage shall be provided if:</p> <p>(a) the requestor is an Eligible Person; and (b) the coverage requested is a proceeding.</p> <p>Otherwise, coverage shall be denied.</p> <p>BY-LAWS MUST BE <u>OBJECTIVE</u> NOT SUBJECTIVE:</p> <p>In my opinion, by-laws of this type cannot, and should not be subjective – and the current section requires a subjective analysis of what was in the mind of the eligible person when the act complained of occurred.</p> <p>BY-LAWS MUST BE CLEAR AND THE APPLICATION MUST BE REPEATABLE – THEREFORE CLEAR AND OBJECTIVE CRITERIA FOR COVERAGE MUST BE SET OUT:</p> <p>I believe that, Indemnification By-laws must have criteria and if met, coverage must be provided. In other words, anyone should be able to review the by-law and determine if they meet the pre-conditions for coverage. This is the case if the criteria to determine coverage is objective.</p> <p>My proposed revisions create an objective set of criteria that can be applied and will result in a repeatable outcome.</p>	<p>A similar section is found in the current Indemnification By-law as section 5. As our respectful opinion differs on the exclusion clauses, we do not recommend revising this section for the reasons as stated above.</p> <p>It is our respectful opinion that the By-law has the appropriate balance from an objectivity perspective. Section 3(2) is a written acknowledgement from the City Solicitor to confirm indemnification. The additional wording would only be applicable if Council wishes to expand the scope of indemnification as noted above.</p>	<p>Addressed above.</p>
<p>Sections 3(4)(a) and 3(5)</p> <p>3(4) Any Advance Payment made by the Corporation is subject to: (a) A cap of \$25,000 if the Advance Payment is not assumed or paid for by the Corporation’s insurer;</p> <p>3(5) If an Eligible Person wishes to seek Advance Payment for an amount exceeding \$25,000 as provided in section 3(4)(a), the City Solicitor shall bring a report to Council for direction.</p>	<p>Delete sections 3(4)(a) and 3(5) in their entirety.</p> <p>ARBITRARY CAP ON ONES RIGHT TO DEFEND THEMSELVES TO THE FULL EXTENT OF THE LAW:</p> <p>The proposed By-law caps the amount of indemnification to \$25,000.00. It seems to me that this is an arbitrary restriction on ones right to defend themselves, especially where their interests are not aligned with the City’s (for instance in the Miele Claim) to the full extent of the law in a proceeding and I understand that it is not required by law. Ones ability to defend themselves to the full extent of the law should not be determined by the City Solicitor or Council.</p> <p>For example, in Miele claim, damages can be substantial if allegations are found to be valid. What if the City chose to limit indemnification to a fraction of the amount needed to cover the cost damages? Should employees be put to this risk? Currently eligible persons could be liable for millions of dollars through no fault of their own.</p> <p>I agree that eligible persons should not be permitted to act unreasonably in their defence and therefore run up improper legal bills. I am given to understand that, this is best addressed through a referral of the bills to an independent person with the requisite qualifications/knowledge to determine if such legal expenses are appropriate. The courts in Ontario</p>	<p>We recommend keeping these sections in the proposed by-law.</p> <p>Please note that the \$25,000 cap is for Advance Payment, and not as a cap for overall litigation. And it is only applicable for matters not covered by the City’s insurer (e.g. Code of Conduct complaints).</p> <p>It is open to Council to increase this amount. Staff can provide the following context to inform Council’s decision:</p> <ul style="list-style-type: none">• The ability to allow advance payment up to \$25,000 was a consideration posed by the Integrity Commissioner in her Report to Council, dated February 11, 2020.• Until June 2019, indemnification for legal fees related to Code of Conduct investigations were limited to \$5,000.• As set out above, matters that are covered by the insurance company are not subject to the \$25,000 cap. The Miele claim is an insurance claim.• Relying on a Court Assessment Officer as the sole method of enforcing a budget will severely limit the City’s ability to manage legal expenses. Making an application to the Court Assessment Officer requires staff to obtain Council approval, prepare application	<p>Other municipalities also use spending “caps” as a method to control indemnification expenses. For instance, the City of Toronto limits indemnification for matters where a Member of Council is charged under a statute or sued in a civil proceeding to \$25,000. In the event the \$25,000 is spent before the legal matter is finished, further requests are referred to the Executive Committee for consideration and recommendation to Council.</p> <p>York Region also states that individuals may receive advance payment of legal fees for certain regulatory offences to \$15,000 and gives the Regional Solicitor sole discretion to determine whether advance payment is appropriate.</p> <p>The City of Mississauga requires the City Solicitor to seek direction from Council “to determine whether a cap should be imposed” if the City</p>

	<p>already have this function through a ‘Court Assessment Officer’. This is a fair and independent way to ensure that eligible persons do not unduly overcharge the City and will effectively reign in legal expenses.</p> <p>Section 5(6) ensures the City only pays reasonable legal costs as may be assessed by a Court Assessment Officer and the City will only be responsible for the amount found to be reasonable by this independent person with requisite expertise. Section 5(7) requires monthly invoices so the City Solicitor can determine the appropriateness of the amounts and can refer to the court assessment officer where required. This provides adequate protection for the City from run away legal fees.</p> <p>Section 3(5) is not required if section 3(4)(b) is deleted and therefore, it should be removed if section 3(4)(b) is removed.</p>	<p>materials, pay filing fees (approximately \$100), attend a hearing, etc. This is also complicated by the fact that applications to the Assessment Officer must be received within 1 month of receiving the bill, otherwise the City will be required to seek approval from a judge. While the Court Assessment Office is one tool to help manage legal spend, it is costly and ineffective as the sole tool.</p> <ul style="list-style-type: none">Ultimately it is up to Council to determine whether to advance more than \$25,000 prior to the decision being rendered. As noted in the proposed by-law, any requests for Advance Payment over \$25,000 shall be brought forward to Council for Council’s decision.	<p>Solicitor believes that the individual will require more than \$250,000 for indemnification.</p>
<p>Section 3(4)(b)</p> <p>3(4) Any Advance Payment made by the Corporation is subject to:</p> <p>(b) the requirement to reimburse the City, as set out in sections 5(2), 5(3), and 5(4); and</p>	<p>Revise section 3(4)(b) as follows:</p> <p>(b) the requirement to reimburse the City, as set out in sections 5(2), <u>and</u> 5(3), and 5(4);</p> <p>As will be discussed below, it is my opinion that section 5(2) is not appropriate as for the reasons set out. Therefore, reference to 5(4) should be deleted simply for to adjust for renumbering when section 5(2) is deleted.</p>	<p>This comment largely relates to section 5(2), which is addressed below.</p>	<p>Addressed below.</p>
<p>Sections 3(7) – 3(9)</p> <p>(7) A written request for indemnification referred to in Section 3.0(1) may include a request for approval of a lawyer chosen by the Eligible Person, or may request that the City Solicitor suggest three lawyers.</p> <p>(8) Where a request for indemnification seeks approval of a lawyer chosen by the Eligible Person, the response by the City Solicitor shall also:</p> <p>(a) approve the request to retain the lawyer chosen by the Eligible Person; or</p> <p>(b) deny the request and suggest three lawyers of the Corporation’s choice who could represent the Eligible Person in the Legal Proceeding at issue.</p> <p>(9) Where the City Solicitor has suggested three lawyers, the Eligible Person shall select from the list and shall notify the City Solicitor of the selection, within 5 calendar days of receipt.</p>	<p>Delete sections 3(7) – 3(9) in their entirety.</p> <p>This section gives the City Solicitor the right to determine who the eligible person chooses to defend him/her or to provide him/her with legal advice.</p> <p>DENIAL OF NATURAL JUSTICE AND PROCEDURAL FAIRNESS:</p> <p>This denies the eligible person their fundamental right embedded in the law of procedural fairness and natural justice to choose their own lawyer. Eligible persons must, in my opinion, be given the right to select the representation they believe has the requisite skill and knowledge, best suites them, and who has their best interests at heart.</p>	<p>These provisions are found in the current Indemnification By-law at section 6.</p> <p>As noted above, given the insurer’s right to appoint legal counsel, it is important that there is an ability to appoint counsel by the City. It is also our respectful opinion that it is in the City’s interest to have some level of control of legal counsel should the need arises. An Eligible Person’s request for counsel approval being rejected will be rare, as there is an obligation for the City to act fairly, but this section provides the City with appropriate protection should the need arise.</p> <p><i>Option for Code/MCIA proceedings:</i></p> <p>For proceedings where the City is not involved but which are subject to indemnification, such as Code of Conduct and MCIA proceedings, staff suggests that there is no need to obtain approval of legal counsel. Rather, there is only a requirement to ensure that the rates and invoices submitted are reasonable (e.g. commensurate with the experience/market rate of counsel and work conducted).</p> <p>Staff will make this amendment to the revised by-law.</p>	<p>Staff can confirm that the requirement for the City Solicitor to approve an individual’s legal counsel (which applies when there is a conflict between the City or when it would be inappropriate for the City to represent the individual) is standard in many Indemnification By-laws: York Region, City of Toronto’s Municipal Code, Mississauga, Markham, Hamilton, and Caledon. The City of London also requires that the individual be represented by the insurance company’s counsel in the context of insured claims.</p>
<p>Section 5(1)(a)</p> <p>5(1) The Corporation shall provide indemnification to an Eligible Person as follows under this By-law:</p>	<p>Delete section 5(1)(a) in its entirety.</p> <p>This section states that the City will assume carriage of the defence of the eligible person in a proceeding. I object to this section for the same reasons I</p>	<p>These comments relate to the Eligible Person’s ability to retain their own counsel and are addressed above.</p>	<p>Addressed above.</p>

<p>(a) Assume carriage of the defence on behalf of the Eligible Person or pay the actual and reasonable expenses of defending such Eligible Person in the Legal Proceeding; and/or,</p>	<p>object to section 3(7) – 3(9).</p> <p>DENIAL OF NATURAL JUSTICE AND PROCEDURAL FAIRNESS:</p> <p>This denies the eligible person their fundamental right embedded in the law of procedural fairness and natural justice to choose their own lawyer. I believe that eligible persons must, be given the right to select the representation they believe best suits them and who has their best interests at heart.</p>		
<p>Section 5(2)</p> <p>5(2) If it is determined in a Legal Proceeding that an Eligible Person’s acts or omissions giving rise to the Legal Proceeding did not:</p> <p>(a) arise out of acts or omissions done or made by the Eligible Person in his or her capacity as an Eligible Person; or</p> <p>(b) were not done or not made in good faith; or</p> <p>(c) were not based on the reasonable belief that such acts or omissions were lawful and in the best interests of the Corporation,</p> <p>the Eligible Person shall not be eligible for indemnification under this By-law, and shall be required to reimburse the Corporation for all funds paid on the Eligible Person’s behalf pursuant to this By-law within 90 days of such a determination.</p>	<p>Delete section 5(2) in its entirety.</p> <p>This section states expenses occurred in a Legal Proceeding will not be covered if it is determined that the act or omission giving rise to the Legal Proceeding <u>did not</u> [sic]: (b) were not done or not made in good faith; or (c) were not based on the reasonable belief that such acts or omissions were lawful and in the best interests of the corporation.</p> <p>It is my understanding that in most cases a court in a proceeding will not make this determination. In such a case – who would make the determination? Will the city take part in the hearing to request a court make such determination even where it is not relevant to the proceedings? This section should be removed for vagueness, for the potential financial impact on the City, and for mere impracticality.</p> <p>It is my belief that legal expenses incurred must be covered so long as such coverage does not offend the law. There is no requirement at law to provide for this limitation.</p>	<p>This section is similar to the sections noted above with respect to the obligation to act in good faith before indemnification is applicable. The discussions above apply. Please note that similar sections are also found in the current Indemnification By-law. In the current By-law, the City Manager, in consultation with the City Solicitor or designate, decides whether the Eligible Person’s acts were made in good faith or on the reasonable belief that the acts were lawful and in the best interest of the corporation.</p> <p>The <i>Municipal Act</i> and the MCIA set the rules for indemnification in municipalities. For indemnification to be allowed, the acts in question must have been properly done in the course of the individual’s official duties. This means that where an individual’s conduct is contrary to the performance of the individual’s duties, indemnification is not allowed. Bad faith acts, unlawful acts, and other actions are outside of an individual’s performance of their duties and should therefore not be eligible for indemnification. In our view, it further clarifies that such actions or omissions are outside of the Eligible Person’s capacity as a member or employee. As such, staff recommend that the above section should be kept in the By-law.</p> <p>Additionally, as discussed above, insurance companies will not provide coverage for actions taken in bad faith or criminal acts. This language is in line with our insurance coverage.</p>	<p>As discussed above, many other by-laws require that actions be taken in good faith for an individual to receive indemnification. For instance, York Region does not provide indemnification where the individual “acted in bad faith” or the subject “actions or omissions were not within the individual’s good faith performance of his or her duties.” As mentioned above, the City of Toronto’s Municipal Code, as well as By-laws from Mississauga, Markham, London, Hamilton, and Caledon all include “good faith” requirements.</p>
<p>Section 5(3)(c)</p> <p>5(3) An Eligible Person is not entitled to indemnification under this By-law and must reimburse the Corporation for any legal fees paid by the Corporation in respect of a Legal Proceeding if:</p> <p>(c) In the case of a Code Complaint, where a contravention has been found, unless:</p> <p>(i) the contravention has occurred by reason of inadvertence; or</p> <p>(ii) the contravention has occurred by reason of a bona fide error in judgment; or</p> <p>(iii) the referral of the matter is</p>	<p>This section states expenses occurred in defence of a code complaint will not be covered if the IC finds a contravention unless it is determined that the violation: (i) occurred through inadvertence; (ii) occurred by reason of a bona fide error in judgement; (iii) the referral was frivolous or vexatious, or (iv) where the investigation is stopped and investigation is terminated.</p> <p>Firstly, subsections 5([3])(c)(iii) and 5([3])(c)(iv) seem to be in error as these are circumstances where, by their very nature, no contravention of the code can be found so they must be deleted for that reason.</p> <p>Respecting subsections 5([3])(c) generally, it is my opinion that legal expenses incurred in defence of a code investigation must be covered, so long as such coverage does not offend the law. There is no requirement at law to provide for this limitation.</p>	<p>Please note that this section is proposed to reflect the eligibility considerations as put forward by the Integrity Commissioner in her report to Committee of the Whole (2) on March 9, 2020.</p> <p>Agreed – amendments to the proposed Indemnification By-law will be made accordingly.</p> <p>With respect to the general comment on 5(3)(c), technically there is no direct law that prohibits indemnification for violation of Code of Conduct. However, it is arguable whether a <u>deliberate</u> contravention of the Code of Conduct can be considered as an act within the Eligible Person’s capacity as a member of council or local board. All City employees and Members of Council and Local Boards are required to comply with</p>	<p>The City of Mississauga does not indemnify an individual for MCIA proceedings where the individual has been found not to have contravened the MCIA.</p> <p>The City of Markham also does not indemnify Members of Council where the member has contravened the Code of Conduct.</p>

<p>(iv) frivolous, vexatious or not made in good faith and the Integrity Commissioner dismisses the complaint without an investigation, or determines that there are no grounds or insufficient grounds for an investigation; or where it becomes apparent in the course of an investigation that there are insufficient grounds to continue the investigation, the Integrity Commissioner terminates the investigation and dismisses the complaint.</p>		<p>their respective Code of Conduct in performing their duties. If an individual has violated the applicable Code of Conduct and it was found that the violation was not done so by inadvertence or in error, an argument could be made that they have acted outside of the scope of their duties.</p>	
<p>Sections 5(5)(a) and 5(5)(c)</p> <p>The City Solicitor, acting reasonably, may request or impose one or all of the following:</p> <p>(a) Budgets for anticipated legal expenses; and/ or</p> <p>(b) Status Updates in respect of the progress of the proceedings; and/or</p> <p>(c) A limit on quantum of indemnification.</p>	<p>Delete sections 5(5)(a) and 5(5)(c) in their entirety.</p> <p>Current section allows City to set budgets capping legal costs.</p> <p>ARBITRARY CAP ON ONES RIGHT TO DEFEND THEMSELVES TO THE FULL EXTENT OF THE LAW:</p> <p>It seems to me that this is an arbitrary restriction on ones right to defend themselves, especially where their interests are not aligned with the City’s (for instance in the Miele Claim) to the full extent of the law in a proceeding and is not required by law. One’s ability to defend themselves to the full extent of the law should not be determined by the City Solicitor or Council. In this case, it is determined by the City Solicitor or Council because they have the right to deny financial coverage.</p> <p>For example, in the Miele claim, damages can be substantial if allegations are found to be valid. What if the City chose to limit indemnification to a fraction of the amount needed to cover the cost damages? Should employees be put to this risk? Currently eligible persons could be liable for millions of dollars through no fault of their own.</p> <p>I agree that eligible persons should not be permitted to act unreasonably in their defence and therefore run up improper legal bills. In my opinion, this is best addressed through a referral of the bills to an independent person to determine if such legal expenses are appropriate. I understand that the courts in Ontario already have this function through a ‘court assessment officer’. This is a fair and independent way to ensure that eligible persons do not unduly overcharge the City and will effectively reign in legal expenses.</p> <p>Section 5(6) ensures the City only pays reasonable legal costs as may be assessed by a Court Assessment Officer</p>	<p>These subsections are found in the current Indemnification By-law and are in accordance our general approach to litigation management.</p> <p>Staff agree that subsection (c) could benefit from a clarification that quantum of indemnification is in respect of <i>legal fees</i>, and the by-law will be amended accordingly.</p> <p>In terms of litigation budget, lawyers are routinely asked for budget in litigation and other matters – it allows for legal budgeting and assessment of the City’s financial exposure.</p> <p>These requirements (e.g. budgets and potential to limit indemnification) are a flow-through of the insurance company’s basic rights. Without these cost control mechanisms, the City/insurance company’s exposure to legal costs is dramatically increased, and insurance companies are unlikely to agree to insure the City if such broad exposure exists.</p> <p>It is important to note that all decisions regarding indemnification and budgets for legal matters must be <u>reasonable and in good faith</u>. If the City Solicitor arbitrarily denies indemnification or arbitrarily restricts legal budgets, that in itself is subject to another legal proceeding. Decisions about indemnification are therefore made based on reasonableness, fairness, principles of law, and with the understanding that improperly withholding indemnification will have negative consequences for the City.</p> <p>As discussed above, while the use of the Court Assessment Officer is one tool that is available to the City to control costs, if it is the only tool then the City will be unable to manage legal spend in cases where indemnification is provided. This would also not be acceptable to the insurer.</p>	<p>These types of provisions are also very common in Indemnification By-laws. For example, the York Region By-law states “The Regional Solicitor shall have the right to require and approve work plans, periodic budgets, status reporting and/or any other management of legal counsel that the Regional Solicitor deems to be appropriate.” As mentioned above, York Region also states that individuals may receive advance payment of legal fees for certain regulatory offences to \$15,000 and gives the Regional Solicitor sole discretion to determine whether advance payment is appropriate.</p> <p>The City of Toronto’s Indemnification Policy for Members of Council also provides cost control measures. The City of Toronto’s Municipal Code (which applies to indemnification of employees) confirms that “The City shall have the right to assess any account rendered by counsel acting for any employee in the defence of an action.”</p> <p>The City of Mississauga allows the City Solicitor to “set a reasonable global upset limit for legal costs” and also “establish reasonable hourly rates”. It also requires the City Solicitor to seek direction from Council if the indemnification of an</p>

	<p>and the City will only be responsible for the amount found to be reasonable by this independent person with requisite expertise. Section 5(7) requires monthly invoices so the City Solicitor can determine the appropriateness of the amounts and can refer to the court assessment officer where required. This provides adequate protection for the City from run away legal fees.</p>		<p>Eligible Person is expected to be over \$250K.</p> <p>The City of Markham also allows the City Solicitor to impose periodic budgets and workplans and review invoices.</p> <p>The Town of Caledon allows for a “reasonable global upset limit for legal costs” and for limits on hourly rates.</p> <p>The City of Brampton similarly provides the ability to reasonably limit indemnification expenses.</p>
<p>Section 5(6)</p> <p>5(6) If there is a dispute between the City Solicitor, acting reasonably, and the Eligible Person with respect to the account for legal expense payments, the City Solicitor may require that such account for reimbursement be assessed by a Court Assessment Officer prior to payment by the Corporation.</p>	<p>Add the following to the end of section 5(6):</p> <p>“The Corporation shall have the right to limit the amount which it will reimburse, or provide Advance Payment, to the amount arrived at by the Court Assessment Officer”</p> <p>This ensures that the City has the authority to limit reimbursements to the amount assessed by a Court Assessment officer. This strengthens the City’s control over runaway legal expenses.</p>	<p>Agreed, and this will be included in the revised by-law.</p>	<p>N/A</p>
<p>Section 6(1)(a)</p> <p>6(1) If an Eligible Person who has been approved to receive indemnification fails or refuses to comply with any of the provisions of this By-law, or in the event of one or more of the following:</p> <p>(a) the Eligible Person or his or her lawyer takes a step which is unnecessary, or otherwise prejudicial to the conduct of the Legal Proceeding, as determined by the City Solicitor; or</p>	<p>Delete section 6(1)(a) in its entirety.</p> <p>Current section allows City to set budgets capping legal costs.</p> <p>It appears to me that this section allows the City solicitor to deny coverage if the Solicitor does not agree with a legal step taken by the employee.</p> <p>This amounts to permitting the City solicitor to dictate legal steps taken. This section may be inappropriate as it may place the City solicitor in a conflict of interest (where the interests of the City and employee are not the same – for instance in the case of the Miele Claim), and may require the sharing of privileged legal strategy so the City Solicitor can determine the appropriateness of the action taken – this may require that the eligible person to reveal their legal strategy as sharing of this information may be determined to be a waiver of solicitor client privilege.</p> <p>Using the Miele claim as an example, the City Solicitor is required to defend its client (the City) and take all measures legally available to her to defend the City. If this by-law is passed as is, the City Solicitor would be permitted, by law, to limit the defence of the co-defendants by denying coverage of a legal step proposed to be taken which he/she believes is unnecessary, but which the lawyer hired to defend the eligible persons deems to be necessary. There is no appeal of this decision.</p>	<p>This section is currently found in the City’s Indemnification By-law. In our opinion, this section should remain in the by-law.</p> <p>This section is intended to ensure that Eligible Persons receiving the benefit of indemnification from the City do not take steps that are unnecessary or otherwise prejudice the City’s position. In our respectful opinion, this is critical to litigation management.</p> <p>In our respectful opinion, the City should not have to pay for unnecessary legal expenses, or to pay for lawyers who take positions that would cause the City to incur further costs by prejudicing the City in furtherance of an Eligible Person’s position. The intent of the Indemnification By-law is to protect the Eligible Person’s pecuniary losses; but it should not be done by exposing the City to further pecuniary losses that are unnecessary or inappropriate.</p> <p>An insurer may also refuse to pay for legal expenses that are unnecessary or prejudicial to their position, especially when they are paying for the Eligible Person’s legal expenses.</p> <p>For matters under insurance coverage, the insurance company has significant influence on the steps to be taken in a legal proceeding. If the suggested edits are adopted and an Eligible Person takes steps contrary to what the insurance company believes is necessary, it may deny coverage and the City may be required to pay for such steps out of pocket.</p> <p>Also as noted above, it is a fundamental principle that this by-law be administered in good faith and fairly. If the City acts unfairly or seeks to limit indemnification in bad faith, the City will be open to a</p>	<p>Such provisions are common in municipal indemnification By-laws.</p> <p>For example, the City of Markham confirms that Council may choose not to indemnify an individual if they “took a step which was unnecessary or otherwise prejudicial to the conduct of the covered action or proceeding”.</p> <p>The City of Mississauga will not pay costs, damages, expenses, etc. If the individual (or their counsel) took a “step which was unnecessary or otherwise prejudicial to the conduct of the Legal Proceeding, as determined by the City Solicitor”.</p>

		claim. As such, exclusions to indemnification are not imposed lightly and without reasons.	
<p>Section 6(1)(b)</p> <p>6(1) If an Eligible Person who has been approved to receive indemnification fails or refuses to comply with any of the provisions of this By-law, or in the event of one or more of the following:</p> <p>(b) the quantum of indemnification exceeds the Budget referred to in section 5(5); or</p>	<p>Delete section 6(1)(b) in its entirety.</p> <p>The current section allows the setting of limits to the City budget thereby capping legal costs.</p> <p>ARBITRARY CAP ON ONES RIGHT TO DEFEND THEMSELVES TO THE FULL EXTENT OF THE LAW:</p> <p>Again, this is an arbitrary restriction on ones right to defend themselves, especially where their interests are not aligned with the City's (for instance in the Miele Claim) to the full extent of the law in a proceeding and is not required by law. One's ability to defend themselves to the full extent of the law should not be determined by the City Solicitor or Council.</p> <p>I agree that eligible persons should not be permitted to act unreasonably in their defence and therefore run up improper legal bills. In my opinion, this is best addressed through a referral of the bills to an independent person to determine if such legal expenses are appropriate. The courts in Ontario already have this function through a 'court assessment officer'. This is a fair and independent way to ensure that eligible persons do not unduly overcharge the City and will effectively reign in legal expenses.</p> <p>Section 5(6) ensures the City only pays reasonable legal costs as may be assessed by a Court Assessment Officer and the City will only be responsible for the amount found to be reasonable by this independent person with requisite expertise. Section 5(7) requires monthly invoices so the City Solicitor can determine the appropriateness of the amounts and can refer to the court assessment officer where required. This provides adequate protection for the City from run away legal fees.</p>	<p>Please note that this is part of the current City's Indemnification By-law. This follows from the ability under the by-law to impose a limit of indemnification.</p> <p>Please see comments above.</p> <p>Please note that the Indemnification By-law does not limit one's ability to defend themselves in a court of law. Rather, it imposes a budget limitation on the spending such that the City will only be responsible up to a certain amount. This is similar to the City's insurance policy, which has a cap. Any claim that exceeds the coverage will be at the City's own expense.</p> <p>It is up to Council to decide whether it wishes to allow for indemnification without any quantum limits.</p>	<p>This section was part of the pre-existing Indemnification By-law. Examples of other By-laws which include budget requirements or limits on indemnification amounts are discussed above.</p>
<p>Section 6(1)(c)</p> <p>6(1)If an Eligible Person who has been approved to receive indemnification fails or refuses to comply with any of the provisions of this By-law, or in the event of one or more of the following:</p> <p>(c) the maximum amount of indemnification approved has been paid, or</p>	<p>Delete section 6(1)(c) in its entirety.</p> <p>The current section allows the setting of the City budget thereby capping legal costs.</p> <p>ARBITRARY CAP ON ONES RIGHT TO DEFEND THEMSELVES TO THE FULL EXTENT OF THE LAW:</p> <p>This is an arbitrary restriction on ones right to defend themselves, especially where their interests are not aligned with the City's (for instance in the Miele Claim) to the full extent of the law in a proceeding and is not required by law. Ones ability to defend themselves to the full extent of the law should not be determined by the City Solicitor or Council.</p> <p>I agree that eligible persons should not be permitted to act unreasonably in their defence and therefore run up improper legal bills. In my opinion, this is best addressed through a referral of the bills to an independent person to determine if such legal expenses are appropriate. The courts in Ontario already have this function through a 'court assessment officer'. This is a fair and independent way to ensure that eligible persons do</p>	<p>This is currently found in the City's Indemnification By-law and follows from the ability of the City to impose a cap on the indemnification. Please see staff's response above.</p>	<p>Please see above.</p>

	<p>not unduly overcharge the City and will effectively reign in legal expenses.</p> <p>Section 5(6) ensures the City only pays reasonable legal costs as may be assessed by a Court Assessment Officer and the City will only be responsible for the amount found to be reasonable by this independent person with requisite expertise. Section 5(7) requires monthly invoices so the City Solicitor can determine the appropriateness of the amounts and can refer to the court assessment officer where required. This provides adequate protection for the City from run away legal fees.</p>		
<p>Section 6(1)(d)</p> <p>6(1) If an Eligible Person who has been approved to receive indemnification fails or refuses to comply with any of the provisions of this By-law, or in the event of one or more of the following:</p> <p>(d) the Eligible Person commences a counterclaim, crossclaim, third party claim, application for judicial review, or other proceeding related to the Legal Proceeding for which reimbursement is sought, without first obtaining prior approval from the City Solicitor,</p> <p>then the Corporation shall not be liable to assume or pay any of the costs, damages, expenses, monetary penalty or other sums as set out in this By-law.</p>	<p>Delete section 6(1)(d) in its entirety.</p> <p>Requires City approval for an appeal, crossclaim, counterclaim, third-party claim, judicial review, etc.</p> <p>Eligible persons should not be required to get the consent of the City for these matters which are related to receiving the best defence possible.</p> <p>DENIAL OF PROCEDURAL FAIRNESS AND NATURAL JUSTICE:</p> <p>In order to ensure that justice is served, the eligible persons must be permitted to take all legal options they deem necessary in their own defence. To me this provision may act to effectively limit the options one can take. This arbitrary limit is unfair and not required.</p> <p>If the concern meant to be addressed is the legal fees, we can address this in the by-law through the ability to have the fees assessed by a Court Assessment Officer.</p> <p>POTENTIAL FOR CONFLICT:</p> <p>This section is inappropriate, may place the City solicitor in a conflict of interest (where the interests of the City and employee are not the same – for instance in the case of the Miele Claim), and may require the sharing of privileged legal strategy. If, for instance councillors were found to have offended the law in the Miele Claim, but the City was let off, the City Solicitor may be bound by her/his duty to the City to deny the councillors right to appeal, because any such appeal could open the City back up to being found to have been offside.</p>	<p>Section 6(1)(d) is found in the current City Indemnification By-law (the only addition is the reference to an application for judicial review).</p> <p>The principle of the Indemnification By-law is to protect against pecuniary losses of a person. In other words, it is intended to cover fees and awards arising out of a claim/proceeding against the Eligible Person (part of a defence). The initiation of appeals, judicial reviews, cross claims etc. are initiating processes. The Eligible Person takes on the position of the plaintiff or applicant/appellant. While counterclaim, cross claims and third-party claims can be effective as part of the overall defence, there should be consideration given to overall litigation management. Appeals and judicial review are initiating processes that are outside the scope of protection afforded in the Indemnification By-law. Council approval is required for those initiating processes.</p> <p>Decisions about appeals, counterclaims, etc. lead to significant financial implications for the City and its insurance company. It is important that due process is followed to ensure consistent and effective management of City resources. Council and the insurer (if applicable) must be made aware of the financial implications, and agree to incur such expenses, before any decisions are made.</p> <p>As mentioned above, these types of sections are also a flow through of the insurer's basic rights. The insurer has notification requirements included in policies, and often decisions about appeals, crossclaims, counterclaims, are made with the insurer's approval.</p> <p>Again, all decisions regarding indemnification must be made reasonably and in good faith. The City (and its insurer) must be able to make decisions about legal proceedings if the City/insurance company are bearing the cost.</p>	<p>These types of requirements are very common in municipal Indemnification By-laws. For instance, the York Region indemnification gives the Regional Solicitor sole discretion to determine whether an appeal should be commenced and whether the cost of the appeal will be borne by the Region.</p> <p>The City of London provides the City with the final authority to approve settlement for indemnified matters.</p> <p>The City of Markham also requires an individual to obtain approval from the City Solicitor before a counterclaim, crossclaim, third party claim, etc. is made.</p> <p>The City of Mississauga confirms it will not pay costs/damages for a matter if the individual or their counsel “initiated a counterclaim, crossclaim, third party claim, or other proceeding...”.</p> <p>The City of Toronto's Municipal Code states that all decisions about the defence of a proceeding (including decisions about counterclaims and third-party claims) shall be made by the City.</p>
<p>Section 7</p> <p>(7)Notwithstanding other provisions of this Bylaw, where a person seeks to appeal or bring an application for judicial review with respect to a judgment or decision in a Legal Proceeding covered by this By-law, the Corporation shall have the sole discretion to determine whether the</p>	<p>Delete section 7 in its entirety</p> <p>This amounts to permitting the City solicitor to dictate legal steps to taken.</p> <p>DENIAL OF PROCEDURAL FAIRNESS AND NATURAL JUSTICE:</p> <p>Ones ability to defend themselves to the full extent of the law should not be determined by the City Solicitor or Council. Under the MCIA, if a councillor is found to violate and wish to appeal the decision, the City Solicitor should not</p>	<p>This section is found in the current City Indemnification By-law.</p> <p>This section is written such that it is the <u>Corporation</u> (i.e. Council) that has the sole discretion to determine whether an appeal or judicial review will be covered by the by-law. The City Solicitor does not have any delegated authority under this section.</p>	<p>Addressed above.</p> <p>In addition, staff note that the City of Toronto's Municipal Code also confirms that the City shall have sole discretion to determine whether to represent an individual in an appeal and whether to pay related costs.</p> <p>Similarly, the City of</p>

<p>expenses of the appeal or judicial review will be covered by this By-law. If an individual pursues an appeal or application for judicial review without representation by the Corporation and is successful in that appeal, the Corporation shall have sole discretion to determine whether the Eligible Person shall be indemnified for his or her legal expenses.</p>	<p>have the right to deny coverage so the eligible person would be required to pay out of their own expense in order to defend themselves to the full extent of the law.</p> <p>POTENTIAL FOR CONFLICT:</p> <p>This section is inappropriate, may place the City solicitor in a conflict of interest (where the interests of the City and employee are not the same – for instance in the case of the Miele Claim), and may require the sharing of privileged legal strategy. If, for instance councillors were found to have offended the law in the Miele Claim, but the City was let off, the City Solicitor may be bound by his/her duty to the City to deny the councillors right to appeal, because any such appeal could open the City back up to being found to have been offside.</p>		<p>Markham retains the ability to determine whether an appeal should be commenced in a proceeding.</p>
<p>Section 8(2)</p> <p>8(2) Nothing in this By-law shall prevent the City Solicitor from bringing a report to Council to seek direction on any matter related to indemnification.</p>	<p>Revise section 8(2) as follows:</p> <p>“Nothing in this By-law shall prevent the City Solicitor or Member of Council from bringing a report to Council to seek direction on any matter related to indemnification.</p> <p>This allows a member of council to also bring a matter to council as required.</p>	<p>This amendment is not strictly necessary because members of Council always have rights to bring matters before Council. The only reason why this section is put in is to provide clarity that despite the authorization given in the by-law, the City Solicitor could seek direction from Council before exercising such discretion. Technically it is not required as notwithstanding any delegation of authority, the City Solicitor can bring a report to council to seek instructions any time, and the section was included only to provide clarity.</p>	<p>N/A</p>
<p>Section 10(c)</p> <p>This By-law comes into force on the day it is passed. For greater certainty:</p> <p>(c) For ongoing Legal Proceedings in which an Eligible Person was required to retain their own counsel, including Code Complaints filed with the Integrity Commissioner prior to the enactment of this By-law where a final disposition has not been rendered, the provision of this By-law will apply.</p>	<p>Revise 10(c) as follows:</p> <p>For ongoing Legal Proceedings in which an Eligible Person was required to retain their own counsel, including Code Complaints filed with the Integrity Commissioner prior to the enactment of this By-law where a final disposition has not been rendered, or where final accounts have not been settled, the provision of this By-law will apply.</p> <p>Extends coverage to those instances where final accounts have not been settled.</p>	<p>As this section only deals with ongoing Legal Proceedings, i.e. where there is no final disposition of the matter, there would not be any final accounts rendered. Final accounts would only be settled when the Legal Proceeding is complete and a final disposition is made, and that it is no longer “ongoing”. As such, we do not believe that the amendment is necessary.</p>	<p>N/A</p>

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER XX-2020

A By-law to provide for the indemnity and defence of members of council, members of local boards, and employees of the Corporation against loss or liability incurred while acting on behalf of the Corporation, and to repeal By-law 91-2011, as amended.

WHEREAS Section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to govern;

AND WHEREAS Section 279(1) of the *Municipal Act, 2001*, as amended, provides that a municipality may, subject to certain limitations, act as an insurer and protect present and former members of council, local boards, employees, and officers from risk that may involve pecuniary loss or liability on the part of those individuals;

AND WHEREAS Section 283(1) of the *Municipal Act, 2001*, as amended, provides that municipalities may pay any part of the remuneration and expenses of the members of any local board of the municipality and the officers and employees of the local board;

AND WHEREAS Section 283(2) of the *Municipal Act, 2001* as amended, provides that a municipality may only pay the expenses of members of council, local boards, employees, and officers if the expenses are of those persons in their capacity as members, officers or employees, among other considerations;

AND WHEREAS Section 223.3(6) of the *Municipal Act, 2001*, as amended, provides that a municipality shall indemnify and save harmless the Integrity Commissioner or any person acting under the instructions of that officer for costs reasonably incurred by either of them in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a duty or authority under Part V.1 of the *Municipal Act, 2001*, as amended, or a by-law passed under it or an alleged neglect or default in the performance in good faith of the duty or authority;

AND WHEREAS the Integrity Commissioner is authorized under sections 223.4 and 223.4.1 of the *Municipal Act, 2001* to conduct inquiries as it relates to the Code of Ethical Conduct for Members of Council and local boards and the *Municipal Conflict of Interest Act*;

AND WHEREAS Section 8 of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.

50, as amended, allows an elector, an Integrity Commissioner of a municipality or a person demonstrably acting in the public interest to apply to a judge for a determination of the question of whether a member, or former member, has contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.

AND WHEREAS Section 14 of the *Municipal Conflict of Interest Act*, provides that a municipality may pass a by-law to protect a member of council or of any local board thereof against any costs or expenses incurred by the member as a result of a proceeding brought under *Municipal Conflict of Interest Act*, and for paying on behalf of or reimbursing the member for such costs or expenses, so long as the member has been found not to have contravened that Act.

NOW THEREFORE the Council of The Corporation of the City of Vaughan enacts as follows:

Section 1 - Definitions and Interpretation

- (1) In this By-law, unless a contrary intention appears,
 - (a) “Advance Payment” means payment by the Corporation of actual and reasonable legal fees incurred by an Eligible Person in the course of defending the Legal Proceeding, in advance of a final disposition of the Legal Proceeding;
 - (b) “Code” means the Code of Ethical Conduct for Members of Council and Local Boards, as amended;
 - (c) “Code Complaint” means a formal or informal complaint made to the Integrity Commissioner, and includes an inquiry under section 223.4 or 223.4.1 of the *Municipal Act, 2001*.
 - (d) “Corporation” means The Corporation of the City of Vaughan;
 - (e) “City Solicitor” means the City Solicitor of the Corporation, or designate;
 - (f) “City Manager” means the City Manager of the Corporation, or designate;
 - (g) “Eligible Person” means any of the following persons of the Corporation:
 - (i) a current or former member of Council;
 - (ii) a current or former member of a local board;
 - (iii) the current or former Integrity Commissioner, including any person acting under the instructions of the Integrity Commissioner;
 - (iv) the current or former Lobbyist Registrar;
 - (v) current or former officers and employees.

(h) "Legal Proceeding" means:

- (i) a civil proceeding or administrative action, including but not limited to an action, application, motion, hearing, trial; or
- (ii) a proceeding wherein a person is charged with an offence under the *Criminal Code*, R.S.C. 1985, c. C. 46 or the *Highway Traffic Act*, R.S.O. 1990, s. H.8; or
- (iii) a proceeding brought under section 8 of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50, as amended (the "MCIA"); or
- (iv) a Code Complaint; or,
- (v) a complaint to a professional association;

But excludes:

- (vi) any proceeding commenced by the Corporation;
- (vii) any proceeding in which the Corporation is a party adverse in interest; or
- (viii) any proceeding under the *Municipal Elections Act*, 1996, S.O. 1996, c. 32, Sched., as amended.

Section 2 - Indemnification of Eligible Persons

- (1) Subject to the provisions of this By-law, the Corporation shall indemnify an Eligible Person, and his or her heirs and legal representatives, in respect of any Legal Proceeding arising out of acts or omissions done or made by the Eligible Person:
 - (a) in his or her capacity as an Eligible Person, including those acts or omissions arising from the performance of any statutory duty imposed by any general or special Act; and
 - (b) acting in good faith and based on the reasonable belief that such acts or omissions were lawful and in the best interests of the Corporation or local board as applicable.
- (2) The Corporation shall reimburse members of Council and local boards for expenses incurred in obtaining legal advice to determine whether the member has a pecuniary interest in a matter which is the subject of consideration by council or a board.
- (3) If an Eligible Person qualifies for indemnification in a Legal Proceeding under this By-law, the City will assume carriage of the Legal Proceeding on behalf of the Eligible Person, unless the City Solicitor determines that the City cannot

represent the Eligible Person. For greater certainty, the City shall not assume carriage of a Legal Proceeding referred to in 1(h)(iii) or 1(h)(iv) above.

- (4) Where the City Solicitor determines that the City cannot represent the Eligible Person, the City Solicitor may request that the Eligible Person retain independent legal counsel and be indemnified for legal fees in accordance with this By-law.
- (5) The City Solicitor shall have the right to request that an Eligible Person obtain their own legal counsel at any time during the course of the Legal Proceeding if the City Solicitor is of the opinion that it is no longer appropriate for the City to defend and represent, or to continue to defend and represent the Eligible Person.
- (6) Where the City assumes the defence of a Legal Proceeding on behalf of an Eligible Person, the Eligible Person shall co-operate with the City and assist the City in the defence of the Legal Proceeding, as required by the City. This includes providing timely and fulsome responses to requests for information and attending the proceedings and meetings, as required.
- (7) Where an Eligible Person fails to co-operate and assist the City in accordance with section 2(6), the City Solicitor may determine that it would be inappropriate for the City to defend and represent, or continue to defend and represent, the Eligible Person, and the Eligible Person will no longer qualify for indemnification in respect of the Legal Proceeding.
- (8) If the City defends and represents the Eligible Person in a Legal Proceeding, the City shall not be responsible for any legal or other costs incurred by the Eligible Person unless such expenses have been pre-approved by the City Solicitor.

Section 3 - Process to Request Indemnification

- (1) If an Eligible Person is required to obtain their own legal representation pursuant to section 2, or if the Eligible Person is seeking to be reimbursed for legal expenses pursuant to section 2(2), he or she may make a written request for indemnification,
 - (a) to the City Solicitor; or,
 - (b) where the City Solicitor is the person seeking indemnification, to the City Manager; or
 - (c) where both the City Manager and the City Solicitor are named as parties in the legal proceeding giving rise to the request, to Council.
- (2) Upon receipt of a request for indemnification, the City Solicitor shall provide a written response within 10 business days of delivery of the request.

Advance Payment

- (3) A written request referred to in section 3(1) may include a request for Advance Payment of actual and reasonable legal fees. In the absence of such a request

for Advance Payment, payment of legal fees shall be made after a final disposition of the Legal Proceeding or the completion of the matter referred to in section 2(2) as appropriate (where a final disposition includes termination or settlement of a Legal Proceeding).

- (4) Any Advance Payment made by the Corporation is subject to:
 - (a) A cap of \$25,000 if the Advance Payment is not assumed or paid for by the Corporation's insurer;
 - (b) the requirement to reimburse the City, as set out in sections 5(2), 5(3), and 5(4); and
 - (c) the condition that, if repayment of legal fees is required under this Bylaw, that repayment shall be made within 90 days of the final disposition of the Legal Proceeding.
- (5) If an Eligible Person wishes to seek Advance Payment for an amount exceeding \$25,000 as provided in section 3(4)(a), the City Solicitor shall bring a report to Council for direction.
- (6) If at any point the Eligible Person wishes to deviate from the repayment obligations to repay the City within 90 days, the Eligible Person shall make a request to the City Solicitor who shall bring the matter to Council to seek direction and approval.

Approval of Lawyer

- (7) A written request for indemnification referred to in section 3(1) may include a request for approval of a lawyer chosen by the Eligible Person, or may request that the City Solicitor suggest three lawyers.
- (8) Notwithstanding section 3(7), in the case of proceedings referred to in section 1(h)(iii) or 1(h)(iv), the Eligible Person shall not require approval of their lawyer by the City.
- (9) Where a request for indemnification seeks approval of a lawyer chosen by the Eligible Person, the response by the City Solicitor, acting reasonably, shall also:
 - (a) approve the request to retain the lawyer chosen by the Eligible Person; or
 - (b) deny the request and suggest three lawyers of the Corporation's choice who could represent the Eligible Person in the Legal Proceeding at issue.
- (10) Where the City Solicitor has suggested three lawyers, the Eligible Person shall select from the list and shall notify the City Solicitor of the selection, within 5 calendar days of receipt.

Section 4 - Eligible Persons Served with Process

- (1) Subject to section 4(2), where an Eligible Person is served with any document which initiates a Legal Proceeding, he or she shall forthwith deliver the document to the City Solicitor.
- (2) Where a Member of Council or local board receives a Code Complaint the Member of Council or local board may request permission from the Integrity Commissioner to disclose the existence and general nature of the complaint to the City Solicitor in support of their request for indemnification under this By-law.

Section 5 - Manner and Extent of Indemnification

- (1) The Corporation shall provide indemnification to an Eligible Person as follows under this By-law:
 - (a) Assume carriage of the defence on behalf of the Eligible Person or pay the actual and reasonable expenses of defending such Eligible Person in the Legal Proceeding; and/or,
 - (b) pay any damages or costs, including any monetary penalty, or award against such Eligible Person as a result of a Legal Proceeding; and/or,
 - (c) pay, either by direct payment or by reimbursement, any expenses reasonably incurred by the Eligible Person as a result of a Legal Proceeding or a request for payment of fees under section 3; and/or,
 - (d) pay any sum required in connection with the settlement of a Legal Proceeding, provided that the City Solicitor approves the terms of the settlement;

to the extent that such costs, damages, expenses, monetary penalty, other award or other sums related to the Legal Proceeding are not assumed, paid or reimbursed under any provision of the Corporation's insurance for the benefit and protection of such person against any liability incurred by him or her.

- (2) If it is determined in a Legal Proceeding that an Eligible Person's acts or omissions giving rise to the Legal Proceeding:
 - (a) did not arise out of acts or omissions done or made by the Eligible Person in his or her capacity as an Eligible Person; or
 - (b) were not done or not made in good faith; or
 - (c) were not based on the reasonable belief that such acts or omissions were lawful and in the best interests of the Corporation,

the Eligible Person shall not be eligible for indemnification under this By-law, and shall be required to reimburse the Corporation for all funds paid on the Eligible Person's behalf pursuant to this By-law within 90 days of such a determination.

- (3) An Eligible Person is not entitled to indemnification under this By-law and must reimburse the Corporation for any legal fees paid by the Corporation in respect of a Legal Proceeding if:
 - (a) the Eligible Person is convicted of an offence in the case of a Legal Proceeding under section 1(h)(ii); or
 - (b) In the case of a proceeding brought under section 8 of the *MCIA*, the member of Council or local board has been found to have contravened section 5, 5.1 or 5.2 of the *MCIA*; or
 - (c) In the case of a Code Complaint, where a contravention has been found, unless:
 - (i) the contravention has occurred by reason of inadvertence; or
 - (ii) the contravention has occurred by reason of a bona fide error in judgment.
- (4) If an Eligible Person receives a payment through a costs award or settlement in respect of a Legal Proceeding for which the City has indemnified the Eligible Person, such amounts must be paid to the City upon receipt by the Eligible Person.
- (5) The City Solicitor, acting reasonably, may request or impose one or all of the following:
 - (a) Budgets for anticipated legal expenses; and/or
 - (b) Status Updates in respect of the progress of the proceedings; and/or
 - (c) A limit on quantum of indemnification for legal fees.
- (6) If there is a dispute between the City Solicitor, acting reasonably, and the Eligible Person with respect to the account for legal expense payments, the City Solicitor may require that such account for reimbursement be assessed by a Court Assessment Officer prior to payment by the Corporation. The Corporation shall have the right to limit the amount which it will reimburse, or provide Advance Payment, to the amount arrived at by the Court Assessment Officer.
- (7) The City Solicitor shall be provided with copies of the statements of account on a monthly basis, which shall outline all fees and disbursements, and shall be provided with information relating to these accounts, as may be requested from

time to time, in order to determine reasonableness of the account before any payment would be made.

Section 6 - Failure to Comply with By-law / Exclusions

- (1) If an Eligible Person who has been approved to receive indemnification fails or refuses to comply with any of the provisions of this By-law, or in the event of one or more of the following:
 - (a) the Eligible Person or his or her lawyer takes a step which is unnecessary, or otherwise prejudicial to the conduct of the Legal Proceeding, as determined by the City Solicitor; or
 - (b) the quantum of indemnification exceeds the Budget referred to in section 5(5); or
 - (c) the maximum amount of indemnification approved has been paid, or
 - (d) the Eligible Person commences a counterclaim, crossclaim, third party claim, application for judicial review, or other proceeding related to the Legal Proceeding for which reimbursement is sought, without first obtaining prior approval from the City Solicitor,

then the Corporation shall not be liable to assume or pay any of the costs, damages, expenses, monetary penalty or other sums as set out in this By-law.

Section 7 - Appeal

- (1) Notwithstanding other provisions of this Bylaw, where a person seeks to appeal or bring an application for judicial review with respect to a judgment or decision in a Legal Proceeding covered by this By-law, the Corporation shall have the sole discretion to determine whether the expenses of the appeal or judicial review will be covered by this By-law. If an individual pursues an appeal or application for judicial review without representation by the Corporation and is successful in that appeal, the Corporation shall have sole discretion to determine whether the Eligible Person shall be indemnified for his or her legal expenses.

Section 8 - Executive Acts Authorized

- (1) The City Solicitor is authorized to execute any necessary documents on behalf of the Corporation in order to give effect to this By-law according to its true intent and meaning.
- (2) Nothing in this By-law shall prevent the City Solicitor from bringing a report to Council to seek direction on any matter related to indemnification.

Section 9 – Repeal

- (1) By-law 91-2011, as amended, is hereby repealed.

Section 10 - Force and Effect

- (1) This By-law comes into force on the day it is passed. For greater certainty:
- (a) For ongoing Legal Proceedings where the Corporation has assumed the defence of the matter on behalf of an Eligible Person, the City will continue to defend the Legal Proceeding on the Eligible Person's behalf, subject to the terms of this By-law.
 - (b) For all Legal Proceedings where indemnification was authorized under Bylaw 91-2011, as amended, those existing indemnification approvals will continue under this By-law, and be subject to the terms of this By-law.
 - (c) For ongoing Legal Proceedings in which an Eligible Person was required to retain their own counsel, including Code Complaints filed with the Integrity Commissioner prior to the enactment of this By-law where a final disposition has not been rendered, the provision of this By-law will apply.

Enacted by City of Vaughan Council this 21st day of April, 2020.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 8 of
Report No. 17 of the Committee
of the Whole
Adopted by Vaughan City
Council on April 21, 2020

From: Clerks@vaughan.ca
To: [Britto, John](#)
Subject: FW: [External] Submission Draft Indemnification By-law - Committee of the Whole Meeting April 21, 2020
Date: Monday, April 20, 2020 2:16:42 PM

From: Coles, Todd <Todd.Coles@vaughan.ca>
Sent: Monday, April 20, 2020 12:31 PM
To: Clerks@vaughan.ca
Subject: Fwd: [External] Submission Draft Indemnification By-law - Committee of the Whole Meeting April 21, 2020

From: Mackenzie Ridge Rate Payers Association <mackenzieridgerpa@gmail.com>
Sent: Monday, April 20, 2020 12:27 PM
To: Coles, Todd; council@vaughan.ca
Cc: Mackenzie Ridge Rate Payers Association
Subject: [External] Submission Draft Indemnification By-law - Committee of the Whole Meeting April 21, 2020

Submission to Council: Draft Indemnification By-law

This Indemnification By-law is more than generous and should be approved as is. To pursue amendments or changes that are costly or unnecessary during these difficult times, shows a blatant disregard for Vaughan taxpayers who are suffering both financially and personally, making many sacrifices during this pandemic.

Councillors need to keep in mind that these are challenging times for us all in terms of sickness, death, and the financial challenges many of my neighbours are facing regarding unemployment and various economic hardships. To ask for amendments or changes now, is quite unconscionable, when there are those who cannot pay municipal property taxes, their basic utilities, and other expenses without a steady or reliable income.

Overall, the draft Indemnification By-law is generous enough as is and should not be amended to create more financial or other burdens on Vaughan taxpayers.

Sincerely,

Robert A. Kenedy, PhD
President of the MacKenzie Ridge Ratepayers Association
Associate Professor
Department of Sociology
238 McLaughlin College
York University
4700 Keele Street
Toronto, Ontario M3J 1P3

[REDACTED]

From: [Coles, Todd](#)
To: Clerks@vaughan.ca; [Britto, John](#)
Cc: [Leung, Isabel](#)
Subject: Fwd: [External] Item 4:7 INDEMNIFICATION BY-LAW AMENDMENTS FOR MEMBERS OF COUNCIL
Date: Tuesday, April 21, 2020 6:33:51 AM

From: Richard Lorello [REDACTED]
Sent: Tuesday, April 21, 2020 12:07 AM
To: Maurizio Bevilacqua; Mario Ferri; City of Vaughan; Linda D. Jackson; Marilyn lafrate; Tony Carella; Rosanna DeFrancesca; Sandra Racco; Alan Shefman
Cc: Todd Coles
Subject: [External] Item 4:7 INDEMNIFICATION BY-LAW AMENDMENTS FOR MEMBERS OF COUNCIL

Good morning Mr. Coles.

Please post this communication as it relates to the April 21, 2020, 2pm Committee of the Whole meeting.

<https://pub-vaughan.escribemeetings.com/Meeting.aspx?Id=c140b4ea-a112-472c-af6f-bc2d55f5d09c&Agenda=Agenda&lang=English&Item=17>

Good morning Mayor and Members of Council

I find that the consideration of this item at this time is highly questionable and after reviewing the proposed Indemnification By-law, I could not help but feel revolted and repulsed at the consideration of the proposed By-law during these unprecedented times of suffering during a global pandemic which has taken a hard toll on Vaughan residents in so many ways.

The consideration of this item which inherently benefits Members of Council financially demonstrates a sense of entitlement, poor judgement, a high degree of self interest and insensitivity during a time when many taxpayers feel great concern and anxiety for their own financial stability, health and welfare, including the loss of friends and family as the world continues to find medical and economic solutions to the pandemic.

Let history record that within the context of a dangerous global pandemic where thousands of people in Vaughan, across the country and around the world who are facing medical distress, financial distress and instability, Vaughan Council found it necessary to make it a priority to consider a By-law that will be financially beneficial for themselves, effectively providing funds in advance to cover personal legal costs, at the expense of Vaughan taxpayers.

Let us also consider that as Council considers giving themselves a financial parachute through this By-law, Members of Council will not see any disruption to their own remuneration, at a time when thousands of taxpayers will in reality not have any financial parachute and will see significant financial disruption and hardship, to the point where meeting mortgage payments, property taxes and grocery bills will be difficult if not impossible for many as a result of COVID-19. The average taxpayer does not have the luxury to grant themselves a financial parachute.

The consideration of this item not only demonstrates insensitivity, but it also demonstrates a level of thoughtless disrespect for taxpayers and the general public during this very difficult time. It should not have to be said that this is not "business as usual".

I respectfully request that Council defer this item indefinitely until a future time when the threat of pandemic has passed and when the general public is no longer facing the threat of financial hardship, contracting a dreaded illness or worse yet, the loss of friends or family. It is highly unusual for any level of government to be considering items such as this while a crushing pandemic is far from being resolved. **NOW IS NOT THE TIME!**

Further to my review, I also see that Regional Councillor / Deputy Mayor Mario Ferri went to great lengths to propose amendments to the By-law to protect his own financial interests, but fails to make any amendments to ensure that the By-law protects the interest of the taxpayer. The amendments proposed by Councillor Ferri seem highly one-sided. Specifically, the proposed By-law in question lacks the proper mechanisms to ensure that the taxpayer is fully protected against the loss of funds resulting from the possibility of delinquent Members of Council who fail to repay funds that they were not entitled to.

The By-law requires stronger mechanisms in order for the City to be able to collect funds from delinquent Councillors who fail to repay money that was advanced to them where it is subsequently determined that the individual is not entitled to indemnification in accordance with the By-law or ordered by a court to pay. There should be no discussion of advancing funds to any Member of Council without a mechanism for the City to collect the funds should a Councillor fail to repay.

Should Members of Council continue to consider and approve this By-law, I would strongly recommend that the taxpayer be kept whole by amending the By-law to add the following;

1. Where it is subsequently determined that a Member of Council is not entitled to indemnification in accordance with the By-law and fails to repay funds owing to the City after the stated 90 day repayment deadline, that staff be automatically empowered to seek an immediate court order to recoup funds by way of a wage garnishment or liens against a Councillors assets.
2. Where a Member of Council fails to be re-elected, where the garnishment of wages is no longer an option and the Member of Council still has outstanding funds owing to the City, that City staff be empowered to withhold any

outstanding funds owed to the City from any severance payments or expenses owed to the Councillor. Where the outstanding funds owed to the City surpasses the severance payment, that staff be empowered to seek a court order for the balance of the outstanding funds.

I make these recommendations due to a very important lesson learned by the City. It is important to note our experience with Regional Councillor Linda Jackson's failure to pay funds owed to the City resulting from a court order dating back to her term as Mayor between 2006 through 2010. As of January 2019, these funds remained outstanding and it is my understanding that there is still a balance outstanding. In the interest of the taxpayer, we cannot allow this to repeat itself in future and now is the time to adopt remedies to ensure that it does not happen in future.

Regards
Richard T. Lorello

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER XX-2020

A By-law to provide for the indemnity and defence of members of council, members of local boards, and employees of the Corporation against loss or liability incurred while acting on behalf of the Corporation, and to repeal By-law 91-2011, as amended.

WHEREAS Section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to govern;

AND WHEREAS Section 279(1) of the *Municipal Act, 2001*, as amended, provides that a municipality may, subject to certain limitations, act as an insurer and protect present and former members of council, local boards, employees, and officers from risk that may involve pecuniary loss or liability on the part of those individuals;

AND WHEREAS Section 283(1) of the *Municipal Act, 2001*, as amended, provides that municipalities may pay any part of the remuneration and expenses of the members of any local board of the municipality and the officers and employees of the local board;

AND WHEREAS Section 283(2) of the *Municipal Act, 2001* as amended, provides that a municipality may only pay the expenses of members of council, local boards, employees, and officers if the expenses are of those persons in their capacity as members, officers or employees, among other considerations;

AND WHEREAS Section 223.3(6) of the *Municipal Act, 2001*, as amended, provides that a municipality shall indemnify and save harmless the Integrity Commissioner or any person acting under the instructions of that officer for costs reasonably incurred by either of them in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a duty or authority under Part V.1 of the *Municipal Act, 2001*, as amended, or a by-law passed under it or an alleged neglect or default in the performance in good faith of the duty or authority;

AND WHEREAS the Integrity Commissioner is authorized under sections 223.4 and 223.4.1 of the *Municipal Act, 2001* to conduct inquiries as it relates to the Code of Ethical Conduct for Members of Council and local boards and the *Municipal Conflict of Interest Act*;

AND WHEREAS Section 8 of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.

50, as amended, allows an elector, an Integrity Commissioner of a municipality or a person demonstrably acting in the public interest to apply to a judge for a determination of the question of whether a member, or former member, has contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.

AND WHEREAS Section 14 of the *Municipal Conflict of Interest Act*, provides that a municipality may pass a by-law to protect a member of council or of any local board thereof against any costs or expenses incurred by the member as a result of a proceeding brought under *Municipal Conflict of Interest Act*, and for paying on behalf of or reimbursing the member for such costs or expenses, so long as the member has been found not to have contravened that Act.

NOW THEREFORE the Council of The Corporation of the City of Vaughan enacts as follows:

Section 1 - Definitions and Interpretation

- (1) In this By-law, unless a contrary intention appears,
 - (a) "Advance Payment" means payment by the Corporation of actual and reasonable legal fees incurred by an Eligible Person in the course of defending the Legal Proceeding, in advance of a final disposition of the Legal Proceeding;
 - (b) "Code" means the Code of Ethical Conduct for Members of Council and Local Boards, as amended;
 - (c) "Code Complaint" means a formal or informal complaint made to the Integrity Commissioner, and includes an inquiry under section 223.4 or 223.4.1 of the *Municipal Act, 2001*.
 - (d) "Corporation" means The Corporation of the City of Vaughan;
 - (e) "City Solicitor" means the City Solicitor of the Corporation, or designate;
 - (f) "City Manager" means the City Manager of the Corporation, or designate;
 - (g) "Eligible Person" means any of the following persons of the Corporation:
 - (i) a current or former member of Council;
 - (ii) a current or former member of a local board;
 - (iii) the current or former Integrity Commissioner, including any person acting under the instructions of the Integrity Commissioner;
 - (iv) the current or former Lobbyist Registrar;
 - (v) current or former officers and employees.

(h) "Legal Proceeding" means:

- (i) a civil proceeding or administrative action, including but not limited to an action, application, motion, hearing, trial; or
- (ii) a proceeding wherein a person is charged with an offence under the *Criminal Code*, R.S.C. 1985, c. C. 46 or the *Highway Traffic Act*, R.S.O. 1990, s. H.8; or
- (iii) a proceeding brought under section 8 of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50, as amended (the "MCIA"); or
- (iv) a Code Complaint; or,
- (v) a complaint to a professional association;

But excludes:

(vi) ~~any proceeding commenced by the Corporation~~ any proceeding commenced by the Corporation against an Eligible Person directly, where the Corporation is fully successful;

~~(vii) any proceeding in which the Corporation is a party adverse in interest; or~~

~~(viii)~~ (vii) any proceeding under the *Municipal Elections Act*, 1996, S.O. 1996, c. 32, Sched., as amended.

Section 2 - Indemnification of Eligible Persons

(1) Subject to the provisions of this By-law, the Corporation shall indemnify an Eligible Person, and his or her heirs and legal representatives, in respect of any Legal Proceeding arising out of acts or omissions done or made by the Eligible Person except where it is determined in a Legal Proceeding that an Eligible Person's acts or omissions giving rise to the Legal Proceeding:

(a) did not arise out of acts or omissions done or made by the Eligible Person in his or her capacity as an Eligible Person; or

(b) were not done or not made in good faith; and,

(c) were not based on the reasonable belief that such acts or omissions were lawful and in the best interests of the Corporation.;

~~(1) :~~

~~(a) in his or her capacity as an Eligible Person, including those acts or omissions arising from the performance of any statutory duty imposed by any general or special Act; and~~

~~acting in good faith and based on the reasonable belief that such acts or omissions were lawful and in the best interests of the Corporation or local board as applicable.~~

- (2) The Corporation shall reimburse members of Council and local boards for expenses incurred in obtaining legal advice to determine whether the member has a pecuniary interest in a matter which is the subject of consideration by council or a board.
- (3) If an Eligible Person qualifies for indemnification in a Legal Proceeding under this By-law, the Eligible Person shall be entitled to representation of their choice except in circumstances where the City's insurer denies the Eligible Person's request for independent legal counsel, in which case sections 2(4)-2(9) apply.
- ~~(3)~~(4) -The City will assume carriage of the Legal Proceeding on behalf of the Eligible Person, unless the City Solicitor determines that the City cannot represent the Eligible Person. For greater certainty, the City shall not assume carriage of a Legal Proceeding referred to in 1(h)(iii) or 1(h)(iv) above.
- ~~(4)~~(5) Where the City Solicitor determines that the City cannot represent the Eligible Person, the City Solicitor may request that the Eligible Person retain independent legal counsel and be indemnified for legal fees in accordance with this By-law.
- ~~(5)~~(6) The City Solicitor shall have the right to request that an Eligible Person obtain their own legal counsel at any time during the course of the Legal Proceeding if the City Solicitor is of the opinion that it is no longer appropriate for the City to defend and represent, or to continue to defend and represent the Eligible Person.
- ~~(6)~~(7) Where the City assumes the defence of a Legal Proceeding on behalf of an Eligible Person, the Eligible Person shall co-operate with the City and assist the City in the defence of the Legal Proceeding, as required by the City. This includes providing timely and fulsome responses to requests for information and attending the proceedings and meetings, as required.
- ~~(7)~~(8) Where an Eligible Person fails to co-operate and assist the City in accordance with section 2(6), the City Solicitor may determine that it would be inappropriate for the City to defend and represent, or continue to defend and represent, the Eligible Person, and the Eligible Person will no longer qualify for indemnification in respect of the Legal Proceeding.
- ~~(8)~~(9) If the City defends and represents the Eligible Person in a Legal Proceeding, the City shall not be responsible for any legal or other costs incurred by the Eligible Person unless such expenses have been pre-approved by the City Solicitor.

Section 3 - Process to Request Indemnification

- (1) If an Eligible Person is required to obtain their own legal representation pursuant to section 2, or if the Eligible Person is seeking to be reimbursed for legal expenses pursuant to section 2(2), he or she may make a written request for indemnification,
- (a) to the City Solicitor; or,
 - (b) where the City Solicitor is the person seeking indemnification, to the City Manager; or
 - (c) where both the City Manager and the City Solicitor are named as parties in the legal proceeding giving rise to the request, to Council.

(2) Upon receipt of a request for indemnification, the City Solicitor shall provide a written response within 10 business days of delivery of the request. Coverage shall be provided if:

- (a) the requestor is an Eligible Person; and
- (b) the coverage requested is a proceeding.

Otherwise, coverage shall be denied.

Advance Payment

~~(2)~~(3) A written request referred to in section 3(1) may include a request for Advance Payment of actual and reasonable legal fees. In the absence of such a request for Advance Payment, payment of legal fees shall be made after a final disposition of the Legal Proceeding or the completion of the matter referred to in section 2(2) as appropriate (where a final disposition includes termination or settlement of a Legal Proceeding).

~~(3)~~(4) Any Advance Payment made by the Corporation is subject to:

- (a) A cap of \$~~250~~,000 if the Advance Payment is not assumed or paid for by the Corporation's insurer;
- (b) the requirement to reimburse the City, as set out in sections 5(2), 5(3), and 5(4); and
- (c) the condition that, if repayment of legal fees is required under this Bylaw, that repayment shall be made within 90 days of the final disposition of the Legal Proceeding.

~~(4)~~(5) If an Eligible Person wishes to seek Advance Payment for an amount exceeding \$~~250~~,000 as provided in section 3(4)(a), the City Solicitor shall bring a report to

Council for direction.

- ~~(5)~~(6) If at any point the Eligible Person wishes to deviate from the repayment obligations to repay the City within 90 days, the Eligible Person shall make a request to the City Solicitor who shall bring the matter to Council to seek direction and approval.

Approval of Lawyer

- ~~(6)~~(7) A written request for indemnification referred to in section 3(1) may include a request for approval of a lawyer chosen by the Eligible Person, or may request that the City Solicitor suggest three lawyers.

- ~~(7)~~(8) Notwithstanding section 3(7), in the case of proceedings referred to in section 1(h)(iii) or 1(h)(iv), the Eligible Person shall not require approval of their lawyer by the City.

- ~~(8) — Where a request for indemnification seeks approval of a lawyer chosen by the Eligible Person, the response by the City Solicitor, acting reasonably, shall also:~~

~~(a) — approve the request to retain the lawyer chosen by the Eligible Person; or~~

~~(b) — deny the request and suggest three lawyers of the Corporation's choice who could represent the Eligible Person in the Legal Proceeding at issue.~~

- (9) Where the City Solicitor has suggested three lawyers, the Eligible Person shall select from the list and shall notify the City Solicitor of the selection, within 5 calendar days of receipt.

Section 4 - Eligible Persons Served with Process

- (1) Subject to section 4(2), where an Eligible Person is served with any document which initiates a Legal Proceeding, he or she shall forthwith deliver the document to the City Solicitor.
- (2) Where a Member of Council or local board receives a Code Complaint the Member of Council or local board may request permission from the Integrity Commissioner to disclose the existence and general nature of the complaint to the City Solicitor in support of their request for indemnification under this By-law.

Section 5 - Manner and Extent of Indemnification

- (1) The Corporation shall provide indemnification to an Eligible Person as follows under this By-law:

(a) Assume carriage of the defence on behalf of the Eligible Person or

pay the actual and reasonable expenses of defending such Eligible Person in the Legal Proceeding; and/or,

- (b) pay any damages or costs, including any monetary penalty, or award against such Eligible Person as a result of a Legal Proceeding; and/or,
- (c) pay, either by direct payment or by reimbursement, any expenses reasonably incurred by the Eligible Person as a result of a Legal Proceeding or a request for payment of fees under section 3; and/or,
- (d) pay any sum required in connection with the settlement of a Legal Proceeding, provided that the City Solicitor approves the terms of the settlement;

to the extent that such costs, damages, expenses, monetary penalty, other award or other sums related to the Legal Proceeding are not assumed, paid or reimbursed under any provision of the Corporation's insurance for the benefit and protection of such person against any liability incurred by him or her.

- (2) If it is determined in a Legal Proceeding that an Eligible Person's acts or omissions giving rise to the Legal Proceeding:

- (a) did not arise out of acts or omissions done or made by the Eligible Person in his or her capacity as an Eligible Person; or
- (b) were not done or not made in good faith; ~~and~~ ~~or~~
- (c) were not based on the reasonable belief that such acts or omissions were lawful and in the best interests of the Corporation,

the Eligible Person shall not be eligible for indemnification under this By-law, and shall be required to reimburse the Corporation for all funds paid on the Eligible Person's behalf pursuant to this By-law within 90 days of such a determination.

- (3) An Eligible Person is not entitled to indemnification under this By-law and must reimburse the Corporation for any legal fees paid by the Corporation in respect of a Legal Proceeding if:

- (a) the Eligible Person is convicted of an offence in the case of a Legal Proceeding under section 1(h)(ii); or
- (b) In the case of a proceeding brought under section 8 of the *MCIA*, the member of Council or local board has been found to have contravened section 5, 5.1 or 5.2 of the *MCIA*; ~~or~~

~~(c) In the case of a Code Complaint, where a contravention has been found, unless:~~

- ~~(i) the contravention has occurred by reason of inadvertence;~~
- ~~or~~

~~the contravention has occurred by reason of a bona fide error in judgment.~~

~~b.~~; or

- (4) If an Eligible Person receives a payment through a costs award or settlement in respect of a Legal Proceeding for which the City has indemnified the Eligible Person, such amounts must be paid to the City upon receipt by the Eligible Person.
- (5) If required by the City's Insurer, City Solicitor, acting reasonably, may request or impose one or all of the following:
- (a) Budgets for anticipated legal expenses; and/or
 - (b) Status Updates in respect of the progress of the proceedings; and/or
 - (c) A limit on quantum of indemnification for legal fees.

Where one or all of the above is required, Council must approve the action taken by the City Solicitor.

- (6) If there is a dispute between the City Solicitor, acting reasonably, and the Eligible Person with respect to the account for legal expense payments, the City Solicitor may require that such account for reimbursement be assessed by a Court Assessment Officer prior to payment by the Corporation. The Corporation shall have the right to limit the amount which it will reimburse, or provide Advance Payment, to the amount arrived at by the Court Assessment Officer.
- (7) The City Solicitor shall be provided with copies of the statements of account on a monthly basis, which shall outline all fees and disbursements, and shall be provided with information relating to these accounts, as may be requested from time to time, in order to determine reasonableness of the account before any payment would be made.

Section 6 - Failure to Comply with By-law / Exclusions

- (1) If an Eligible Person who has been approved to receive indemnification fails or refuses to comply with any of the provisions of this By-law, or in the event of one or more of the following:
- ~~(a) the Eligible Person or his or her lawyer takes a step which is unnecessary, or otherwise prejudicial to the conduct of the Legal Proceeding, as determined by the City Solicitor; or~~
 - ~~(b)~~ (a) the quantum of indemnification exceeds the Budget referred to in section 5(5); or
 - ~~(c)~~ (b) the maximum amount of indemnification approved has been paid; ~~or~~
 - ~~(d) the Eligible Person commences a counterclaim, crossclaim, third~~

~~party claim, application for judicial review, or other proceeding related to the Legal Proceeding for which reimbursement is sought, without first obtaining prior approval from the City Solicitor,~~

then the Corporation shall not be liable to assume or pay any of the costs, damages, expenses, monetary penalty or other sums as set out in this By-law.

Section 7 – Appeal

- ~~(1) Notwithstanding other provisions of this Bylaw, where a person seeks to appeal or bring an application for judicial review with respect to a judgment or decision in a Legal Proceeding covered by this By-law, the Corporation shall have the sole discretion to determine whether the expenses of the appeal or judicial review will be covered by this By-law. If an individual pursues an appeal or application for judicial review without representation by the Corporation and is successful in that appeal, the Corporation shall have sole discretion to determine whether the Eligible Person shall be indemnified for his or her legal expenses.~~

Section 78 - Executive Acts Authorized

- (1) The City Solicitor is authorized to execute any necessary documents on behalf of the Corporation in order to give effect to this By-law according to its true intent and meaning.
- (2) Nothing in this By-law shall prevent the City Solicitor or Member of Council from bringing a report to Council to seek direction on any matter related to indemnification.

Section 9 – Repeal

- (1) By-law 91-2011, as amended, is hereby repealed.

Section 10 - Force and Effect

- (1) This By-law comes into force on the day it is passed. For greater certainty:
 - (a) For ongoing Legal Proceedings where the Corporation has assumed the defence of the matter on behalf of an Eligible Person, the City will continue to defend the Legal Proceeding on the Eligible Person's behalf, subject to the terms of this By-law.
 - (b) For all Legal Proceedings where indemnification was authorized under Bylaw 91-2011, as amended, those existing indemnification approvals will continue under this By-law, and be subject to the terms of this By-law.
 - (c) For ongoing Legal Proceedings in which an Eligible Person was required to retain their own counsel, including Code Complaints filed with the Integrity Commissioner prior to the enactment of this By-law where a final disposition has not been rendered, the provision of this By-law will apply.

Enacted by City of Vaughan Council this 21st day of April, 2020.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 8 of
Report No. 17 of the Committee
of the Whole
Adopted by Vaughan City
Council on April 21, 2020

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

TITLE: COMPREHENSIVE CIVIC PROTOCOL POLICY UPDATES

FROM:

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

ACTION: DECISION

Purpose

The Office of the City Clerk has undertaken a comprehensive review and updates to policies respecting civic protocol, including flag protocol (governing flag raisings and half-mastings), proclamations, and civic protocol on the death of a current or former Mayor or Member of Council in the City of Vaughan.

Report Highlights

- Two civic protocol policies have been substantially updated and one new policy has been drafted to address a matter not yet addressed.
- Flag raising ceremonies bring the community together to recognize the diverse cultures, causes and occasions within the City of Vaughan. A courtesy flagpole will provide more visibility for these ceremonies and allow for a safer and more inclusive space for the public to attend them.
- Proclamation requests will be combined to reduce the number of reports presented for Council approval.
- Civic Recognition on the Death of a Current or Former Member of Council ensures that the City has a consistent and dignified policy for recognizing the contributions of elected officials.

Recommendations

1. That AD-013 Proclamations Policy be replaced by 03.C.10 – Proclamations Policy, substantially in the form as attached to this report;

2. That AD-014 Flag Raising / Half-Masting Policy be replaced by 03.C.11 – Flag Protocol Policy, substantially in the form as attached to this report;
3. That 06.C.01 – Civic Recognition on the Death of a Current or Former Member of Council Policy be approved, substantially in the form as attached to this report; and
4. That the installation of a courtesy flagpole at Vaughan City Hall be approved.

Background

The City of Vaughan's existing policies respecting flags and proclamations have not undergone a comprehensive review for a number of years, and have not been updated to meet the standards established for corporate policies. A thorough review of the existing Flag Raising / Half-Masting Policy and Proclamations Policy has been conducted to ensure that they reflect the current practices of the City, meet the needs of the Corporation and the community, and clearly set out the appropriate definitions, rules, and procedures where appropriate.

In addition to the two policies identified above, the Office of the City Clerk has also prepared a wholly new policy to fill a gap in the existing protocol framework for the City of Vaughan. The proposed Civic Recognition on the Death of a Current or Former Member of Council Policy seeks to establish a clear and consistent policy to guide Council in staff in recognizing the contributions of a current or former member of Council upon their passing. Modelled after similar recognition provided by the Government of Canada, Government of Ontario and municipalities such as the cities of Toronto and Calgary, the policy introduces standards for honouring Vaughan's elected municipal public servants in a dignified way, in consultation with the family of the deceased.

Previous Reports/Authority

Analysis and Options

This report recommends the approval of three policies - two updated and one net new policy, by Council respecting matters of civic protocol. These policies cover flag protocol, proclamations, and civic recognition on the death of a current or former Member of Council respectively. The key highlights of these policies are outlined as follows:

1. Proclamations Policy – Attachment #1
 - Provides a more substantial policy to clearly define what may be recognized with a proclamation and who may request one.

- Introduces a hiatus mechanism to ensure that proclamation requests received during the summer or election periods may still be approved in the absence of a Council meeting.
- Will result in a simpler approval process for Council, consolidating monthly proclamation requests into single reports for consideration, thereby reducing the length of committee agendas and making it simpler to find a complete list of requests for Council's consideration.

2. Flag Protocol Policy – Attachment #2

- Updates the protocol for the flying and display of flags as well as half-masting dates to be consistent with nationally established standards.
- Provides clearer definitions for the types of flags to be flown and who may request a flag raising.
- Clearly defines a flag raising ceremony and identifies the standard level of support provided by the City to eligible organizations who make a request for a flag raising ceremony.
- Provides for flag raisings in recognition of official visits from diplomatic representatives and other international delegations to the City.

3. Civic Recognition on the Death of a Current or Former Member of Council Policy – Attachment #3

- Outlines a set of options for the City to offer to the family of the deceased as recognition for their dedicated service to the people and the City of Vaughan.
- Scales the forms of recognition based on whether the member currently or formerly served on Council, and whether they were a Mayor or a Councillor, consistent with similar municipal, provincial and federal policies.
- Provides a consistent approach to recognizing elected municipal officials to ensure that all are treated in the same manner in future.

In addition to the policies outlined above, and in connection to the newly drafted Flag Protocol Policy, the City Clerk also recommends the installation of a Courtesy Flagpole at City Hall. This flagpole would be installed separately and independently from the existing stand of flags permanently displayed at the front of Vaughan City Hall. The purpose of this flagpole would be to provide a separate and dedicated place for the community to fly their flags, and to draw greater public attention to the causes, occasions and cultures represented by the flags when one is flown on the pole. The placement of the Courtesy Flagpole would provide for a safer and more inclusive space

in which to conduct flag raising ceremonies, and would ensure that the National Flag, Provincial Flag and City Flag are always displayed clearly at Vaughan City Hall.

Financial Impact

The costs associated with the installation of a courtesy flag protocol are captured within the existing budget. All other costs associated with the approval and implementation of the recommended policies are accommodated within existing approved budget envelopes.

Broader Regional Impacts/Considerations

There are no regional impacts associated with this report.

Conclusion

Following a thorough and comprehensive review of existing policies respecting matters of civic protocol, two policies have been fundamentally redrafted to provide a higher level of detail and clarity, and to better serve the community. The recommendations before Council also propose the installation of a Courtesy Flagpole to better address the needs of the community in proudly flying their flags at the front of City Hall, a practice in keeping with other municipalities. In addition, a wholly new policy has been prepared to address the important but rare need to recognize and honour the life of a current or former Mayor or Councillor of the City of Vaughan on the occasion of their passing. This new policy would provide a consistent approach to recognizing their contributions in a way which respects the family's wishes.

For more information, please contact: Evan Read, Manager, Elections and Special Projects, ext.8241.

Attachments

1. 03.C.10 – Proclamations Policy, Office of the City Clerk, April 15, 2020
2. 03.C.11 – Flag Protocol Policy, Office of the City Clerk, April 15, 2020
3. 06.C.01 – Civic Recognition on the Death of a Current or Former Member of Council Policy, Office of the City Clerk, April 15, 2020

Prepared by

Evan Read, Manager, Elections and Special Projects, ext.8241
Todd Coles, City Clerk, ext.8281



CITY OF VAUGHAN

CORPORATE POLICY

POLICY TITLE: PROCLAMATIONS

POLICY NO.: 03.C.10

Section:	Administration & Legal		
Effective Date:	Click or tap to enter a date.	Date of Last Review:	Click or tap to enter a date.
Approval Authority: Council		Policy Owner: DCM, Administrative Services & City Solicitor	

POLICY STATEMENT

Proclamations are official statements made by or under the authority of Vaughan Council to recognize causes, events and commemorations of significance to the City of Vaughan and its citizens. These statements do not carry with them any substantive contribution of goods, services, or monies to organizations which request them, but contribute to the fabric of Vaughan society by recognizing cultural diversity and the public good.

PURPOSE

To codify the authority for receiving and issuing proclamations at the request of organizations that are active in the Vaughan community.

SCOPE

This policy applies to those organizations that are eligible to request a proclamation from Vaughan Council in recognition of a cause, event or commemoration of significance to the City of Vaughan and its citizens.

LEGISLATIVE REQUIREMENTS

None.

DEFINITIONS

- 1. City Clerk:** The City Clerk appointed by Council in accordance with Section 228 of the *Municipal Act, 2001*, S.O. 2001, c.25 or their designate.

POLICY TITLE: PROCLAMATIONS

POLICY NO.: 03.C.10

2. Proclamation: An official and ceremonial statement made by or under the authority of Council, recognizing a cause, event or commemoration of significance to the City of Vaughan and its citizens.

2.1. For the purposes of section 2, a proclamation may be issued for:

- 2.1.1. Arts, culture or heritage commemorations in the City of Vaughan;
- 2.1.2. Athletic achievements or celebrations;
- 2.1.3. Charitable and non-profit fundraising campaigns;
- 2.1.4. Public awareness campaigns;
- 2.1.5. Civic commemorations or celebrations; and,
- 2.1.6. Special recognition for individual or organizational achievements.

2.2. For the purposes of section 2, a proclamation may not be issued for:

- 2.2.1. Political parties, associations, campaigns, or politically motivated causes or ideologies;
- 2.2.2. Religious commemorations, celebrations or beliefs;
- 2.2.3. Causes, celebrations or commemorations whose purpose or intent is contrary to the by-laws, policies and practices of the City of Vaughan;
- 2.2.4. For-profit purposes;
- 2.2.5. Organizations who espouse hateful, racist, violent or discriminatory beliefs or messages; or,
- 2.2.6. Causes, celebrations or commemorations with no connection to the City of Vaughan or its citizens.

3. Requestor: An organization and its official representative who submits a request for a proclamation.

POLICY

1. General

- 1.1. The City Clerk shall be responsible for receiving and processing proclamation requests, in the form and manner provided for by the City Clerk and in accordance with the provisions of this policy.
- 1.2. Council shall be the approval authority for proclamation requests received by the City Clerk.
 - 1.2.1. The City Clerk shall have the authority to approve proclamation requests on behalf of Council that are received during summer and election hiatus periods.

2. Request Process

2.1. Requests for proclamations shall be received by the City Clerk in writing or electronically by a Requestor.

2.1.1. Proclamation requests must be submitted to the City Clerk no later than 45 days prior to the date requested by the requestor.

2.1.2. Proclamation requests must specify whether the proclamation is to recognize a day, a week or a month.

2.1.3. Requestors do not have exclusive rights to the day, week or month for the proclamation being requested.

2.1.4. Proclamation requests must be made annually and are not automatically renewed for the following calendar year, unless otherwise directed by Council, or the City Clerk exercising delegated authority.

2.2. The City Clerk shall review requests within 5 business days of receipt, to ensure it the request complies with sections 2.1 and 2.2.1 of this policy.

2.2.1. Proclamation requests may not be received by individuals acting independently from or unaffiliated with an organization.

2.2.2. Requests deemed ineligible will be denied.

2.2.3. Where requests have been denied under section 2.2.1 or 2.2.2, the Requestor shall be notified.

2.3. The City Clerk shall prepare a report to Council for their approval of the eligible request.

2.3.1. Whenever possible, multiple proclamation requests shall be consolidated into a single report.

2.3.2. During hiatus periods, Mayor and Members of Council shall be notified of proclamations received and approved by the City Clerk in lieu of a report for Council approval.

2.4. Once a request has been approved, the City Clerk shall publish the proclamation on the City's website and provide notice to the requestor.

2.5. The requestor may receive a proclamation certificate signed by the Mayor on behalf of Council.

POLICY TITLE: PROCLAMATIONS

POLICY NO.: 03.C.10

2.5.1. Where suitable, the proclamation certificate may be presented by the Mayor or a Member of Council at an event or ceremony organized by the requestor.

2.5.2. The proclamation certificate shall follow a standard format produced by the City Clerk.

ADMINISTRATION

Administered by the Office of the City Clerk.

Review Schedule:	5 Years If other, specify here	Next Review Date:	Click or tap to enter a date.
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Related Policy(ies):	
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Related By-Law(s):	
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Procedural Document:	
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Revision History

Date:	Description:
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CITY OF VAUGHAN

CORPORATE POLICY

POLICY TITLE: FLAG PROTOCOL

POLICY NO.: 03.C.11

Section:	Administration & Legal		
Effective Date:	March 1, 2020	Date of Last Review:	Click or tap to enter a date.
Approval Authority: Council		Policy Owner: DCM, Administrative Services & City Solicitor	

POLICY STATEMENT

Flag raisings enhance public awareness of activities occurring in the community, including fundraising drives, multicultural events and days of national importance. These flag raisings support and promote the diversity and cultural heritage of the City's residents and acknowledge and recognize important community organizations and groups that serve the City and its people. Flag raisings do not serve as endorsements for the politics or governments of the nations whose flags may be flown by the City as permitted in this policy.

Half-masting flags is a long-established form of recognition which honours a recently deceased prominent public figure and visually expresses the community's sense of sorrow and mourning at their passing.

PURPOSE

To provide consistent direction for the flying of flags at City Facilities and on City owned or operated properties, and to provide direction on the appropriate manner and occasion for half-masting such flags.

SCOPE

This policy applies to all City owned or operated facilities and properties and shall also apply to the use or display of flags inside such facilities.

LEGISLATIVE REQUIREMENTS

None.

POLICY TITLE: FLAG PROTOCOL

POLICY NO.: 03.C.11

DEFINITIONS

- 1. City Clerk:** The City Clerk appointed by Council in accordance with Section 228 of the *Municipal Act, 2001*, S.O. 2001, c.25 or their designate.
- 2. City Facility:** A City-owned building or property including Vaughan City Hall, community centres, libraries and parks which are owned or operated by the Corporation of the City of Vaughan.
- 3. City of Vaughan Flag:** The flag of the City of Vaughan, consisting of a white field with four blue columns emanating from a red maple leaf at their base as first raised by Vaughan Council on May 2, 1988.
- 4. National Flag:** The national flag of Canada, consisting of a vertical triband of red and white with the red maple leaf centered on the white band as approved by the Parliament of Canada and proclaimed on February 15, 1965.
- 5. Provincial Flag:** The flag of the province of Ontario, consisting of a red field with the flag of the United Kingdom defaced with the shield of the Ontario coat of arms as approved by the Legislative Assembly of Ontario and proclaimed on May 21, 1965.
- 6. Requestor:** An organization and its official representative who submits a request for a flag raising ceremony.
 - 6.1. For the purposes of section 6 an organization shall be either:
 - 6.1.1. Not-for-profit;
 - 6.1.2. Charitable;
 - 6.1.3. For-profit corporation, when requesting to fly a flag for non-profit or awareness purposes only;
 - 6.1.4. Cultural;
 - 6.1.5. Ethnic; or,
 - 6.1.6. Public institution, including the Government of Canada, Government of Ontario, Corporation of the City of Vaughan or a department or agency of the same.
 - 6.2. For the purposes of section 6 an organization shall not be:
 - 6.2.1. For-profit corporation, except as noted at 6.1.3;
 - 6.2.2. Political party or association;
 - 6.2.3. Religious organization or institution;
 - 6.2.4. Organizations which espouse racist, hateful or offensive messages and values; or,
 - 6.2.5. Foreign government or its official representatives, including embassies and consulates.

POLICY TITLE: FLAG PROTOCOL

POLICY NO.: 03.C.11

POLICY

1. General

1.1. Responsibility for administering this policy shall be delegated to the City Clerk.

1.1.1. Except where otherwise noted in this policy, flags shall be flown in accordance with the standards and practices established by the Department of Canadian Heritage and administered by the City Clerk.

1.2. The City of Vaughan Flag is the property of the Corporation, and the City reserves the right to direct the appropriate use and display of the Flag.

1.3. The City of Vaughan reserves the right to determine whether or not to fly any flag at a City Facility.

2. Procedure for Flying Flags

2.1. Where provision is made for the flying of flags at a City Facility, the National Flag, the Provincial Flag and the City of Vaughan Flag shall be flown.

2.2. Where fewer than three flagpoles are available at a City Facility, the National Flag shall be flown and if possible, the City of Vaughan Flag.

2.3. Flags flown at City Facilities shall be flown at full-mast unless otherwise directed in accordance with this policy.

2.4. The order of precedence for the flying of flags at City Facilities shall be as follows:

- 2.4.1. The Sovereign's Personal Canadian Flag;
- 2.4.2. Standard of a Member of the Royal Family;
- 2.4.3. Standard of the Governor General of Canada;
- 2.4.4. Standard of the Lieutenant Governor of Ontario;
- 2.4.5. The National Flag of Canada;
- 2.4.6. The flags of other sovereign nations in alphabetical order;
- 2.4.7. The flags of the provinces of Canada, in the order in which they joined Confederation;
- 2.4.8. The flags of the territories of Canada, in the order in which they joined Confederation;
- 2.4.9. The Royal Union Flag;
- 2.4.10. The City of Vaughan Flag;
- 2.4.11. The flags of other municipalities in alphabetical order;
- 2.4.12. Flags or banners of organizations; and
- 2.4.13. Historical flags.

2.5. The flags identified in s.2.4 shall be flown on their own flagpole, with the exception of those listed at 2.4.11 and 2.4.12.

2.6. On the occasion of a visit from an official delegation representing a foreign nation or municipality of a foreign nation, the flag of that nation may be flown at City Hall as a sign of respect during the period of their visit.

3. Procedure for Half-Masting Flags

3.1. Flags at City Facilities shall be half-masted to commemorate special days in accordance with protocol established by the Government of Canada, including:

- 3.1.1. April 28, National Day of Mourning for Workers Killed or Injured on the Job;
- 3.1.2. June 23, National Day of Remembrance for Victims of Terrorism;
- 3.1.3. Last Sunday in September, Police and Peace Officers' National Memorial Day;
- 3.1.4. November 11, Remembrance Day; and,
- 3.1.5. December 6, National Day of Remembrance and Action on Violence Against Women.

3.2. Flags at City Facilities shall be half-masted in recognition of the death of prominent public figures, including:

- 3.2.1. The Sovereign;
- 3.2.2. An immediate member of the Sovereign's Family;
- 3.2.3. The current or former Governor General of Canada;
- 3.2.4. The current or former Prime Minister of Canada;
- 3.2.5. The current Chief Justice of Canada;
- 3.2.6. The current or former Lieutenant Governor of Ontario;
- 3.2.7. The current or former Premier of Ontario;
- 3.2.8. A local member of the Privy Council or Senate of Canada;
- 3.2.9. A local Member of Parliament or Member of Provincial Parliament;
- 3.2.10. The current or former Mayor of the City of Vaughan;
- 3.2.11. A current or former member of Vaughan Council; and
- 3.2.12. An employee of the City of Vaughan, including employees of Vaughan Public Libraries.

3.3. When flags are half-masted to commemorate the death of an individual, the flags shall be lowered to half-mast from the time of notification of death until sunset on the day of the funeral or the memorial service.

3.4. The City Clerk may direct that flags at City Facilities be half-masted when deemed appropriate to do so.

3.5. The Mayor may, on the advice and recommendation of the City Clerk, direct that flags at City Facilities be half-masted.

3.6. Flags at Vaughan City Hall shall be flown at full-mast for the duration of a flag-raising ceremony and subsequently lowered at the conclusion of the ceremony.

3.7. Flags that have been half-masted in recognition of the death of the Sovereign shall not be raised for any reason until the date on which the accession of the new Sovereign has been proclaimed.

3.8. Notice of a half-masting shall be provided internally to Council and staff and posted on the City's website for the public in a timely manner.

4. Flag Raising Requests

4.1. Flag raising requests shall be received by the Office of the City Clerk and shall be reviewed and considered on a first-come first-serve basis.

4.1.1. A new request must be initiated by the Requestor each year and shall not automatically be held or reserved for the same date in a subsequent year.

4.1.2. A flag flown in accordance with a request made under Section 4.1 may only be flown once a year. Where additional requests to fly the same flag are made, the request submitted first shall take precedence.

4.2. Flag raising requests shall be made in the form and manner established by the City Clerk for that purpose and shall be submitted no less than one month prior to the date requested for the flag raising.

4.3. Requestors may request a flag raising for the following flags:

4.3.1. Flags of nations officially recognized by the Government of Canada;

4.3.2. Flags of community service, charitable or not-for-profit organizations or corporations;

4.3.3. Flags of cultural or ethnic organizations or associations;

4.3.4. Flags representing causes or campaigns;

4.3.5. Flags of an athletic organization or associations, professional sports teams and sports organizations.

4.4. Flag raising requests will not be approved for the following:

4.4.1. Religious organizations or religious festivals or events;

4.4.2. Political parties, political organizations, or candidates for election;

POLICY TITLE: FLAG PROTOCOL

POLICY NO.: 03.C.11

- 4.4.3. Organizations which espouse racist, hateful or offensive messages and values; and,
- 4.4.4. Any organization or group whose intent is contrary to the by-laws and policies of the City of Vaughan.
- 4.5. All flag raisings will be conducted using the courtesy flagpole provided at Vaughan City Hall.
- 4.5.1. Flag raising ceremonies shall not be conducted at any other City Facility.
- 4.5.2. Notwithstanding section 4.5.1, flag raisings may be permitted at the Joint Operations Centre for flag raisings requested by departments of the City of Vaughan.
- 4.6. The City of Vaughan does not imply or express support for, or approval of, the politics, opinions or government of any nation or ethnic group whose flag is flown in accordance with this policy.
- 4.7. Approved flag raising ceremonies shall be provided support, as set out in section 4.8, for a maximum of sixty minutes, at no charge to the Requestor.
- 4.8. Flag raising ceremonies shall be provided with the following support at no charge from the City of Vaughan for the duration of the ceremony:
- 4.8.1. Seating for VIPs and attendees (quantity subject to availability);
- 4.8.2. A podium;
- 4.8.3. Audio-visual support including one microphone and speakers;
- 4.8.4. Courtyard space adjacent to the courtesy flagpole; and,
- 4.8.5. Indoor space (subject to availability) for inclement weather and/or receptions.
- 4.9. Requestors who require support (including stages and/or additional city staff) that exceeds those set out in section 4.8 or who wish to make arrangements for an event at City Hall to follow the flag raising ceremony, will be required to contact Recreation Services to make additional arrangements-normal fees and charges may apply for facility bookings and permits.

ADMINISTRATION

Administered by the Office of the City Clerk.

Review Schedule:	5 Years If other, specify here	Next Review Date:	Click or tap to enter a date.
Related Policy(ies):			

POLICY TITLE: FLAG PROTOCOL

POLICY NO.: 03.C.11

Related By-Law(s):	
Procedural Document:	
Revision History	
Date:	Description:
Click or tap to enter a date.	
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CITY OF VAUGHAN

CORPORATE POLICY

POLICY TITLE: CIVIC RECOGNITION ON THE DEATH OF A CURRENT OR FORMER MEMBER OF COUNCIL

POLICY NO.: 06.C.01

Section:	Council & Committees		
Effective Date:	January 1, 2020	Date of Last Review:	Click or tap to enter a date.
Approval Authority: Council	Policy Owner: DCM, Administrative Services & City Solicitor		

POLICY STATEMENT

It is important for the City of Vaughan to recognize the important contribution to public service provided by elected officials who have served on Vaughan Council, upon the occasion of the member's passing. The implementation of this policy gives force and direction to suitable recognition of a deceased member for their contributions to civic society in the City of Vaughan.

PURPOSE

The purpose of this policy is to establish a clear and consistent procedure for recognizing current and former Mayors and Members of Council upon their death. The administration of this policy provides for a dignified commemoration of public service which respects the wishes of the late member's family.

This policy will be administered by the Office of the City Clerk and that office shall coordinate the payment of all expenses incurred in the implementation of the policy.

SCOPE

This policy applies to current and former Mayors and Members of Council on the occasion of their passing. If the member served as an elected official at another level of government, deference shall be given to the appropriate federal or provincial protocol in place to recognize the deceased member for their public service. This policy does not have application for recognition of other distinguished residents or former residents of Vaughan at the time of their passing.

POLICY TITLE: CIVIC RECOGNITION ON THE DEATH OF A CURRENT OR FORMER MEMBER OF COUNCIL

POLICY NO.: 06.C.01

LEGISLATIVE REQUIREMENTS

Section 262 of the *Municipal Act, 2001* sets out the statutory requirements for declaring an office on Vaughan Council vacant as a result of the death of a sitting Member of Council:

Declaration

262 (1) If the office of a member of a council becomes vacant under section 259, the council shall at its next meeting declare the office to be vacant, except if a vacancy occurs as a result of the death of a member, the declaration may be made at either of its next two meetings. 2001, c. 25, s. 262 (1).

Upper-tier declaration

(2) If an upper-tier municipality declares the office of one of its members who also holds office on the council of a local municipality to be vacant, the upper-tier municipality shall immediately forward a copy of its declaration to the council of the local municipality. 2001, c. 25, s. 262 (2).

Lower-tier declaration

(3) If a local municipality declares the office of one of its members who also holds office on the council of the upper-tier municipality to be vacant, the local municipality shall immediately forward a copy of its declaration to the council of the upper-tier municipality. 2001, c. 25, s. 262 (3).

DEFINITIONS

- 1. City Clerk:** Person appointed by Council as the Clerk of the municipality in accordance with Section 228 of the *Municipal Act, 2001* or their designate.
- 2. City Facility:** A City-owned building or property including Vaughan City Hall, community centres, libraries and parks which are owned or operated by the Corporation of the City of Vaughan.
- 3. Family:** Persons belonging to the family of the deceased Member of Council.
- 4. Member:** See “**Member of Council**”.
- 5. Member of Council:** A person currently or previously elected or appointed to hold office on Vaughan Council or the Council of a former municipality prior to amalgamation with the present City of Vaughan.

POLICY TITLE: CIVIC RECOGNITION ON THE DEATH OF A CURRENT OR FORMER MEMBER OF COUNCIL

POLICY NO.: 06.C.01

POLICY

1. General

- 1.1. Upon receiving notice of the death of a current or former Member of Council, the City Clerk shall provide notice to the Mayor's Office, Council Offices, City Manager's Office, Corporate and Strategic Communications and the Senior Leadership Team (SLT).
- 1.2. The City Clerk shall liaise with the Family, to coordinate suitable recognition including all, some or none of the forms of recognition provided for in this policy.
- 1.3. The City Clerk shall be authorized to give effect to this policy.
- 1.4. The City Clerk shall lead the implementation of this policy in coordination with any relevant department as required to give effect to the recognition of the deceased member.
- 1.5. Where the current or former Member has served in federal or provincial office, the City Clerk shall give deference to the appropriate protocol established by higher orders of government when implementing this policy.

2. Death of a Current Member of Council

- 2.1. Flags will be lowered to half-mast at all City Facilities in accordance with the Flag Protocol Policy.
- 2.2. Corporate and Strategic Communications will issue a news release to media outlets commemorating the Member and providing details for a funeral or memorial service and share the details on the City's website.
- 2.3. Appropriate acknowledgement of the Member's passing shall be made at the next meeting of Council following the funeral or memorial service.
- 2.4. At the next meeting of Council, the Member's seat in the Council Chamber shall be adorned with a floral arrangement and the nameplate dressed in black.
- 2.5. The Member's official portrait in the Atrium of Vaughan City Hall shall be dressed in black until such time as a new Member has been elected or appointed, at which time the portrait shall be replaced.

POLICY TITLE: CIVIC RECOGNITION ON THE DEATH OF A CURRENT OR FORMER MEMBER OF COUNCIL

POLICY NO.: 06.C.01

2.6. The City Clerk and Corporate and Strategic Communications staff will support the Family with materials and resources for the purposes of producing tributes, obituaries, etc.

2.7. Letters of condolence shall be sent to the Family by the Mayor and City Manager on behalf of Council and the Corporation respectively.

2.8. A Book of Condolence, floral arrangement and official portrait of the Member shall be setup at an appropriate place in Vaughan City Hall as soon as able following the notice of the Member's passing, and a digital Book of Condolence made available on the City's website.

2.8.1. The physical and digital Book of Condolence shall be made available to the public until the date of the Member's funeral or memorial service, at which time they shall be presented to the Family.

2.9. The City shall provide the Family with a Vaughan Flag to be draped or folded and placed on the casket or urn as appropriate.

2.10. A floral tribute shall be ordered and sent to the Family on behalf of Council and the City of Vaughan for the funeral or memorial service.

2.11. Official representation from Council and the Administration shall be present at the funeral or memorial service for the Member.

2.12. Floral tributes received by the City shall be placed alongside the Book of Condolence at Vaughan City Hall.

3. Additional Recognition Services for the Death of a Current Mayor

3.1. All of the services detailed in section 2 shall have application for the Family of a deceased Mayor, in addition to those detailed in this section.

3.2. Letters of condolence shall be sent to the Family by the Deputy Mayor and City Manager on behalf of Council and the Corporation respectively.

3.3. The City Clerk shall arrange for a lying-in state in Council Chambers or another location as deemed appropriate, for a duration of one to two days, for a period not to exceed 12 hours on a given day.

3.3.1. Private visitations shall be arranged for the Family and VIP attendees during the period of the lying-in state.

POLICY TITLE: CIVIC RECOGNITION ON THE DEATH OF A CURRENT OR FORMER MEMBER OF COUNCIL

POLICY NO.: 06.C.01

3.4. Traffic controls will be provided by the City at the venue of the funeral or memorial service, if it occurs within the municipal boundaries of the City of Vaughan.

3.5. A ceremonial escort will be provided for the casket to the venue of the funeral or memorial service.

3.6. The City Clerk will offer support and advice to the Family regarding civic protocol in respect to the conduct of the funeral or memorial service.

4. Death of a Former Member of Council

4.1. Flags will be lowered to half-mast at all City Facilities in accordance with the Flag Protocol Policy.

4.2. A letter of condolence to the Family will be issued by the Mayor on behalf of Council and the City of Vaughan.

4.3. A formal tribute to the former Member shall be posted to the City's website.

4.4. The City Clerk and Corporate and Strategic Communications staff will support the Family with materials and resources for the purposes of producing tributes, obituaries, etc.

4.5. A floral tribute shall be ordered and sent to the Family on behalf of Council and the City of Vaughan for the funeral or memorial service.

4.6. Official representation from Council and the Administration shall be present at the funeral or memorial service for the former Member.

4.7. The Vaughan Flag flown at City Hall on the day of the funeral or memorial service for the former Member, shall be presented to the Family.

4.8. Appropriate acknowledgement of the former Member's passing shall be made at the next meeting of Council following the funeral or memorial service.

5. Additional Recognition Services for the Death of a Former Mayor

5.1. All of the services detailed in section 4 shall have application for the Family of a deceased former Mayor, in addition to those detailed in this section.

5.2. The City shall provide the Family with a Vaughan Flag to be draped or folded and placed on the casket or urn as appropriate.

POLICY TITLE: CIVIC RECOGNITION ON THE DEATH OF A CURRENT OR FORMER MEMBER OF COUNCIL

POLICY NO.: 06.C.01

5.3. A Book of Condolence, floral arrangement and official portrait of the former Mayor shall be setup at an appropriate place in Vaughan City Hall as soon as able following the notice of the former Mayor's passing, and a digital Book of Condolence made available on the City's website.

5.3.1. The physical and digital Book of Condolence shall be made available to the public until the date of the former Mayor's funeral or memorial service, at which time they shall be presented to the Family.

ADMINISTRATION

Administered by the Office of the City Clerk.

Review Schedule:	5 Years If other, specify here	Next Review Date:	Click or tap to enter a date.
Related Policy(ies):	XX.X.XX – Flag Protocol		
Related By-Law(s):			
Procedural Document:			

Revision History

Date:	Description:
Click or tap to enter a date.	
Click or tap to enter a date.	
Click or tap to enter a date.	

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

**TITLE: ECONOMIC PROSPERITY TASK FORCE – APPROVAL OF
TERMS OF REFERENCE AND APPOINTMENT OF MEMBERS**

FROM:

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

ACTION: DECISION

Purpose

To seek approval of the Terms of Reference, to review the applications received for the appointment of citizen members, and to consider the proposed list of industry representatives for the Economic Prosperity Task Force.

Report Highlights

- Staff have worked with the Chair and Vice-Chair to compile a draft Terms of Reference for the Economic Prosperity Task Force as contained in Attachment 1 of this report.
- Recruitment of citizen members commenced on May 1, 2020 by the Office of the City Clerk, with support from Corporate and Strategic Communications and the Economic and Cultural Development Department.
- Deadline for receipt of applications was Wednesday, May 13, 2020.
- Applications received and a list of proposed industry representatives are contained in Confidential Attachment 2 of this report.

Recommendations

1. That Council approve the Terms of Reference for the Economic Prosperity Task Force (Attachment 1); and

2. That Council give consideration to applications received for the appointment of citizen members and the list of proposed industry representatives to the Economic Prosperity Task Force (Confidential Attachment 2).

Background

At its meeting on October 2, 2019, Council adopted Item 14, Report No. 27 of the Committee of Whole, titled “2018-2022 Term of Council Priority Task Forces”. In so doing, Council approved:

1. That the following Members of Council be appointed to the following task forces:
 1. Economic Prosperity Task Force: Chair: Sandra Yeung Racco, Ward 4 Councillor; Vice Chair: Mario Ferri, Deputy Mayor, Local and Regional Councillor.
 2. Diversity and Citizen Engagement Task Force: Chair: Alan Shefman, Ward 5 Councillor; Vice Chair: Marilyn Iafrate, Ward 1 Councillor.
2. That the City Manager identify the appropriate staff representation for each task force and that staff meet with the Chair and Vice Chair at their earliest convenience to commence work.
3. That the City Clerk be requested to work with each task force to prepare terms of reference and commence recruitment pursuant to the membership and selection criteria identified by the Chair and appropriate staff as part of the development of the terms of reference of the task force.

Economic Prosperity Task Force Mandate

The City will work to support businesses, respond to the challenges of unforeseen circumstances and economic uncertainty, and build capacity and resiliency for businesses in the long term. The Economic Prosperity task force will:

1. serve as a forum for the discussion of improving local economic development strategies among residents, businesses and other stakeholders.
2. identify global marketing strategies that improve Vaughan’s foreign-direct investment offerings.
3. explore ways to invest in Vaughan’s local talent pool, thereby strengthening the human capital of the city’s local workforce.

4. serve as a catalyst that encourages the business community to invest back in the broader community, thereby further fulfilling the mandate of the Spirit of Generosity that embodies Vaughan.
5. align the work of the task force members with the Council-approved priorities identified in the 2018-2022 Term of Council Service Excellence Strategic Plan.
6. share updates and presentations with advice and recommendations related to the task force, culminating with a final report of recommendations no later than June 2021.
7. support the Vaughan Business Resiliency Plan, supporting implementation of economic resiliency strategies.

Previous Reports/Authority

[Member's Resolution 2018-2022 Term of Council Priority Task Forces, dated October 2, 2019.](#)

Analysis and Options

As part of developing the Terms of Reference, staff from the Office of the City Clerk, and the Economic and Cultural Development Department, worked with the Chair and Vice Chair to outline the membership and selection criteria for the task force. The proposed Terms of Reference for the Task Force is included in Attachment 1 of this report.

Recruitment for citizen members is done through the City's social media channels, website and Council eNews. The deadline for receipt of applications was 4:30 p.m. on Wednesday, May 13, 2020. Applications received are included in Confidential Attachment 2 of this report.

Members shall include members of Council, citizens and stakeholders, as follows:

- Councillor Yeung Racco, Chair and Deputy Mayor Ferri, Vice Chair.
- Eight (8) regional leaders and three (3) residents of Vaughan.
- The Mayor will serve as an ex-officio member of the task force.

Financial Impact

There are no financial impacts associated with this report.

Broader Regional Impacts/Considerations

There are no Regional impacts/considerations associated with this report.

Conclusion

It is appropriate that Council approve the Terms of Reference and give consideration to the applications received for appointment of citizen members to the Economic Prosperity Task Force.

For more information, Todd Coles, City Clerk, Extension 8281

Attachments

1. Terms of Reference: Economic Prosperity Task Force.
2. Confidential Attachment (Mayor and Members of Council only) – to be distributed after May 13, 2020.

Prepared by

Isabel Leung, Deputy City Clerk & Manager, Administrative Services, Extension 8190.



Economic Prosperity

TASK FORCE

TERMS OF REFERENCE

OFFICE OF THE CITY CLERK
City of Vaughan, City Hall
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1





TERMS OF REFERENCE

MANDATE/OBJECTIVES

MANDATE:

The city of Vaughan is an economic powerhouse. Vaughan has an employment growth rate far outpacing Ontario and Canada and since 2010, nearly 55,000 new jobs have been created. With the highest employment in York Region, Vaughan is home to nearly 12,000 businesses that employ more than 218,000 people.

Small business remains the backbone of Vaughan's economy, representing more than 80 per cent of all Vaughan job creators. Since 2010, the business advisory services provided by the Vaughan Business Enterprise Centre have helped entrepreneurs start or expand nearly 3,300 businesses in Vaughan.

In 2019, Vaughan issued more than \$1.3 billion worth of building permits, representing more than \$3.6 million of construction work invested in the city daily. Since 2010, Vaughan has issued more than \$12 billion in building permits.

These robust job creation figures – and outstanding construction values – represent a strong economy, a city that is a destination of choice and a prosperous place to call home. Job creators can confidently invest in Vaughan because of the environment for economic prosperity.

A strong economy is the foundation of a well-run city. The Economic Prosperity Task Force is focused on using industry knowledge to support efforts to encourage sustainable economic growth that leads to more jobs, higher incomes, less poverty, higher living standards and a healthier municipality. The task force's mandate is to advise on how the City of Vaughan can best deliver on its commitments made in the Council-approved Economic and Cultural Development department Strategic Business Plan, 2020-2023.

While the City is not directly responsible for the success of innovative entrepreneurs and companies, it plays a vital role in developing the type of community that will retain

existing successful business leaders and innovators while attracting the additional risk-takers, entrepreneurs and talent needed to continue to grow local prosperity.

The City will work to support businesses, respond to the challenges of unforeseen circumstances and economic uncertainty, and build capacity and resiliency for businesses in the long term.

The Economic Prosperity task force will:

1. serve as a forum for the discussion of improving local economic development strategies among residents, businesses and other stakeholders.
2. identify global marketing strategies that improve Vaughan's foreign-direct investment offerings.
3. explore ways to invest in Vaughan's local talent pool, thereby strengthening the human capital of the city's local workforce.
4. serve as a catalyst that encourages the business community to invest back in the broader community, thereby further fulfilling the mandate of the Spirit of Generosity that embodies Vaughan.
5. align the work of the task force members with the Council-approved priorities identified in the 2018-2022 Term of Council Service Excellence Strategic Plan.
6. share updates and presentations with advice and recommendations related to the task force, culminating with a final report of recommendations no later than June 2021.
7. support the Vaughan Forward Business Recovery Plan, supporting implementation of economic recovery and resiliency strategies.

TERM

The term of this task force is May 2020 – June 2021.

MEMBERSHIP

Members shall include members of Council, citizens and stakeholders, as follows:

- a) Two (2) members of Council selected by Mayor Maurizio Bevilacqua will represent Council as Chair and Vice-Chair of the task force.
- b) The Mayor will serve as an ex-officio member of the task force.
- c) Membership includes eight (8) regional leaders in arts and cultural development; branding and marketing; community and regional economic development; competitiveness policy; economic research; entrepreneurship development; foreign-direct investment; industrial and commercial sector development; the innovation ecosystem, land development; place-making; public and post-secondary administration; small business development; sponsorship, advertising and grant development, and administration; and talent development.
- d) Membership includes three (3) residents of Vaughan with significant experience, as demonstrated in an application, in arts and cultural development; branding and marketing; community and regional economic development; competitiveness policy; economic research; entrepreneurship development; foreign-direct investment; industrial and commercial sector development; the innovation ecosystem, land development; place-making; public and post-secondary administration; small business development; sponsorship, advertising and grant development, and administration; and talent development.

MEETING PROCEDURES

Task force meetings are intended to be informal, and structured to encourage maximum flexibility and open, honest debate.

The proceedings of the task force are to be governed by the City's Procedural By-law.

AGENDAS AND REPORTING

1. Agendas shall be prepared by the Office of the City Clerk in consultation with the task force Chair.
2. Agendas shall be posted on the City's website one week prior to the scheduled date of meeting, or as soon as practicable.
3. After each meeting of the task force, the City Clerk shall submit a report in the City's committee report format to the Committee of the Whole.
4. Following the conclusion of the 13-month mandate of the task force, a report of recommendations will be brought to Council for further discussion.

MEETINGS

1. Meeting dates will be determined at the first meeting of the task force. The task force may meet on the schedule determined, or at the call of the Chair.
2. Meetings will be held every other month or as needed throughout the course of the task force term, except for July and August when no meetings will be scheduled.
3. The Chair of the task force may call special meetings.
4. Meetings are to be open to the public in accordance with the *Municipal Act, 2001*.

NOTICE OF MEETINGS

Meetings will be noted on the Schedule of Meetings calendar posted on the City's website.

QUORUM

Quorum shall be calculated as a majority of the total number of persons appointed to the task force. Ex-officio members will not be counted for the purpose of calculating the total number of persons appointed to the task force but will be counted as a member present when in attendance.

STAFF RESOURCES

The role of staff is to act as a resource to the task force, but not to be members of the task force, or to deliberate or draft the findings of the task force. The following staff will provide advisory and technical support specific to the mandate and objectives of the task force:

- The Office of the City Clerk will assign one staff person responsible for agenda and report production and distribution, the giving of procedural advice, the recording of proceedings of the task force and distribution of reports.
- The Corporate and Strategic Communications department will assign one staff person to provide communications advisory services, prepare information, communications and assist in the development of the task force report.
- An additional two (2) staff with subject matter expertise will be assigned to support the work of the task force.
- The task force can be provided with additional administrative and/or technical support at the discretion of the appropriate Senior Leadership Team portfolio(s).

AUTHORITY

The task force may not exercise decision-making powers, or commit expenditures save for those specifically delegated by Council.

The task force may not direct staff to undertake activities without authority from Council.

AMENDMENT/EXPANSION OF TERMS OF REFERENCE

Only Council can approve any amendment to and/or expansion of the Terms of Reference.

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

**TITLE: APPOINTMENT OF A CITIZEN MEMBER TO THE OLDER
ADULT TASK FORCE**

FROM:

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

ACTION: DECISION

Purpose

To consider applications received for appointing one (1) citizen member to the Older Adult Task Force.

Report Highlights

- A citizen member needs to be appointed to the Older Adult Task Force to fill one vacancy due to a resignation.
- The successful candidate will be advised of their appointment.

Recommendation

1. That Council consider the applications received [Confidential Attachment 2] for appointing one (1) citizen member to the Older Adult Task Force for the Council term ending in November 2022.

Background

At its meeting of January 28, 2020 Council adopted the following recommendation from the Committee of the Whole – Item 14, Report No.1 [Attachment 1]:

- 1) That the recommendation 1. contained in the following report of the Deputy City Manager, Administrative Services, dated January 21, 2020, be approved; and

- 2) That the City Clerk be requested to commence the recruitment process to fill the vacancy caused due to the resignation of the member, utilizing the most cost-effective and expeditious means available.

The Office of the City Clerk, in collaboration with the Corporate and Strategic Communications Department, coordinated the recruitment process utilizing the City's Social Media platforms. Application packages were also available in the Office of the City Clerk at Vaughan City Hall, the Joint Operations Centre, all branches of Vaughan Public Libraries and Community Centres, and on the City's website.

The deadline for submitting applications was 4:30 p.m. on Friday, February 7, 2020. A total of eight (8) applications were received. One (1) resume was received without the required Application Form. All applications are provided as Confidential Attachment 2 to Mayor and Members of Council only.

Previous Reports/Authority

Not applicable

Analysis and Options

The Terms of Reference for the Older Adult Task Force provides, among other things, that:

1. The Task Force membership shall be composed of the following:
 - a) A maximum of three (3) Council members
 - b) A maximum of six (6) citizen members who are part of the older adult population or have significant insight/experience with the Vaughan older adult community.
 - c) A minimum of one (1) member representing an organization or service provider serving older adults.

After the resignation, there are 8 members (2 members of Council, 5 citizen members and 1 organization representative) remaining on the Task Force.

Considering that only one year has elapsed of the four-year term of Council, it is advisable to fill the vacancy caused due to the resignation.

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

Staff is requesting that Council consider the applications received for appointing one citizen member to the Older Adult Task Force to fill the vacancy caused as a result of the resignation.

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

Attachments

1. Extract from Council meeting minutes of January 28, 2020.
2. Confidential Attachment – applications received (Mayor and Members of Council only).

Prepared by

John Britto, Council / Committee Administrator, extension 8637.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 28, 2020

Item 14, Report No. 1, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on January 28, 2020.

14. RESIGNATION OF A MEMBER – OLDER ADULT TASK FORCE

The Committee of the Whole recommends:

- 1) That the recommendation 1. contained in the following report of the Deputy City Manager, Administrative Services, dated January 21, 2020, be approved; and
- 2) That the City Clerk be requested to commence the recruitment process to fill the vacancy caused due to the resignation of the member, utilizing the most cost-effective and expeditious means available.

Recommendations

1. That the resignation of Mr. George Mathew be received; and
2. That Council provide direction with respect to filling the vacancy.

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

TITLE: SMART CITY TASK FORCE – AMENDMENT TO TERMS OF REFERENCE

FROM:

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

ACTION: DECISION

Purpose

To consider amending the Terms of Reference for the Smart City Task Force under the sections “Membership” and “Meetings”.

Report Highlights

- Staff is requesting amendments to the Terms of Reference to enable Alternate members from the same organization to attend meetings in the absence of Council appointed members as Stakeholder Representatives.
- Staff is also requesting that meetings of the Smart City Task Force be held every quarter, or as needed, throughout the course of the Task Force term, except for July and August when no meetings will be scheduled.
- Council approval is required to amend the Smart City Task Force Terms of Reference.

Recommendations

1. That the Terms of Reference for the Smart City Task Force be amended to enable Alternate members from the same organization to attend meetings in the absence of Council appointed members as Stakeholder Representatives; and

2. That meetings be held every quarter, or as needed, throughout the course of the Task Force term, except for July and August when no meetings will be scheduled.

Background

The Smart City Task Force was established by [Council on May 14, 2019](#), and the Terms of Reference (Attachment #1) were approved by [Council on October 2, 2019](#). The Smart City Task Force has an overall mandate to advance a culture of knowledge, pursue continuous improvement, and to continue to provide advice to Council and City Administration, including high level political and community perspectives into the development of a Smart City initiative which enhances urban life in terms of people, living, economy, mobility and governance, and to endorse Smart City technologies for Council's ultimate consideration.

The Task Force membership is composed of:

- A maximum of two Council members;
- A maximum of five individuals who have expertise or interest in the area(s) of technology, digital/urban society, data analytics and service delivery;
- A maximum of eleven stakeholder representatives, respectively being senior representatives from some of the following stakeholder communities:
 - Green industries, such as CleanTech,
 - Industry and Business associations,
 - Talent Advisory Services (HR Professionals),
 - Senior Government,
 - Post-Secondary Education, Academia, Research and Innovation,
 - Media and Entertainment,
 - Creative and Cultural Industries,
 - Healthcare and Medical Professionals,
 - Information, Communications and Technology companies,
 - Non-Government Associations and Government Services,
 - Tourism and Travel,
 - International Business promotion, including Foreign Consular Services, and Chambers of Commerce,
 - Financial Services Industries, and
 - Construction and Development Industry.

As meetings require quorum to proceed, staff is requesting Council's consideration to amend the Terms of Reference to allow Council appointed Stakeholder Representative members to have alternates from the same organization to attend meetings on their behalf. This will assist in achieving quorum at meetings.

The current Terms of Reference states that meetings will be held every other month. Staff is requesting that meetings of the Task Force be held every quarter, or as needed, throughout the course of the Task Force term, except for July and August when no meetings will be scheduled.

Previous Reports/Authority

[Mayor Maurizio Bevilacqua's 2018-2022 Term of Council Priority Task Forces \(Rpt. 7, Item 9, approved by Council on May 14, 2019\)](#)

[Approval of Terms of Reference and Appointment of Citizen Members to Task Forces \(Rpt. 27, Item 13, approved by Council on October 2, 2019\)](#)

Analysis and Options

The Terms of Reference provides that a majority of the members, including the Chair, shall constitute quorum. Having alternates attend meetings in the absence of Council appointed members will facilitate attendance, and ensure that technical expertise is represented, thus allowing meetings to take place by attaining the required quorum.

Financial Impact

Not applicable.

Broader Regional Impacts/Considerations

Not applicable.

Conclusion

The City Clerk is requesting that Council consider the request to amend the Terms of Reference for the Smart City Task Force to allow Stakeholder Representative members to have alternates from the same organization to attend meetings on their behalf, and for meetings to be held every quarter, or as needed, throughout the course of the Task Force term, except for July and August when no meetings will be scheduled.

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

Attachment

1. Smart City Task Force – Terms of Reference

Prepared by

John Britto, Council/Committee Administrator, extension 8637

**TERMS OF REFERENCE:
City of Vaughan SMART City Task Force**

Mandate / Objectives*Mandate*

The City of Vaughan Smart City Task Force has an overall mandate to advance a culture of knowledge and pursue continuous improvement and to continue to provide advice to Council and City Administration, including high-level political and community perspectives into the development of a Smart City initiative which enhance urban life in terms of people, living, economy, mobility and governance, and to endorse Smart City technologies for Council's ultimate consideration.

Objectives

The Task Force will:

1. Continue to serve as a forum for the discussion of Smart City concepts among residents, businesses and other stakeholders.
2. Further explore research, best practices, and findings related to Smart City implementations and data-driven innovation efforts across Canada and the World.
3. Utilize the City of Vaughan's Smart City Challenge submission to further cultivate and implement a distinct vision for what Smart City would mean for Vaughan.
4. Review administrative recommendations regarding various aspects of the City-Wide Digital Strategy that was part of the Council-endorsed 2015-2018 Service Excellence Strategy Map and provide strategic guidance and other perspective as required.
5. Align the work of the task force members with the Council-approved priorities identified in the 2018-2022 Service Excellence Strategic Plan.

The Task Force shall develop recommendations on the following key objectives:

1. Identify areas of opportunities related to Smart City principles and technologies and recommend possible solutions including exploring the concept of:
 - a. Innovation development;
 - a. Utilization of information and communication technologies to advance effective, efficient, transparent and accountable governance;
 - b. Utilization of information and communication technologies, infrastructure and services to enhance urban living;
 - c. Development and utilization of data to improve public services to enable an integrated, streamlined service experience; and,
 - d. Implementation of solutions to engage citizens and for the well-being of the community.
2. Identify opportunities to leverage partnerships and opportunities with relevant parties, including York Region, other local municipalities, governance organizations, other levels of government and the non-profit sector, to:

- a. Achieve objectives of the Smart City Task Force;
 - b. Contribute to areas of common interest aligned with the City's participation in the Federal Government's Canada Smart City Challenge, the City-Wide Digital Strategy, and the 2018-2022 Term of Council Service Excellence Strategic Plan.
3. Identify and make recommendations related to emerging technologies.

Term

The Smart City Task Force shall submit its findings and recommendations for review no later than April 2021.

Membership

1. The Task Force membership shall be composed of the following:
 - a. A maximum of two (2) Council members.
 - b. A maximum of five (5) individuals that have expertise or interest in the area(s) of technology, digital/urban society, data analytics and service delivery.
 - c. A maximum of eleven (11) stakeholder representatives, respectively being senior representatives from some of the following stakeholder communities:
 - Green Industries, such as CleanTech;
 - Industry and Business associations;
 - Talent Advisory Services (HR Professionals);
 - Senior Government;
 - Post-Secondary Education, Academia, Research and Innovation;
 - Media and Entertainment;
 - Creative and Cultural Industries;
 - Healthcare and Medical Professionals;
 - Information, Communications and Technology companies;
 - Non-Government Associations and Government Services;
 - Tourism and Travel;
 - International Business promotion including Foreign Consular Services and Chambers of Commerce;
 - Financial Services Industries; and,
 - Construction and Development Industry.
2. Members are to be appointed by Council. Any changes to the membership will require Council approval.

Meeting Procedures

The proceedings of the Task Force are to be governed by the City's Procedural By-law.

Agendas and Reporting

1. Agendas shall be prepared by the City Clerk's Office in consultation with the Task Force Chair.
2. Agendas shall be posted on the City's web site one week prior to the scheduled date of meeting, or as soon as practicable.

3. After each meeting of the Task Force, the City Clerk shall submit a report in the City's committee report format to the Committee of the Whole.
4. Following conclusion of the mandate of the Task Force, a report of recommendations will be brought to Council for further consideration.

Meetings

1. Meeting dates will be determined at the first meeting of the Task Force. The Task Force may meet on the schedule determined, or at the call of the Chair.
2. Meetings will be held every other month or as needed throughout the course of the Task force term, except for July and August where no meetings will be scheduled.
3. The Chair of the Task Force may call special meetings.
4. All regular meetings will be held at Vaughan City Hall located at 2141 Major Mackenzie Drive, Vaughan.
5. Meetings are to be open to the public in accordance with the Municipal Act, 2001.

Notice of Meetings

Meetings will be noted on the Schedule of Meetings calendar posted on the City's website.

Quorum

1. A majority of members, including the Chair, shall constitute quorum.
2. Ex-officio members will not be counted for the purpose of calculating the total number of persons appointed to the task Force but will be counted as a member present when in attendance.

Staff Resources

The role of staff is to act as a resource to the Task Force, but not to be members of the Task Force, or to deliberate or draft the findings of the Task Force. The following staff will provide advisory and technical support specific to the mandate and objectives of the Task Force:

1. The Office of the City Clerk will assign one staff person responsible for agenda and report production and distribution, the providing of procedural advice, the recording of proceedings of the Task Force and distribution of reports.
2. Corporate and Strategic Communications will assign one staff person to provide communications advisory services, prepare information, communications and assist in the development of the Task Force report.
3. An additional two (2) staff with subject matter expertise will be assigned to support the work of the Task Force.
4. The Task Force can be provided with additional administrative and/or technical support at the discretion of the appropriate administrative portfolio(s) or department(s).

Authority

The Task Force may not exercise decision-making powers, or commit expenditures save for those specifically delegated by Council. Any request for expenditures determined by the Task Force for the sole purpose of conducting the business or work of the Task Force shall be forwarded to Council for consideration and approval.

The Task Force may not direct staff to undertake activities without authority from Council.

Amendment / Expansion of Terms of Reference

Only Council can approve any amendment and/or expansion of the Terms of Reference.

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

TITLE: PROCLAMATION REQUEST - RETT SYNDROME AWARENESS MONTH

FROM:

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

ACTION: DECISION

Purpose

To seek Council approval to proclaim the month of October as Rett Syndrome Awareness Month, that the proclamation be posted on the City's website, and that the Corporate and Strategic Communications Department be directed to promote this proclamation through the various corporate channels.

Report Highlights

- Respond to the request received from Ontario Rett Syndrome Association (O.R.S.A).
- Proclamation requested for the month of October.

Recommendations

1. That October 2020 be proclaimed as "Rett Syndrome Awareness Month"; and
2. That the proclamation be posted on the City's website, and that the Corporate and Strategic Communications Department be directed to promote the proclamation through the various corporate channels.

Background

Correspondence was received from the Marketing Committee of the O.R.S.A.

The O.R.S.A. was created to ensure children and adults with Rett Syndrome, which is a rare neurodevelopment condition, are enabled to achieve their full potential and enjoy the highest quality of life possible.

This proclamation would focus attention on Rett Syndrome, making it possible for the association to continue public awareness and advocacy, provide parent/family support, operate the Resource Centre and fund research projects, amongst other initiatives.

Council has previously approved this request.

Previous Reports/Authority

[Council - October 2, 2019](#)

Analysis and Options

The proclamation meets the requirements of the City's Proclamation Policy, as follows:

"That upon request, the City of Vaughan issue Proclamations for events, campaigns, or other similar matters:

- (i) which are promoted by any organization that is a registered charity pursuant to Section 248 of the Income Tax Act".

Financial Impact

Not applicable.

Broader Regional Impacts/Considerations

Not applicable.

Conclusion

Staff is recommending that the month of October 2020 be proclaimed as Rett Syndrome Awareness Month, that the proclamation be posted on the City's website, and that the Corporate and Strategic Communications Department be directed to promote this proclamation through the various corporate channels.

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

Attachment

1. Correspondence from the Marketing Committee, Ontario Rett Syndrome Association, received on March 9, 2020

Prepared by

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

ATTACHMENT 1



Ontario
Rett Syndrome
Association
Building Healthy Tomorrows



Honorable Maurizio Bevilacqua
Mayor
Vaughan City Hall
2141 Major Mackenzie Dr
Vaughan, ON L6A 1T1

RECEIVED
MAR 10 2020
CLERK'S DEPT.

March 9, 2020

Request for Proclamation

Dear Council

On behalf of the Ontario Rett Syndrome Association (O.R.S.A.), and the diagnosed individuals living in the City of Vaughan, I am writing to request your proclamation of the month of October as Rett Syndrome Awareness Month.

Rett Syndrome is a rare neurodevelopment condition that affects mainly females (1 in 10,000 births) and is caused by a mutation in the X chromosome. Individuals with Rett syndrome will lose some if not most acquired skills including speech, and gross and fine motor skills. Some never develop the ability to walk or even talk.

O.R.S.A. exists to ensure that children and adults with Rett syndrome are enabled to achieve their full potential and enjoy the highest quality of life within their community.

This observance gives us a means to focus attention in making it possible for O.R.S.A. to continue public awareness and advocacy, provide parent/family support, operate the Resource Centre, fund research projects through the Hope Fund, host conferences, maintain the Canadian Rett Syndrome Registry, and fund three Rett syndrome clinics in Ontario that provide medical assistance.

If you need anything further, please don't hesitate to contact me by email: smiguel@rett.ca or phone at 519-474-6877.

Thank you for taking the time to consider recognizing and supporting O.R.S.A. as we strive to build "healthy tomorrows" for all Canadians living with Rett syndrome.

Sincerely,

Steve Miguel
Marketing Committee
Ontario Rett Syndrome Association

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

**TITLE: FORMAL CODE OF CONDUCT COMPLAINT INVESTIGATION
REPORT NO.091819**

FROM:

Suzanne Craig, Integrity Commissioner and Lobbyist Registrar

ACTION: FOR INFORMATION

Purpose

To present the findings of the investigation by the Integrity Commissioner and Lobbyist Registrar under the City of Vaughan Code of Ethical Conduct for Members of Council and Local Boards (the “Code”) relating to the conduct of six Members of Council with respect to a complaint under the Code and the Municipal Conflict of Interest Act (MCIA) [as set out in Attachment 1].

Report Highlights

- Pursuant to obligations under sections 10(ii), 11(ii) and 12(iii) of the Code Complaint Protocol, the analysis discusses the investigative process, decisions on jurisdiction, and findings on the allegations related to the Code and the MCIA.

Recommendation

1. That the formal Code of Conduct Complaint Investigation Report No.091819 by the Integrity Commissioner and Lobbyist Registrar be received, for information.

Background

On September 18, 2019, a complaint under the “Code” was received by the Integrity Commissioner and Lobbyist Registrar.

The Complainant made several allegations about violations of the MCIA and the Code. The Complaint alleges that six Members of Council violated the MCIA and the Code by:

1. Retaining Aird & Berlis to act for the City of Vaughan (the “City”) and individual Members of Council with respect to a lawsuit brought against the City and certain Members of Council by Frank Miele (the “Action”), and participating in meetings at which both the City Solicitor and Aird & Berlis gave advice to individual members of Council;
2. Directing and attempting to influence Aird & Berlis and the City Solicitor with respect to the formulating of the City’s defence to the Action;
3. Discussing the Action with Aird & Berlis and other Members of Council not named in the Action; and
4. Using the City’s Indemnification By-law to pay for the defence of individual Members to the Action.

Previous Reports/Authority

Not applicable.

Analysis and Options

The Integrity Commissioner and Lobbyist Registrar reviewed the Complaint and concluded that there was no jurisdiction to review any of the alleged violations of the Rules of Civil Procedure or the Municipal Act (“*The Act*”).

The Complaint Protocol, section 6(3)(e) provides that if the complaint is not within the jurisdiction of the Integrity Commissioner, the Complainant shall be so advised and provided with reasons and referrals as the Integrity Commissioner and Lobbyist Registrar considers appropriate. The Complainant was advised accordingly.

After reviewing several documents submitted by the Complainant, it was determined that there were sufficient grounds to commence an investigation of the allegations under the Code and MCIA.

Financial Impact

There are no financial implications relating to this report.

Broader Regional Impacts/Considerations

There are no regional impacts resultant from this report.

Conclusion

The Integrity Commissioner and Lobbyist Registrar concludes that none of the individual Respondents retained Aird & Berlis and none of them received legal advice from the City Solicitor or Aird & Berlis on the Action. Similarly, they did not direct the City's defence. As a result, there was no obligation to declare a conflict of interest under the MCIA until this matter was brought before Committee of the Whole of the City of Vaughan.

The Integrity Commissioner and Lobbyist Registrar concludes that the six Respondents did not violate Rules 2, 7 or 16 of the Code, or Sections 5, 5.1, or 5.2 of the MCIA.

For more information, please contact: Suzanne Craig, Integrity Commissioner and Lobbyist Registrar, extn. 8301.

Attachment

1. Code of Conduct Complaint Investigation Report No.091819.

Prepared by

Suzanne Craig, Integrity Commissioner & Lobbyist Registrar, 8301

FORMAL CODE OF CONDUCT INVESTIGATION REPORT #091819

Summary

This report presents the findings of my investigation under the City of Vaughan Code of Ethical Conduct (the “Code”) relating to the conduct of six Members of Council (the “Respondents”) in connection to a complaint alleging violations of four acts or rules, in particular:

1. Violations of the *Municipal Conflict of Interest Act* (the “MCIA”);
2. Violations of the Code, sections 1(b)-(d), (g)-(i), 2, 3, 4, 7, 8, 9, 10, 13, 15, 16, 18, 21;
3. Violations under the *Municipal Act, 2001* (the “MA”)¹; and
4. Violations of the Rules of Civil Procedure.

Based on my preliminary review, I decided that the alleged violations of the MCIA and the Code as set out by the Complainant were within my jurisdiction to review. The complainant alleged that the Respondents acted in a pecuniary conflict of interest when they (i) received legal advice from and gave instructions to the City Solicitor and external legal counsel with respect to the City’s defence to a court proceeding in which they were also named defendants (the “Action”)²; (ii) attempted to influence the unconflicted member of council; and (iii) voted to amend the indemnification by-law. In my preliminary classification, I determined that I would investigate the alleged violations of Rules 1, 2, 7, and 16 of the Code, along with the MCIA.

The Complaint alleges that the Respondents discussed and directed the City to purchase insurance that would provide them a benefit and that this is in violation of the MUNICIPAL ACT. The Complaint alleges that s. 424 of the MUNICIPAL ACT is an exemption to the ordinary rules on insurance contained in s. 279 of the MA. Section 279 expressly allows a municipality to pass by-laws to indemnify or obtain insurance for Members for pecuniary losses, expenses, damages and costs awarded against them in proceedings related to acts or omissions of members arising from performance of their duties - including MCIA related proceedings as long as the member is found not to have contravened the MCIA. I find that the alleged violations of the MUNICIPAL ACT and Rules of Civil Procedure fall outside of my jurisdiction. If the complainant alleges that the municipality passed a by-law which it did not have jurisdiction to pass, that complaint may be resolved by the courts. As a result, I decided not to investigate the issues or make findings in regard to those issues.

Pursuant to my obligations under s. 10(ii), 11(ii) and 12(iii) of the Complaint Protocol, in this report, I discuss my investigative process, my decisions on jurisdiction, my findings on the allegations related to the Code and the MCIA, my analysis, and my conclusion.

I concluded that the Respondents did not violate Rules 1, 2, 7, or 16 of the Code. During my investigation, it was confirmed by the City Solicitor and the City’s external legal counsel that they had no discussion on the merits of the Action with the Respondents and that they did not receive any instructions from the

¹ Details of these allegations are set out in Appendix 1

² One member of council who is a defendant in the Action was not named in this Complaint. Another member of council was formerly named in the Action, but the matter was discontinued against the member. That member has not been named in the Complaint.

Respondents. Further, I concluded that the Respondents did declare having a pecuniary interest as required to comply with their MCIA obligations and that they did not attempt to influence other members of council before, during, or after a meeting in relation to a matter in which they had a pecuniary conflict. In accordance with subsection 223.4.1(15) of the MUNICIPAL ACT, I did not consider it appropriate to apply to a judge under section 8 of the MCIA for a determination as to whether the Respondents had contravened section 5, 5.1 or 5.2 of the MCIA, as I determined there are insufficient grounds to make application to the Court.

A. The Complaint

On September 18, 2019, I received a complaint under the City of Vaughan's Code of Conduct for Members of Council (the "Code"). The complaint was submitted on the City's Complaint Form as an affidavit with two appendices, including a statutory declaration.

The Complainant made several allegations about violations of the MCIA and the Code. I interpreted and reformulated the Complaint into four issues which parallels the language used by the complainant in the description of Issue 1 in the Complaint. The Complaint alleges that 6 Members of Council violated the MCIA and the Code by:

1. Retaining Aird & Berlis to act for the City of Vaughan (the "City") and individual Members of Council with respect to a lawsuit brought against the City and certain Members of Council by Frank Miele (the "Action") and participating in meetings at which both the City Solicitor and Aird & Berlis gave advice to individual members of Council;
2. Directing and attempting to influence Aird & Berlis and the City Solicitor with respect to the formulating of the City's defence to the Action;
3. Discussing the Action with Aird & Berlis and other Members of Council not named in the Action; and
4. Using the City's Indemnification By-law to pay for the defence of individual Members to the Action.

I have not detailed the remaining matters in the Complaint because of my preliminary jurisdictional findings, detailed below.

B. Process

Jurisdictional Findings

I first considered my jurisdiction to review the Complaint. I concluded that I did not have jurisdiction to review any of the alleged violations of the Rules of Civil Procedure or the MUNICIPAL ACT (as detailed in Appendix 1). The Complaint Protocol, section 6(3)(e) provides that if the complaint is not within the jurisdiction of the Integrity Commissioner, the complainant shall be so advised and provided with reasons and referrals as the Integrity Commissioner considers appropriate. I advised the Complainant that I would not proceed to investigate those complaints as they were matters within the jurisdiction of the courts.

Discussion of the Alleged Code of Conduct and MCIA Violations with the Complainant

After receiving the complaint, I spoke with the Complainant, who advised that they had information from

sources outside of the City. After reviewing several documents submitted by the Complainant, I determined that there were sufficient grounds for me to commence an investigation of the allegations under the Code and MCIA. The Complaint met the threshold of having some factual and legal basis.

The Respondents' Initial Response to Complaint and Preliminary Objections

The six Respondents provided their responses to the Complaint. The Respondents explained that they met with the City Solicitor and a representative from Aird & Berlis who, together, advised the Respondents of the Action. The Respondents advised that they asked the City's external counsel whether they needed to be separately represented by their own legal counsel to defend the Action. They were advised that each Member had to decide whether they wished to be represented. Each Member elected to retain their own counsel. The Respondents further confirmed that they did not attempt to influence any unconflicted member of council in any manner.

Many of the Respondents asserted that the Complaint is frivolous, vexatious and not made in good faith. Some stated that the Complainant failed to set out the facts upon which the allegations had been made. Others suggested that the matter could only be dealt with by the courts.

I found that the Complaint is neither frivolous nor vexatious, nor was it made in bad faith. The issues raised in the Complaint are important to the public and address the duties owed by the Respondents to make decisions about the management of the city's litigation and the public purse in the public interest and to participate in the decision-making process only where there is no competing private, pecuniary interest.

The fact that the Complainant raises issues that are germane to an ongoing matter before the courts does not insulate the Respondents' conduct from my review to the extent that matters fall within the ambit of the Code or MCIA. The fact that the Complainant submitted a complaint which has elements that are not within the jurisdiction of the Integrity Commissioner does not colour the complaint with bad faith. A complainant is allowed to raise issues that challenge and publicize public decision making. That is one of the reasons for the 2006 amendments to the *Municipal Act* that introduce Part V.1 entitled Accountability and Transparency.

The Alleged Violations

During the course of my investigation and after receiving the responses from the Respondents, I determined that there were grounds to examine the allegations that the Respondents violated Rules 1, 2, 7 and 16 of the Code of Conduct³ and section 5 of the MCIA.

Rules 1, 2, 7, and 16 of the Code state, in relevant part:

Rule 1:

- a) Members shall avoid the improper use of the influence of their office, and conflicts of interest, both apparent and real. Members shall not extend, in their discharge of their Official Duties, preferential treatment to Family Members, organizations or groups in which they or their Family Member have a pecuniary interest, which pecuniary interest is known to the Member.

Commentary

As a result, Members will have a common understanding that they will not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to

³ And not the alleged violations of Rules 1(b)-(d), (g)-(i), 3, 4, 8, 9, 10, 13, 15, 18, and 21

an individual which is not available to every other individual. Members recognize that their actions are governed by the *Municipal Conflict of Interest Act*. The Integrity Commissioner will distinguish between a *Code* conflict, which may be both apparent and real and which may be in respect of a Family Member as defined by the *Code*, and a pecuniary interest under the *Municipal Conflict of Interest Act* in respect of sections 1.1, 2 and 3 of the *Municipal Conflict of Interest Act*.

Rule 2 Gifts and Benefits:

1. No Member shall accept a fee, advance, gift, loan, or personal benefit that is connected directly or indirectly with the performance of his or her duties, except as specifically contemplated [...]

[...] Set out below are recognized as exceptions to Rule 2, which apply to Members of Council only:

- a. Compensation authorized by law

Rule 7 Improper Use of Influence:

1. No Member shall use the influence of her or his office for any purpose other than for the exercise of her or his Official Duties.

Rule 16 Conduct Respecting Staff:

1. No member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.
2. No Member shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.
3. Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council.

In a 2018 case considering the MCIA, the Court concluded that indemnification for legal fees is a "benefit" under ss. 4(i) of the MCIA.⁴ In considering the allegations with respect to Rule 2, I adopted the court's analysis and conclude that indemnification for legal fees would also fall within the definition of a "personal benefit" under the Code.

The Complaint also alleges violations of Rules 7 and 16 in respect of interactions with staff. The Complainant alleged that the Respondents used their status as a Member of Council to influence the City Solicitor to their private advantage in directing the City to take a certain position in the defense of the Action.

Rule 16 governs Conduct Respecting Staff. The Commentary to Rule 16 provides that "it is inappropriate for a member to attempt to influence staff to circumvent normal processes in a matter...".

Councillors must not attempt to use their influence for the purpose of influencing staff members in the performance of their duties. City staff, under the direction of the City Manager, serve Council as a whole. The Code is clear that an individual Member of Council shall not use their office in any way to attempt to influence any decision or recommendation from staff. This is particularly so where the Member has a

⁴ Furniss v. Nishikawa, 2018 ONSC 3674, 2018 CarswellOnt

pecuniary interest in a matter that is being considered by staff or by a person or body to which the municipality or local board has delegated a duty.

The Complaint also alleges that the Respondents violated section 5.2 of the MCIA because they were involved in directing the City's litigation strategy while named defendants in the same action. Further, the Complaint alleges that the Respondents improperly received compensation under the indemnification by-law.

As Integrity Commissioner, I do not have jurisdiction to make a binding determination about whether the Respondents to a complaint have violated the relevant provisions of the MCIA. Only the courts, on application by the Integrity Commissioner, an elector or a person acting in the public interest, will determine whether a member violated the MCIA and determine the appropriate sanction. The Integrity Commissioner performs a gatekeeper role by reviewing the complaint, conducting an investigation (if appropriate) and determining whether to make an application to a court.

Investigation

I conducted interviews with 11 individuals, from whom I also received documentary evidence. I did not exercise my summons powers under the *Public Inquiries Act* and all information that I received during interviews and/or requests for documents was provided voluntarily under the exercise of the Complaint Protocol Investigations powers. I reviewed public and confidential City documents, the City's Indemnification By-law, emails, and audio recordings of Committee and Council meetings which I obtained pursuant to s. 10 of the Complaint Protocol. In addition, I spoke with the unconflicted Member of Council who confirmed that there was no attempt to influence them in any way.

Based on the responses that were received from the Respondents and the interviews that I conducted pursuant to my authority, it became apparent that I had sufficient information to reach a determination in respect of the investigation of three Respondents ("Respondent 1, 2 and 3"). I notified Respondents 1, 2 and 3 and continued my investigation with respect to Respondents 4, 5, and 6. In particular, I sought additional information about the interactions of staff, external legal counsel, and Respondents 4, 5, and 6.

Written Questions

I posed questions in writing to the City Solicitor and lawyers from Aird & Berlis. In response to my request for information from the City Solicitor, she advised:

I can confirm that I had a conversation with [a Member of Council] in early June to inform [them] of the claim that had been served on the City but that we had also since been served with a Notice of Discontinuance [...], by the Plaintiff's lawyer Robert Karrass on [...]. We did not discuss the substantive issues or merits of the claim. [...] [w]e discussed briefly about [the] pecuniary interest, given the Notice of Discontinuance, and I indicated that I could not provide advice to [the Member] in that regard, but [the Member] could discuss matters relating to MCIA with you, as the City's Integrity Commissioner. [...] In a letter to me , I was informed that [the Member] would like to seek independent legal advice, and [...] inquired whether [the Member] would be indemnified for [...] legal fees under the City's Indemnification Bylaw, to which I had responded. I have not had any conversation with [the Member] on any substantive matter relating to the [...] Claim to date.

For your information, the City's defence was prepared without any interaction with any members of council. Under my direction, staff worked directly with the City's external legal counsel on the review of the claim and the facts, and the preparation of the defence, in accordance with the City's Delegated of Authority Bylaw 144-2018 in which Council delegated authority to the City Solicitor to take all necessary steps to defend any legal proceedings on behalf of the City. After

the defence was finalized, a report was prepared for the Committee of the Whole (Closed Session) Meeting in [...], to inform them of the filing of the defence on the City's behalf.

[...]

At the September Committee of the Whole (Closed Session), this matter did not proceed to discussion. At the outset of the meeting, the City Clerk asked for any declaration of pecuniary interest as he does for all council and committee meetings. With the declarations that were made by all members of council aside from Regional Councillor Linda Jackson, there was no quorum on this matter. As such, the matter was not discussed at all. The members of council subsequently confirmed their declarations of pecuniary interest at the Council meeting [in...] October, as the matter was listed on the agenda. (For your information, as you may be aware, any matter listed on the Committee of the Whole agenda will need to be forwarded to Council for approval. As such, as part of the normal course of business, the matter was listed on the Council agenda despite the lack of quorum in the first instance.)

As a result of the lack of quorum at Council, a further report was brought forward to the Special Committee of the Whole (Closed Session) [later in October], at which time direction was sought to make an application to the Superior Court of Justice under the *Municipal Conflict of Interest Act* for direction as a result of a lack of quorum on this matter. I cannot discuss the contents of the discussion at that meeting, as the meeting was in closed session, but I can confirm for you that at no time was the actual [...] claim discussed, and that the discussion that was held was strictly related to seeking direction to make the application to the Superior Court of Justice.

In response to my request for information from the City's external counsel, he advised:

[That their firm], Aird & Berlis LLP has been retained by the City of Vaughan (the "City") to defend it in an action brought pursuant to section 424 of the *Municipal Act, 2001* (the "Action"). The Respondents have all also been named as defendants in the Action. I have reviewed your letter together with my partner, David Reiter, who is co-counsel with me in the Action. [...]

You have asked us to confirm certain matters, actions and statements. [...]

Interactions with Respondents

Mr. Reiter and I, together with City Solicitor, Wendy Law, spoke to [Respondent 4] initially [...] shortly after we were engaged in the matter by the City. Mr. Reiter, Ms. Law and I personally met with [Respondent 5] that same day. Mr. Reiter and Ms. Law personally met with [Respondent 6]. In each case, the Action was brought to the Respondent's attention and it was indicated that Aird & Berlis LLP had been engaged by the City to represent it.

While [Respondent 5] had advised the City Solicitor shortly after our initial meeting that he would be retaining his own counsel, [in], Wendy Law and I met with [Respondent 4 and Respondent 6] and advised them that they should retain their own legal counsel.

I can confirm that neither David Reiter nor I had any conversations with the Respondents about the Action at any time that would influence its defence, settlement or otherwise. All work that we have performed for the City has been based on instructions received from the City Solicitor and her team, and not from any member of Council. Our discussions with the Respondents were to advise them on administrative matters, to discuss whether they should retain independent legal counsel on the Action and to seek clarification on the City's Indemnification By-law regarding individual councillor reimbursement for legal fees.

[...]

2. No Direction re Action by Respondents

From the time the City was served with the Action until September [...], the Respondents' interaction with us was not in respect to providing direction on the defence or settlement of the Action.

3. Scope of Discussions with Respondents

Any conversations that we had with the Respondents related only to "administrative and logistical matters" (and did not include any conversations about the Action to discuss or influence its defence, settlement or otherwise) and to seek clarification on the City's Indemnification By-law regarding individual councillor reimbursement for legal fees.

[...]

5. No Influence from Respondents

I can confirm that the Respondents at no time attempted to influence us in any way in respect of the Action. As you know, Council authorized us to commence an application to the Ontario Superior Court of Justice for relief under subsection 7(2) of the *Municipal Conflict of Interest Act*. Council was cautioned that it could not discuss any other matter except the potential application and I can confirm that the members of Council focused their discussion solely on that issue.

With these further responses, I completed my investigation.

C. Analysis

Non-MCIA Code Matters

While I have no strict obligation to provide a detailed report when I determine that there was no breach of the Code, given the very serious nature of the allegations of the Complaint, which strike at the very nature of public trust and the Members' adhering to their Oath of Office, I have exercised my discretion to provide a brief explanation in addition to stating that there was no contravention of the Code pursuant to s. 10(ii) and 11(ii) of the Complaint Protocol.

The Complaint made several allegations that the Respondents had discussions with the City Solicitor, external Counsel to the City and the unconflicted Member of Council. This does not accord with the evidence of the Respondents or the persons with whom they allegedly spoke.

It became clear from the interviews that the only discussions that took place between the Respondents and others (staff, unconflicted Member) were administrative and not substantive discussions about the Action. Those discussions dealt with administrative and logistical matters including whether individual Members of Council were required to retain their own legal representatives and receiving confirmation that the deadlines for the delivery of a Statement of Defence on behalf of the City would be met. The Respondents were not involved in instructing legal counsel nor did they receive any legal advice from counsel in respect of their own legal interests. I find that they did not violate Rule 7 or 16 of the Code.

Further, I found that Aird & Berlis was not retained to represent individual Members of Council in the Action. I determined that all of the Respondents to the Action have retained their own independent counsel to defend the Action. There was no evidence to support that their communications with the City Solicitor or Aird & Berlis went beyond a question of whether they were required to retain their own legal counsel. While Aird & Berlis did have a discussion with the Plaintiff's counsel in the Action about the service of a Notice of Intent to Defend for one of the Respondents, the Respondent retained separate counsel. No solicitor-client relationship ever existed.

Pursuant to Rule 2, Members of Council are prohibited from receiving a personal benefit except as set out in the exceptions. One of those exceptions is that they may accept "compensation authorized by law". The City has enacted a by-law which provides indemnification to Members of council in certain circumstances. I was advised by the City Solicitor that Members of Council who wish to seek indemnification do so by requesting indemnification from her. The City Solicitor has the delegated authority to administer any indemnification payments to Members pursuant to the Indemnification By-law. Consistent with her interpretation of the by-law, the City Solicitor provided indemnification where permitted to do so. As a result, I find that there is no violation of Rule 2 of the Code. Rule 1 of the Code states that Members shall avoid the improper use of the influence of their office, and conflicts of interest, both apparent and real. Members shall not extend, in their discharge of their Official Duties, preferential treatment to Family Members, organizations or groups in which they or their Family Member have a pecuniary interest, which pecuniary interest is known to the Member. Where there is a potential conflict, the City Solicitor may recommend that the Member should obtain their own lawyer; speaking with the City Solicitor to ask if they must obtain their own independent counsel is reasonable and not an improper use of the influence of office.

The Complaint alleges that it was improper for the Respondents to participate in any discussion with the City Solicitor about whether they were indemnified under the Indemnification By-law because their pecuniary interest arose out of s. 424 of the MUNICIPAL ACT which relates specifically to personal liability. The Complainant alleges that such discussions with the City Solicitor would be an attempt to improperly influence the City Solicitor in contravention of s.5.2 of the MCIA. However, there is no evidence that staff was improperly influenced. Rather, the Respondents asked for the City's position on whether they were indemnified.

In addition, the Complaint alleges that it is improper from Members named in the Action to participate in a discussion on the content of an indemnification by-law because Members may vote in provisions that favour their interest in a current matter for which they anticipate seeking reimbursement of legal expenses. It is reasonable to enact a by-law that provides for the indemnification of Members of Council if they are sued in relation to carrying out their official duties – indeed, the legislature expressly provides that municipalities may enact such a by-law in s. 279 of the MUNICIPAL ACT. If the actions of a Member are related to their office and are carried out in good faith, the indemnification of legal fees is reasonable because they were acting in furtherance of the best interests of the corporation.

Section 424 of the MUNICIPAL ACT prescribes that members of council may be *personally liable* for improper use of special funds. The Complaint alleges that actions under s. 424 are different than other actions because that section expressly provides for personal liability. In essence, the complaint alleges that the general statutory provisions in s. 279 and others which allow members to be insured do not apply if an action is brought under the specific statutory provision which provides for personal liability. If the Complainant believes that the City's current indemnification by-law was improperly enacted because it violates s. 424 of the MUNICIPAL ACT, the recourse is to the Court. The Integrity Commissioner cannot declare that the Indemnification By-law is *ultra vires*. The court is the arbiter of that matter.

MCIA matters

Pursuant to s. 12(iii) of the Complaint Protocol, upon completion of my investigation, I must publish written reasons explaining my decision on whether to make application to a judge for a determination of a breach under the MCIA.

The relevant provisions of the MCIA state:

When present at meeting at which matter considered

5 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

- a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

- b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
- c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

Where member to leave closed meeting

(2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.

Written statement re disclosure

5.1 At a meeting at which a member discloses an interest under section 5, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the clerk of the municipality or the secretary of the committee or local board, as the case may be.

Influence

5.2 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter that is being considered by an officer or employee of the municipality or local board, or by a person or body to which the municipality or local board has delegated a power or duty, the member shall not use his or her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter.

As named defendants in the Action, the Respondents determined that they had a pecuniary interest pursuant to the MCIA in respect of any matters related to the Action, and in particular, the City's defence of the Action. The Complaint alleges that each Respondent retained Aird & Berlis to act for the individual Members of Council with respect to the Action despite acting for the City and that there were meetings at which both the City Solicitor and Aird & Berlis gave advice to individual members of Council about their defences. Based on those alleged facts, the Complaint alleged that the Members of Council violated their obligations to declare a pecuniary interest as set out in sections 5, 5.1, and 5.2 of the MCIA. Aird & Berlis was retained by the City Solicitor on behalf of the City to defend the City and to work with the City Solicitor, in the exercise of her delegated authority under By-law No. 144-2018. While I found that the Respondents did speak with the City Solicitor and Aird & Berlis, the substance of the communications were not in respect of the matter relating to the retainer of Aird & Berlis.

As required under s. 5(1) of the MCIA, the Respondents declared a conflict at the Committee of the Whole meeting at which the matter of the Action was to be discussed. At or around the time of the meeting, the Respondents complied with their obligations under s. 5.1. It is as a result of those declarations that the council did not have quorum to instruct legal counsel on behalf of the City. This has necessitated the Quorum Application under s. 7(2) of the MCIA, in which the City seeks court approval to allow the Respondents (and other individual defendants) to vote on matters related to the Action despite their conflict.

In the circumstances of this Complaint, each Respondent who is named in the Action has a potential pecuniary interest, insofar as the personal liability raises interests of a financial nature. As a general rule, under the requirements set out in section 5, 5.1, and 5.2 of the MCIA, at a meeting of Council, each Member named in the claim would have an obligation to **disclose** the interest, **not take part** in the discussion or vote and **not attempt in any way** whether before, during or after the meeting to influence the voting on any such question.

In respect of the matters related to the Action, all but one member of council declared a pecuniary conflict of interest. As a result, there was an insufficient number of Members to reach a quorum of Council, on this matter. Section 7 of the MCIA, entitled Remedy For A Lack of Quorum, provides that:

Quorum deemed constituted

- (1) Where the number of members who, by reason of the provisions of this Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two. R.S.O. 1990, c. M.50, s. 7 (1).

Application to judge

- (2) Where in the circumstances mentioned in subsection (1), the remaining number of members who are not disabled from participating in the meeting is less than two, the council or local board may apply to a judge without notice for an order authorizing the council or local board, as the case may be, to give consideration to, discuss and vote on the matter out of which the interest arises. R.S.O. 1990, c. M.50, s. 7 (2).

In consideration of the above, I believe that section 7 of the MCIA allows all of Council (including Members who are disabled from voting under section 5 of the MCIA) to authorize an application to a judge for an order to authorize Council (in full complement) to meet and make decisions on the matter subject of the claim. As a practical matter, Members of Council must be able to participate in the decision to apply to the Court under s. 7(2) of the MCIA; otherwise, that provision would be rendered meaningless as no Council which needed to seek such an application could ever proceed with one (unless it had previously delegated to Staff the decision to commence such an application). As a result, I have concluded that the Respondents named in the Action who met at a Committee of the Whole closed meeting on October 7, 2019 to discuss and vote on an application to a judge on this matter, did so properly. Accordingly, I will not make an application to the court to determine whether there was a violation of the MCIA. The City Solicitor confirmed that there was a closed meeting at which time direction was sought to make an application to the Superior Court of Justice under the MCIA for direction as a result of a lack of quorum on this matter. The City Solicitor confirmed that at no time were the merits of the Action discussed. Based on the information received from the witnesses, I have determined that there was no obligation to declare a conflict at this meeting.

There was no evidence that the Members attempted to influence the unconflicted member of council by discussing the Action despite their conflict. Indeed, as a result of the lack of quorum, no meetings have taken place and all discussions of Council are on hold pending determination of the Quorum Application. There is nothing in the Code or MCIA which prohibits those members who have declared a conflict from discussing the Action among themselves.

Finally, Members of Council do not determine whether or not to indemnify each other. Rather, that duty is delegated to the City Solicitor. As a result, there is no "meeting" in s. 5(1) at which to declare a conflict and there is no attempt to influence the one unconflicted member of council about indemnification.

As a result of my findings, I will not make an application to the Court to determine whether there has been a breach of the MCIA. I am satisfied based on the evidence before me that there is insufficient evidence to support this application.

D. Conclusions

I conclude that none of the individual Respondents retained Aird & Berlis and none of them received legal advice from the City Solicitor or Aird & Berlis on the Action. Similarly, they did not direct the City's defence. As a result, there was no obligation to declare a conflict of interest under the MCIA until the matter came before the Committee of the Whole. As explained by the City Solicitor, the Respondents declared a conflict of interest and the matter was not discussed (as there was no quorum). I find that the six Respondents did not violate Rules 7 or 16 of the Code or Sections 5, 5.1, or 5.2 of the MCIA.

I further find that the Respondents did not violate Rule 2 of the Code. The Complainant suggests in the Complaint that it is not proper for the Indemnification By-law to indemnify Members of Council who have been named as defendants in a legal proceeding alleging a violation of s. 424 of the MUNICIPAL ACT.

As Integrity Commissioner, I review matters within my jurisdiction through the lens of the public interest and consider alleged sources of conflict. I may consider the process of adopting an Indemnification By-law including the Members participation in substantive discussions at Council and their interactions with staff. I do not consider whether the resulting Indemnification By-law is *ultra vires*; however, I may consider whether there was benefit to the Members as contemplated by Rule 2 of the Code and section 5 of the MCIA which may have influenced the decision-making process. Here, I concluded that there was no violation of Rule 2 of the Code or s. 5 of the MCIA.

Instead, I conclude that the changes to the Indemnification By-law came about because of changes to the legislation. The legislature made amendments to the MUNICIPAL ACT by the *Modernizing Ontario's Municipal Legislation Act, 2016*. Of particular relevance to this Complaint, were the changes that came into affect in March 2019 to expand the functions of the Integrity Commissioner to include, most notably, commencing proceedings against Members of Council under the MCIA. The City changed the language in the Indemnification By-law in June 2019 to correspond to the new language of the MCIA, clarifying that indemnification would cover not only civil claims but proceedings including MCIA claims. The Complaint suggests that the changes to the Indemnification By-law were because of the Action and not that they were spurred on by the legislative changes. It appears from my vantage point that once municipal Integrity Commissioners were granted expanded powers to receive and investigate MCIA complaints, the City legitimately turned its mind to what, if any, indemnification would be included in the By-law in respect of Code complaints. Through this proceeding, the Complainant has sought a determination on whether Members of Council generally may be indemnified for liability under s.424 of the MUNICIPAL ACT and also if any members of council who are currently facing a code of conduct complaint (including a complaint alleging contraventions of the MCIA) may or would have a conflict of interest if they vote on the proposed amendments to the Indemnification By-law or suggest changes to the current or proposed bylaw. It appears on its face, that any Member of Council that is named in a Code complaint or in the Statement of Claim has a potential or actual pecuniary interest (for example, if that Member has engaged a lawyer to provide legal advice) in matters related to the Indemnification By-law. As a general rule, under the requirements set out in section 5, 5.1 and 5.2 of the MCIA, at a meeting of Council, a Member named in a claim, who has a financial interest in the discussion of the matter (the claim) and would have an obligation to **disclose** the interest, **not take part** in the discussion or vote and **not attempt in any way** whether before, during or after the meeting to influence the voting on any such question. However, based on the information brought forward in this Complaint, it is the position of this Office that participating and voting in the context of a discussion involving indemnification to which a Member generally is, or may have been entitled to, is a benefit and falls within the meaning of s. 4(i) MCIA. In the current complaint, I have investigated the complaint with relevant staff with a view to understanding whether they believed that their professional delegated authority was being undermined or that undue influence was exerted by Members who were acting in their personal interests to seek changes to the Indemnification By-law which were specifically germane to the individual Member in a matter being investigated by this Office or before the courts. I have found that for 6 Members of Council named in this Code complaint, there was no conduct that contravened the Code or the MCIA.

It is within the powers of a municipality to indemnify employees and Members of Council who are sued while carrying out their duty of employment or elected office, in other words, while doing their jobs. There is a carve out in the MUNICIPAL ACT, with respect to special funds and it appears that the legislature intends for a Member to be personally liable if a Member is found to have contravened s. 424. However, a determination on whether a municipality can include a provision in the Indemnification By-law to reimburse Members for s. 424 contraventions, is a decision reserved for the courts.

Appendix 1:

With respect to Issues #3, the Complainant alleged the following violations of the *Municipal Act, 2001*:

- a. Not holding a council or any committee meetings to seek direction and proper authority under the City's Procedural by-law and conflicted Council members indemnify themselves as members of council outside of a council meeting;
- b. Knowingly allowing use of taxpayer money for personal benefit;
- c. Receiving a personal benefit from use of taxpayer paid resources including staff and external council;
- d. Spending unauthorized funds;
- e. Conflicted members of council knowingly direct (or did not stop) staff from acting outside of delegated power by soliciting/receiving advice and direction from staff and external lawyers;
- f. Instructing staff and external lawyers to act under direction of conflicted members of council;
- g. By not seeking direct from non-conflicted members and not instructing the Clerk and/or City Solicitor to hold council meeting on the claim;
- h. And spending outside of the budget without approval from Council and outside of the allowable uses of taxpayer money under the MUNICIPAL ACT; and
- i. Violating by-laws and other provincial Acts.

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

**TITLE: CONSOLIDATION OF REGULATORY BY-LAWS AND
LICENSING AMENDMENTS TO PROVIDE REGULATORY
RELIEF TO REGISTERED CHARITIES**

FROM:

Mary Reali, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

To amend additional regulatory by-laws in accordance with the City's *By-law Strategy* for ongoing consolidation, to introduce a new consolidated Dumping and Littering By-law to prohibit such activity on both public and private property and to establish provisions within the Licensing By-law to address activities undertaken by registered charities.

Report Highlights

- This report recommends the consolidation of a number of regulatory by-laws, namely the Idling By-law 170-2004, Filming By-law 371-2004, including a series of technical amendments to those by-laws to ensure that redundancies are mitigated and that they conform with the City's standard consolidation format.
- Additionally, this report recommends the approval of a new Dumping and Littering By-law (consolidating existing regulations) with additional prohibitions and enhanced enforcement powers.
- Finally, this report proposes new provisions in the Licensing By-law to provide relief to charitable organizations that operate in Vaughan.

Recommendations

1. THAT Council approve the recommendations to amend the various identified by-laws, as per Attachment 1;
2. THAT Council approve the new proposed Dumping and Littering By-law, as per Attachment 2 and in a manner acceptable to the City Solicitor, to replace the current Debris By-law and Littering and Dumping By-law;
3. THAT Council approve provisions in the Licensing By-law to provide regulatory relief to charitable organizations that do work in Vaughan, as per Attachment 3; and
4. THAT Staff be authorized to take any other actions to implement the above recommendations.

Background

A key objective of the Council approved *By-law Strategy* is that regulations be reflective of existing community needs. In addition, staff continue to consolidate by-laws with the ultimate objective of introducing a City of Vaughan Municipal Code. This entails imposing a standard format on all by-laws and making any necessary technical amendments to mitigate redundancies and improve regulatory consistency.

Over the last twelve months, staff have consolidated ten regulatory by-laws and. Through Council, enacted three comprehensive by-laws to address emerging and urgent needs, including cannabis and short-term rentals, and most recently, in response to the COVID-19 pandemic, the adoption of the City's comprehensive Emergency Measures By-law #037-2020. This report recommends amendments that will further result in the creation of three additional consolidated regulatory by-laws.

Previous Reports/Authority

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

Item No. 11 of Report No. 24 of the Committee of the Whole: [By-law Consolidation Technical Amendments](#) (adopted by City Council on October 2, 2019).

Analysis and Options

Staff are proposing a number of amendments to eight by-laws, three of which are already consolidated but require further housekeeping amendments. Staff are also seeking approval for the consolidation of the Debris and the Littering and Dumping By-laws, along with their amending by-laws, into a new, comprehensive Dumping and Littering By-law. In addition, staff are also proposing to consolidate three smaller by-

laws. Finally, staff are proposing an amendment to the Licensing By-law to provide relief to charitable organizations that operate in Vaughan.

Filming & Idling By-laws

Filming By-law 371-2004 and Idling By-law 170-2004 are stand-alone by-laws with no amendments. Staff propose to roll these by-laws into the consolidated format with the aim of eventual review as part of the *By-law Strategy* implementation. Consolidation involves making some minor technical amendments to include standard sections to allow for the issuance of administrative monetary penalties, clarify enforcement authorities, harmonize definitions as used in other by-laws, and ensure consistent referencing throughout the by-law.

Tree Protection By-law

A number of technical amendments are being proposed for *Tree Protection By-law 052-2018*, as amended, including adding the definition of Director of Forestry and the definition of Highway, referencing the Director of Forestry where required, ensuring that defined terms are identified properly, and that the language used in sections is consistent.

Parking By-law

Parking By-law 064-2019, as amended, is being further amended to adjust a reference and some wording in *Schedule 10* of the by-law. In addition, staff are proposing that the offence for parking in an accessible parking spot and not having and not displaying an accessible parking permit be separated into two offences: one for not having an accessible parking permit (a monetary penalty of \$400) and another for not properly displaying the permit (a proposed monetary penalty of \$50).

Noise By-law

Noise By-law 062-2018, as amended, is being further amended to correct an error relating to the time that loading and unloading can take place in an area outside a residential zone. The change would continue to allow such loading and unloading to take place unhindered until 11:00 p.m. In addition, staff are recommending that loading and unloading restrictions in quiet zones be extended to statutory holidays. Finally, Schedule 2 is also being amended by replacing the heading “Residential” with the defined term “Residential Area”.

Administrative Monetary Penalties By-law

Amendments to clarify the process surrounding screening appeals are being recommended. Under the current provisions of the Administrative Monetary Penalties

("AMPs") By-law, a person can appeal a decision of the Screening Officer even after a decision has been made and the contravener has accepted the decision. The proposed amendments continue to provide a contravener with 15 days to appeal but will make the Screening Officer's decision final once accepted.

Debris and Littering and Dumping By-laws

The City currently has two by-laws that deal directly with debris, littering and dumping. *Debris By-law 263-2001* speaks to private property, including vacant property. Littering and *Dumping By-law 3-2004* speaks to public property and private property. Staff propose to consolidate these two by-laws and their amendments for greater clarity and transparency. In addition, a number of substantive changes to the regulations are also being recommended, including limiting the permitted maximum height of grass on property to 20 centimetres (as opposed to the current 30 centimetres), prohibiting the placing of snow or ice on a City roadway, restricting the placing of bins and the storage of materials on City roadways, and strengthened enforcement powers. In addition, to streamline regulatory process, staff are recommending the introduction of AMPs including the ability to impose monetary penalties of \$250 for littering to \$500 for dumping, as per the City's Administrative Monetary Penalties By-law. This will be in addition to the option to proceed with a Part 1 Certificate of Offence or Part III Information (Summonses to Appear) in accordance with Provincial Offences Act ("POA"). Inspection, access, enforcement, and cost-recovery authorities are also being strengthened accordingly. Attachment 2 provides a general outline of the proposed consolidated by-law.

Licensing By-law

The Licensing By-law regulates certain business and other activity carried out within the boundaries of Vaughan. Licensed businesses range from restaurants to tow trucks to adult entertainment establishments to ride sharing and refreshment vehicles. At the same time, there is a number of registered charities that carry out significant work to improve the lives of some of Vaughan's more vulnerable residents. These groups sometimes engage in activities that fall under the regulatory jurisdiction of the City's Licensing By-law. Given the unique public interest being served that is often associated with those activities, staff believe that there is merit in creating a means to have such organizations seek relief from specific Licensing By-law provisions.

Staff are proposing that where a registered charity provides goods or services that are otherwise governed by the Licensing By-law, the *Chief Licensing Officer* may, upon application, exempt such registered charity from some or all of the requirements under the By-law. Such a decision would be guided by the following criteria:

- the goods or services are being provided exclusively by the registered charity;
- the goods and services are in line with the registered charity's charter;
- the exemption sought does not compromise the health and safety of the public or consumer protection;
- the exemption sought does not unduly create a public nuisance;
- the exemption sought does not unduly adversely affect a local business; and
- the exemption sought advances an objective of the organization that is in the public interest.

The decision of the *Chief Licensing Officer* would be final and form part of the operator's licence. Attachment 3 provides an overview of the proposed provisions.

Financial Impact

There is no anticipated impact to the City's exiting budget as a result of the recommendations of this report.

Broader Regional Impacts/Considerations

No broader direct regional impacts are anticipated as a result of this report; however, as more of the City's by-laws are deemed designated by-laws under the City's Administrative Monetary Penalties program, staff expect the need to rely on Regional Prosecutors and the courts for prosecutions to lessen. This will mitigate additional pressure on regional resources and provide better service to Vaughan's residents. However, staff expect a corresponding increase in the need for in-house prosecution.

Conclusion

The proposed changes will contribute to the Term of Council strategic priorities for Good Governance, supporting openness, accessibility, and transparency in the City's regulatory by-laws. In addition, the recommendations to provide regulatory relief as identified, to charitable organizations recognizes the important work and contribution many of these groups make to our respected and most vulnerable citizens, thereby continuing to make the City of Vaughan a City of Choice for all.

For more information, please contact: Gus Michaels, Director, By-law and Compliance, Licensing and Permit Services, and Chief Licensing Officer

Prepared by

Rudi Czekalla-Martinez, Manager, Policy and Business Planning, ext. 8782

Attachments

1. Proposed Amendments to Regulatory By-laws
2. Proposed Provisions of Dumping and Littering By-law
3. Proposed Regulations Pertaining to Registered Charities

Proposed Amendments to Regulatory By-laws

1. Amend Parking By-law 064-2019, as amended, as follows:
 - (a) amend Schedule 10 by replacing the word “Stopping” with the word “Stop” for the offence for 5.0(12).
 - (b) amend Schedule 10 by deleting the listed offence for 6.0(8) and renumbering 6.0(9) as 6.0(8);
 - (c) replace 9.0(2) with the following sections:
 - (2) No person shall leave a *Motor Vehicle Parked, Stopped or Standing* in a *Designated Parking* space for *Persons with Disability*, unless a currently valid *Accessible Parking Permit* has been issued in accordance with the requirements of the Highway Traffic Act and any regulations made thereunder from time to time.
 - (2.1) An *Accessible Parking Permit* under 9.0(2) must be displayed on or in the *Motor Vehicle* in a manner that is clearly visible and legible to a *Municipal Law Enforcement Officer or Police Officer* standing outside the *Motor Vehicle*.
 - (d) amend Schedule 10 by adding an offence for section 9.0(2.1), as follows:

9.0(2.1)	Fail to properly display an accessible parking permit	\$ 50.00
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2. Amend Administrative Monetary Penalties By-law 063-2019, as amended, as follows:
 - (a) add 5.0(9) so as to read: “If a decision by the *Screening Officer* under 5.0(7) is accepted by the *Contravener*, resulting in the payment of the penalty amount established by the *Screening Officer*, the *Contravener* shall forfeit any further avenue of appeal under 5.0(1), 5.0(2), 6.0(1) or 6.0(2) and the decision of the *Screening Officer* shall be final.”
3. Amend Tree Protection By-law 052-2018, as amended, as follows:
 - (a) amend the definition of Director of Forestry to match with the position’s current title, and add a definition of Highway, as per other by-laws;
 - (b) make reference to Director of Forestry and Director of Enforcement, as required;
 - (c) amend references to “section 6” in 4.0(3) and 4.0(4) to “Part 6.0”;
 - (d) amend 4.0(4)(e) to read: “for a Tree Nursery Owner or Tree Nursery Operator or for the Injuring or Destroying of a Tree Grown for Sale”;
 - (e) amend 4.0(4)(f) to read: “for a Golf Course Owner or Golf Course Operator to Injure or Destroy a Tree on a Golf Course if it is to support the health of surrounding vegetation or enhance the playability of the Golf Course”;
 - (f) amend 2.0(2)(j) to read: “any Protected Trees otherwise not listed above”.

4. Amend Idling By-law 170-2004, as follows:
 - (a) amend the by-law's recitals by updating the *Municipal Act* references;
 - (b) add a "Short Title" section;
 - (c) add an "Applicability and Scope" section (thus deleting section 2 of the current by-law);
 - (d) add a "Severability" section;
 - (e) amend the definition of vehicle to motor vehicle to match the definition in other City consolidated by-laws and to ensure references to vehicles be changed to motor vehicles, as required;
 - (f) separate section 4 into "4.0 Prohibitions" and "5.0 Exceptions";
 - (g) add provisions to make the Idling By-law a designated by-law under the Administrative Monetary Penalties By-law, and setting the administrative monetary penalty for an idling infraction at \$50;
 - (h) add provisions to specify fines under the *Provincial Offences Act, 1990*, with such minimum fines being set at \$200 for a first offence and \$400 for a subsequent offence for an individual, and \$400 for a first offence and \$800 for a subsequent offence for a corporation;
 - (i) add a "Transition" section;
 - (j) add a "Amendment of Other By-laws" section;
 - (k) add a "Force and Effect" section;
 - (l) replace the enactment clause;
 - (m) delete section 5 of the current by-law; and
 - (n) in section 1.2 of By-law Number 195-2000, the following words contained in the second and third line of clause (a) be deleted: "the idling of vehicles longer than five (5) minutes".

5. Amend Filming By-law 371-2004, as amended, as follows:
 - (a) rename the "Title" section with a "Short Title" section;
 - (b) add a "Applicability and Scope" section, which shall incorporate the current by-law's section 3.0(10);
 - (c) add a provision to ensure that penalties established under the *Municipal Act, 2001* are subject to process under the *Provincial Offences Act, 1990*;
 - (d) amend the offences and penalties provisions to match those in other consolidated by-laws;
 - (e) amend section "3.0 Provisions" by making two new sections: "4.0 Permits" and "5.0 Requirements";
 - (f) add a provision that designates who may enforce the by-law and which shall include Municipal Law Enforcement Officers, the Fire Chief or designates, and the Police Chief or designates;

- (g) add a “Severability” section;
 - (h) amend the definitions of City, Fire Chief, Police Chief, Highway to match those used in the City’s newly consolidated by-laws;
 - (i) change all references to City Clerk or Clerk’s Department to Chief Licensing Officer;
 - (j) delete the definitions for City Clerk and Clerk’s Department and add a definition for Chief Licensing Officer;
 - (k) delete Schedule A and add the fees for permits to Fees and Charges By-law 171-2013, as amended.
6. Amend Noise By-law 062-2018, as amended, as follows:
- (a) replace 19:00 with 23:00 in subsection 11(3);
 - (b) add the time restriction of statutory holidays to the quiet zone provisions in row 3 of Schedule 2; and
 - (c) replace “Residential” with “Residential Area” in the header of Schedule 2.

Proposed Provisions of Dumping and Littering By-law

This new by-law will replace the City's current regulations with respect to dumping and littering. The new by-law will contain the following provisions:

1. Short Title
 - (a) References the Council authority for the by-law.
 - (b) Establishes the name of the by-law, to be referenced in other by-laws, on public signs, or in other notices to the public.
2. Applicability and Scope
 - (a) Sets the geographical boundaries to which the by-law applies.
 - (b) Sets out exemptions, exceptions and how to treat conflicts with other legislation.
3. Definitions
 - (a) The new definition of "Waste" is to consolidate the definitions of waste and debris of the former by-laws.
 - (b) New definitions are being added for clarity.
4. Prohibitions
 - (a) Dumping of waste is prohibited unless permitted by by-law or statute.
 - (b) Discharge of liquids, such as fuels, oils and lubricants, is prohibited unless permitted by by-law or statute.
 - (c) Delivering any newspaper, magazine, flyer or similar device if the Owner has indicated not to do so.
5. Responsibilities of Property Owners
 - (a) Properties must be maintained free of waste.
 - (b) Grass is to be kept at a height not to exceed 20 centimetres.
 - (c) Snow and ice may not be placed on roadways.
 - (d) Any waste must be removed upon request from the City, at the property owner's expense.
6. Bins and Storage on Roadways
 - (a) Bins and materials may not be placed on roadways without a permit.
 - (b) Upon non-compliance the City may require the owner to remediate the matter or remove all bins, materials and other items from the roadway, at the owner's expense.
 - (c) Grant the Director authority to deem bins or materials on public lands as waste in the event that an owner does not comply with a notice to remove or otherwise remedy a matter.
7. Inspections and Right of Access

- (a) Officers may enter lands for purposes of carrying out inspections or confirming compliance with the by-law.
 - (b) When inspecting, officers may: inspect, reproduce or remove documents; require information; take samples and/or tests; and require owners to supply test and samples, at their expense.
- 8. Notices
 - (a) Notices to comply to include Orders under the *Municipal Act, 2001* to remedy or cease and desist.
- 9. Presumptions
 - (a) Owners of vehicles are deemed to be the contraveners when dumping or littering takes place from their vehicles.
 - (b) Owners of property from where waste can be determined to have originated are deemed to be the contraveners.
- 10. Administrative Monetary Penalties
 - (a) Administrative monetary penalties under the *Municipal Act, 2001* are to provide enforcement staff with the option of imposing non-punitive, deterring penalties.
 - (b) Monetary penalties to be established at \$500 for a dumping or littering offence.
- 11. Fines
 - (a) Fines under the *Provincial Offences Act, 1990* are to provide enforcement staff with the option of imposing punitive penalties, ranging from tickets (of \$750) to a summons to court (with potential fines of up to \$100,000).
- 12. Removal and Recovery of Costs
 - (a) Noncompliance resulting in action by the City may result in all costs borne by the City with respect to that action to be imposed on the relevant party (i.e., either the property owner or the offender).
- 13. Severability
 - (a) Other than those deemed invalid by a court, all other provisions of this by-law are considered to be in force.
- 14. Transition
 - (a) Existing infractions or those commenced under one of the former by-laws are to be continued under this By-law.
 - (b) Signs and public notices referencing a former by-law are to be considered to reference the relevant provisions of this By-law.
- 15. Repeal of Other By-laws
 - (a) Debris By-law 263-2001 and Littering and Dumping By-law 3-2004, and all of their related amendments, including By-laws 246-2003, 83-2012, 122-2015 are to be repealed.

Proposed Regulations Pertaining to Registered Charities

1. Amend Licensing By-law 315-2005, as amended, as follows:

- (a) Add a definition for Registered Charity in line with other by-laws;
- (b) Add the following Part:

4.5 REGISTERED CHARITIES

- (1) Where a *Registered Charity* provides goods or services governed by this By-law, the *Chief Licensing Officer* may, upon application, exempt such *Registered Charity* from some or all of the requirements under the By-law.
- (2) An application under this Part shall be presented in person by the *Licensee, Applicant* or his or her *Authorized Agent*, and shall constitute of the following:
 - (a) a completed and signed application form, as provided by the *Chief Licensing Officer*;
 - (b) the presentation of the original Articles of Incorporation for the *Registered Charity* and one copy for submission; and
 - (c) any other information deemed necessary by the *Chief Licensing Officer*.
- (3) A determination under 4.5(1) of whether a *Registered Charity* may be exempted from requirements under this By-law shall be based on the extent to which:
 - (a) goods or services are exclusively provided by the *Registered Charity*;
 - (b) goods or services provided are in line with the *Registered Charity's* purpose as stated in its governing document, such as letters patent, articles of incorporation, trust, or constitution;
 - (c) the exemption sought compromises the health and safety of the public or consumer protection;
 - (d) the exemption sought unduly creates a public nuisance.
 - (e) the exemption sought unduly adversely affects a local business; and
 - (f) the exemption sought advances an identified objective of the *Registered Charity* that is in line with the public interest.
- (4) The determination of the *Chief Licensing Officer*, in accordance with 4.5(3), shall be provided in writing, state the grounds for the decision, and shall be final.
- (5) The determination of the *Chief Licensing Officer* shall form part of a licence under this By-law and shall be present at the place where

the goods or services are being provided and shall produce for inspection upon request.

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

**TITLE: EXTENSION OF MUNICIPAL ACCOMMODATION TAX
SUSPENSION IN RESPONSE TO COVID-19**

FROM:

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

ACTION: DECISION

Purpose

To obtain Council approval to extend the suspension of the Municipal Accommodation Tax (MAT) in support of the Tourism and Accommodation industry in Vaughan. Since Council approval to suspend the MAT from March 17-June 1, 2020, the City's Economic and Cultural Development Department (ECD) inclusive of the Tourism Vaughan Corporation (TVC) has received feedback from the accommodations community regarding extension of the suspension period. This brief and recommendation is based on that feedback in addition to a financial analysis of projected revenue loss.

Report Highlights

- The global COVID-19 pandemic continues to cause significant disruption to the accommodations industry.
- Based on conversations with operators, Vaughan-based accommodations are running between 5% and 15% occupancy.
- The City of Vaughan supported the hotels and motels through suspension of the MAT from March 17-June 1, 2020 and has opportunity to continue this support beyond June 1 by continuing to suspend the MAT bylaws until September 1, 2020.

Recommendation

1. That the Municipal Accommodations Tax (Hotel) Bylaw 029-2019 and the Municipal Accommodations Tax Short Term Rental Bylaw 183-2019, be amended to continue to suspend the collection of the four per cent Municipal Accommodation Tax (MAT) by transient accommodation providers in Vaughan, until September 1, 2020.

Background

On March 17, 2020 Vaughan City Council approved suspension of the MAT for the period of March 17-June 1, 2020 in response to COVID-19 pandemic to support the accommodations and tourism industries.

ECD and TVC have continued to engage with local hoteliers to provide support and gather feedback on the status of their operations and outcomes of previous support measures such as suspension of the MAT. Cancellations of reservations and bookings continue to be exponential while new business is minimal with properties informally reporting an average occupancy rate of 10 per cent, if not lower.

There are several challenges facing the tourism industry as a result of the global pandemic. Although solutions to most challenges are outside the jurisdiction of the local municipality, City of Vaughan can continue supporting the local accommodation industry by extending the suspension of the four per cent Municipal Accommodation Tax (MAT) until September 1, 2020.

This measure is meant to continue providing support and stimulus to the local economy while easing strain for local accommodation providers as they continue to manage the repercussions from the global COVID-19 pandemic.

Despite the devastation this sector is experiencing, the accommodations industry has demonstrated its support to the local community in partnership with the TVC by way of offering special rates for essential workers and making donations to local charities and relief efforts.

In this report, staff have provided a financial analysis of projected revenue loss and impacts to the TVC Inaugural 2020 Business Plan and Budget.

Previous Reports/Authority

[Bylaw 029-2019 \(Municipal Accommodation Tax\)](#)

[Bylaw 183-2019 \(Municipal Accommodation Tax – Short Term Rental\)](#)

[City of Vaughan MAT](#)

[Special Committee of the Whole Report - CITY OF VAUGHAN ECONOMIC MEASURES IN RESPONSE TO THE GLOBAL NOVEL CORONA VIRUS \(COVID-19\) PANDEMIC](#) (March 17, 2020)

[TVC Inaugural Budget and Business Plan 2020](#)

Analysis and Options

The suspension of the MAT has supported guests in Vaughan's accommodations. Frontline and essential workers make up a large part of the current guest lists in Vaughan's accommodations.

The TVC has gathered feedback from local hoteliers to understand the outcomes of support measures enacted by the City to date, mainly the suspension of MAT from March 17-June 1. Their positive response to the initial suspension is consistent with comment that due to low occupancy rates the tax collected during this pandemic would be minimal. Also of note was recognition that while the tax relief does not directly support their bottom line or provide them with additional liquidity, it does support those staying in their facilities which include essential workers. Collectively the local hoteliers have requested that the suspension continue until the market begins to show signs of recovery.

Thirteen of the sixteen hotel/motel properties in Vaughan are currently open for business and are running on severely reduced operations with skeleton staff.

Of the remaining properties, one has been appointed as a Designated Isolation Site (DIS), appointed under the order pursuant to section 7 of the Quarantine Act. The two remaining properties are closed until end of May and early July. Of those in operation, two were previously closed and re-opened after introduction of the Canada Emergency Wage Subsidy (CEWS). The operational properties have informally reported occupancy rates of 10 per cent on average, and that meetings and events business has completely halted until July.

The City of Vaughan is asking accommodations to submit occupancy data, despite the suspension of financial clauses of the MAT.

Staff have requested that hotels continue to submit occupancy data during the suspension period in order to shape the City's tourism recovery plan and monitor the continuing impact COVID-19 is having on the tourism industry. The first data report will be available end of May and shared with Council via the daily COVID-19 Council Memo Update.

Financial Impact

Suspending the MAT would result in a loss of revenue to the City and TVC for both encumbered and unencumbered collections. However, as the hotels are not running at normal sales levels for this time of year, the loss of projected revenue is inevitable.

The following Table outlines projected budget revenue against lost revenue due to lower volumes during COVID-10 based on a ten per cent estimated average occupancy rate, and the difference of the two totaling the foregone revenue due to suspension of MAT.

Budgeted 2020 MAT revenues are based on a top line estimate using MAT projections provided by a Market and Municipal Accommodation Tax Revenue Assessment report conducted by CBRE Travel and Leisure submitted to the City of Vaughan in September 2018.

Projections are shown for three suspension periods: (1) approved and implemented term of March 17-June 1, (2) current recommended extended suspension term of June 2-September 1, and (3) a possible future suspension term of September 2-December 31.

TABLE 1: Projected MAT Revenue Loss – Encumbered and Unencumbered

Suspension Period (2020)	2020 Budgeted Revenue	Lost Revenue due to COVID-19 (Lower volumes)	Foregone Revenue due to Suspension of MAT*
March 17th - June 1st	\$586,823.67	\$528,141.30	\$58,682.37
June 2nd - Sept 1st	\$1,109,018.52	\$998,116.67	\$110,901.85
Sept 2nd - Dec 31st	\$1,354,326.72	\$1,218,894.05	\$135,432.67
Total	\$3,050,168.91	\$2,745,152.02	\$305,016.89
<i>*based on 10% occupancy rate of 2020 revenue projections</i>			

Based on Table 1, due to low volumes during the COVID-19 pandemic lost budgeted revenue is estimated at \$2,745,152.02 between March 17 to December 31, 2020 assuming occupancy rates remain on average at 10 per cent of budgeted levels.

It is estimated that extending the current MAT suspension term (March 17-June 1) until September 1 will result in total foregone revenue loss of \$169,584.22 cumulatively for the City and TVC and based on current occupancy rates.

Extension beyond September 1 will be re-evaluated in August, however for information, data is included in Table 1 identifying additional \$135,432.67 foregone revenue if occupancy rates remain at an average of 10 per cent and collections are suspended until December 31.

The TVC 2020 Budget and Business Plan outlined a robust prudent expenditure in 2020 to set the stage for a full year of programming in 2021 through recommendations identified in the pending Destination Master Plan. Thus, despite projected revenue losses, the TVC will be able to deliver on its 2020 objectives through the eight (8) key activities outlined in the plan with the addition of a COVID-19 resiliency lens. Financial impacts for the TVC's 2021+ budgets will be considered during the Destination Master Plan development process with an added scope of post-pandemic resiliency for the industry.

Broader Regional Impacts/Considerations

Other GTA municipalities have moved to take similar actions since the onset of the pandemic.

The City of Markham, for example, has suspended the MAT from April 1, 2020 to December 31 and Mississauga has deferred remittance only. Toronto has not made amendments to their MAT remittance or collection, however, does not operate within a Municipal Service Corporation model.

Conclusion

The COVID-19 pandemic continues to present international, national, provincial and local governments with unprecedented challenges. The ECD and TVC have contributed support measures that mitigate some of the negative effects of the pandemic on the local accommodation providers and tourism industry.

Continuing to suspend collection and remittance of MAT will help the accommodation sector and tourism industry that have been critically affected by COVID-19.

Enacting this recommendation will provide continued relief to the accommodations sector, and tourism industry, and demonstrate to the local business community and consumers that the City of Vaughan is committed to ensuring the well-being of citizens and the economy.

The best tools the City of Vaughan has to support this devastated industry is its advisory services, and temporarily adjusting policies that directly affect the operations of businesses and the local economic climate in general.

For more information, please contact:

Raphael Costa, Acting Director, Economic and Cultural Development
(raphael.costa@vaughan.ca; ext. 8891);

Ashley Travassos, Manager, Tourism, Arts, and Culture / Executive Director, TVC
(ashley.travassos@vaughan.ca; ext. 8474);

Attachments

None.

Prepared by

Ashley Travassos, Manager, Tourism, Arts, and Culture / Executive Director, TVC, ext. 8474.

MEMBER'S RESOLUTION

Meeting/Date	COMMITTEE OF THE WHOLE – May 20, 2020
Title:	Centralization of Facility Operations and Maintenance
Submitted by:	Councilor Rosanna DeFrancesca

Whereas, The Facility Management department oversees 109 City of Vaughan buildings, facilities and properties; and

Whereas, The Facility Management department manages numerous annual capital projects at various municipal sites including community centers, to effectively maintain, enhance, and expand City facilities and amenities; and

Whereas, The Facility Management department operates building systems and delivers various support services which enable the day-to-day operation of buildings and thereby the delivery of programs and services to the community in a safe and effective manner; and

Whereas, The Recreation Services department was made responsible for routine maintenance and cleaning at community centers in September 2017; and

Whereas, The Facility Management department joined the newly created Infrastructure Development portfolio in July 2019 as part of the organizational refresh, to operate, maintain and 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; and

Whereas, The majority of the municipalities benchmarked operate under a centralized facility management model to effectively deliver their demand, preventative and predictive maintenance programs; and

Whereas, An Internal Audit Report - Facility Management Audit was approved by Council on November 19th, 2019 with a recommendation entitled “Ensure roles and responsibilities with respect to facility maintenance are appropriately aligned to better support corporate objectives and decision making”.

It is therefore recommended:

- 1. That the City of Vaughan adopt a centralized business service model for the delivery of facility management of all City-owned facilities to ensure risks related to the execution of the operations and maintenance activities are efficiently and effectively mitigated;**
- 2. That delivery of facility operations and maintenance at all City-owned buildings be centralized with the Facility Management Department.**

Respectfully submitted,

Rosanna DeFrancesca
Councilor, Ward 3

MEMBER'S RESOLUTION

Meeting/Date	COMMITTEE OF THE WHOLE (2) – May 20, 2020
Title:	Support for the Chief Public Health Officer of Canada
Submitted by:	Councillor Tony Carella

Whereas, the public health system of Canada is the principal bulwark by which the health and safety of Canadians is protected from all manner of health-related threats, both domestic and international; and

Whereas, Dr. Theresa Tam, in her capacity as Chief Public Health Officer of Canada, provides advice to the Minister of Health and the President of the Public Health Agency of Canada, while collaborating with the latter in the leadership and management of the agency; and

Whereas, Dr. Teresa Tam has, over the course of the present COVID-19 pandemic, led Canada's response to this virus in a straightforward, professional, and transparent manner, as appropriate in the circumstances; and

Whereas, Dr. Tam has been the target of unreasonable and unwarranted attacks originating with a member of Parliament (Derek Sloan, Hastings-Lennox & Addington, Ontario), which attacks have questioned her loyalty to Canada; and

Whereas, the nature of the criticism being leveled at Dr. Theresa Tam is not appropriate in Canada at any time.

It is therefore recommended:

- 1. That Council endorse the open letter dated April 29, 2020, from the Confederation of Greater Toronto Chinese Business Association [Attachment 1] on comments made by MP Derek Sloan against Dr. Theresa Tam; and**
- 2. That this resolution be communicated as widely as is reasonable via appropriate means.**

Respectfully submitted,

Tony Carella, FRSA
Councillor, Ward 2/Woodbridge West

Attachment:

1. Letter dated April 29, 2020, from the Confederation of Greater Toronto Chinese Business Association on comments made by MP Derek Sloan against Dr. Theresa Tam.



CONFEDERATION OF GREATER TORONTO
CHINESE BUSINESS ASSOCIATION
大多市華商總會

ATTACHMENT 1



密西沙加華商會
MISSISSAUGA
CHINESE BUSINESS
ASSOCIATION



MARKHAM • RICHMOND HILL • VAUGHAN
CHINESE BUSINESS ASSOCIATION
萬錦市 • 烈治文山 • 旺市華商會

Scarborough
York Region
士嘉堡
約克區
Chinese Business
Association



多倫多華商會
TORONTO CHINESE BUSINESS ASSOCIATION

April 29, 2020

Open Letter of Confederation et. al.

On behalf of the Confederation of Greater Toronto Chinese Business Association, and its founding members, Markham Richmond Hill & Vaughan Chinese Business Association, Mississauga Chinese Business Association, Scarborough York Region Chinese Business Association and Toronto Chinese Business Association, together with the support of Association of Chinese Canadian Entrepreneurs, Canada Hong Kong Alliance, Asian Network Business Association, Canadian of Pakistani Origin, Fair and Responsible Governance Alliance, Fete Chinoise, Canada Shanghai Business Association, Guangzhou Association of Toronto, Jiangsu Commerce Council of Canada, Support Enhance Access Service Centre, Toronto Cathay Lions Club and Toronto Elegant Lions Club, we are writing to address the recent comments made by the Member of Parliament for the riding of Hastings – Lennox and Addington, and current Conservative Party of Canada leadership candidate, Derek Sloan.

*We are concerned about certain comments made by Mr. Sloan regarding Dr. Theresa Tam, the country's Chief Public Health Officer, in which Mr. Sloan questions, among other things, whether Dr. Tam, a Chinese Canadian, **"works for Canada or for China?"** These statements, derived from Mr. Sloan's views regarding the World Health Organization in its handling of the COVID-19 pandemic, go on to suggest that Dr. Tam's professional opinions have somehow been impacted by her ethnicity in that she **"dutifully"** repeats the propaganda of a CCP government ...", and that upon such foundation, Mr. Sloan states that: "Dr. Tam must go! Canada must remain **sovereign** over decisions".*

We recognize an opposition MP's right, and in fact obligation, to question as well and check and balance the decisions and actions or inactions of the government, and on occasion, its public arms. We are, however, of the view, that Mr. Sloan's comments severely crosses the line of acceptability by fanning the flames of prejudice and discontent faced by all Canadians in these difficult times. Rather than simply stating facts and basing such facts derived from cogent argument regarding the issues at hand, Mr. Sloan (through his statements) has taken the unfortunate and often travelled path by focusing on race and ethnicity, and relying on populous and quasi-racist implications to support an unfounded and parochial position that Dr. Tam's independence and professional judgement are at risk, and that she is somehow disloyal to Canada simply because she is of Chinese descent. In essence, is Mr. Sloan suggesting that

the removal of an ethnic Chinese individual in Dr. Tam's position would allow Canada to gain sovereignty over its decisions on COVID-19? Or is he implying that Dr. Tam stands for a particular race or group and not the multicultural whole as celebrated by our nation's grand narrative?

Since his statements, Mr. Sloan has been widely condemned by the public, Members of Parliament (including many members of his own party), as well as County officials in his own riding of Hastings, who have called his comments "cruel, racist and completely unbecoming of a Member of Parliament". Despite initial reluctance to address the issue, his party leader has since remarked that Mr. Sloan's comments were "inappropriate". In the face of such clear and obvious denouncements, Mr. Sloan still refuses to apologize for his remarks.

Despite the harm caused, it is especially disconcerting in the backdrop of larger issues relating to anti-Asian racism, that Mr. Sloan continues to remain steadfast in his position. It is on this basis that we call upon Mr. Sloan to unequivocally retract his statements and take responsibility for his actions. If Mr. Sloan still chooses to not apologize, despite given another opportunity to do so, we ask that his party take immediate and appropriate action to reject his behavior and to expel him from caucus lest it cast a cloud upon the entirety and credibility of the Opposition, as well as Parliament as a whole.

For further information, please contact:

Andy Chan, Ben Leung or Kenny Wan at info@mrvcba.ca

MEMBER'S RESOLUTION

Meeting/Date	COMMITTEE OF THE WHOLE (2) - May 20, 2020
Title:	Establishing the Ready, Resilient and Resourceful Committee of Council
Submitted by:	Mayor Maurizio Bevilacqua

Whereas, the City of Vaughan remains a leader in fighting the global COVID-19 pandemic; and

Whereas, the Emergency Operations Centre (EOC) has been monitoring the spread of this virus since the end of January 2020. On February 1, the EOC moved into an enhanced monitoring phase, and, on March 13, there was a partial activation of the City's Emergency Management Team; and

Whereas, on March 14, the City closed all community centres and library branches to the public and cancelled upcoming March Break camps and daycare programming with refunds issued; and

Whereas, on March 17, Vaughan was the first city in Ontario to declare a state of emergency and the first municipality in York Region to do so; and

Whereas, on March 18, Vaughan City Hall and all remaining City facilities closed to the public. This closure was extended until further notice; and

Whereas, on March 25, all facilities within City parks, including all playgrounds, sports fields, tennis courts, benches and dog parks were also closed to the public; and

Whereas, on March 30, the City held the first ever electronic-participation Committee of the Whole and Council meetings to discuss relevant City matters during this state of emergency; and

Whereas, on April 8, Council passed a new Emergency Measures By-law which provides new authority to the Mayor and City staff to issue responsive, timely and effective orders during this state of emergency; and

Whereas, additional steps were taken to keep neighbourhoods safe by putting up yellow caution tape at amenities within parks to reinforce the closures; locking and/or removing nets from tennis courts; conducting daily inspections to ensure all facilities remain locked and signs have not been removed; and installing additional signage at parking lots and at the entryway of parks; and

Whereas, increased waste collection was scheduled to keep Vaughan clean and actions were taken to keep waste collectors safe; and

Whereas, on April 10, flags at City facilities were lowered to half-mast in memory of the victims of COVID-19. This global pandemic is felt here at home and in communities around the world; and

Whereas, the City administration implemented alternative work arrangements for staff to work from home and for other staff to be redeployed where they can use their skills and expertise to aid in the delivery of important services; and

Whereas, the Recreation Services department and Vaughan Public Libraries have introduced online opportunities to enrich the well-being of individuals in the safety and comfort of their own homes. This includes plans to hold the first-ever virtual Canada Day event; and

Whereas, spring recreation programs and all permits have been cancelled, and City-led events up until June 2020 have been postponed; and

Whereas, the City has proactively introduced a series of measures to provide financial relief to citizens and business owners, including deferring the annual stormwater charge for 60 days, cancelling the planned 2020 water and wastewater rate increases, waiving the late penalty charge on interim property tax bills, and extending the Elderly Home-Owners Tax Assistance 2020 program deadline; and

Whereas, Council passed the Vaughan Business Action Plan which includes a series of measures to support businesses, consumers and all citizens in addition to the launch of the #ShopVaughanLocal initiative; and

Whereas, transformational infrastructure projects continue to proceed in Vaughan, including construction of the new Mackenzie Vaughan Hospital – Vaughan’s first hospital; and

Whereas, it is imperative that effective governance structures are in place so all Members of Council are further informed, that all parts of our community are represented and that the public can take part as the City responds to the new realities emerging because of the global COVID-19 pandemic; and

Whereas, as COVID-19 persists – further action needs to be taken to ensure city-building not only continues but thrives.

It is therefore recommended:

1. *That Vaughan Council establishes the new Ready, Resilient and Resourceful (RRR) Committee of Council with the mandate to address issues related to the City’s response efforts to the global COVID-19 pandemic.*
2. *That the Head of Council chairs the RRR Committee of Council.*
3. *That the first meeting of the RRR Committee of Council takes place in June 2020.*
4. *That a Terms of Reference for the RRR Committee of Council is brought forward during its inaugural meeting for review and approval.*
5. *That the Procedure By-Law 7-2011, as amended, be amended to give effect to this resolution.*

Respectfully submitted,

Hon. Maurizio Bevilacqua, P.C.
Mayor